Newslink Case-notes for September 2022 prepared 22 August 2022.

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

- Settlement by consent of an appeal against refusal of consent to a rural-residential subdivision at Black Peak Road, Wanaka;
- Settlement by consent of a zoning appeal relating to land at North Road, Dunedin;
- A successful appeal against refusal of consent for establishment of a non-complying business activity on rural land near Drury;
- A decision on costs against an unsuccessful appellant whose status as tangata whenua was disputed, relating to a decision of Heritage NZ Pouhere Taonga to grant archaeological authority for works for the Kapuni gas pipeline near Tongaporūtu in Taranaki;
- A successful appeal to the Court of Appeal against grant of water-take consents to be used for bottling of water for export, when the original consent was for different purposes;
- The judicial review of the Bay of Plenty Regional Council's decision to withdraw a plan change on the grounds it had breached s 8 of the RMA 1991;
- An appeal against a condition of consent requiring the owner of two digital billboards at Takapuna to show identical images – traffic crashes in the area will be monitored;
- Another court decision involving a Mr Mawhinney and his continuing challenges to decisions of Auckland Council.

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CASE NOTES SEPTEMBER 2022:

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Timu v Queenstown Lakes District Council - [2022] NZEnvC 135

Keywords: consent order; resource consent; subdivision

This appeal concerned a decision of Queenstown Lakes District Council to decline resource consent for the subdivision of the appellants' 5 ha property into two allotments. The parties had filed a consent memorandum to resolve the appeal. Under the parties' proposal, consent would be granted subject to a revised set of conditions and plans. Pursuant to s 279(1)(b) of the RMA 1991, the Court ordered, by consent, that resource consent was granted subject to the agreed conditions. By consent, there was no order as to costs.

Decision date 25 July 2022 _ Your Environment 18 August 2022

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Hall v Dunedin City Council - [2022] NZEnvC 102

Keywords: consent order; zoning; jurisdiction

This consent order concerned an appeal by D Hall ("H") regarding the zoning of a location on North Road in the proposed Dunedin City Second Generation District Plan ("the PDP"). H had sought that two separate parts of the property be zoned as General Residential 1 ("GR1"), plus the insertion of provisions to ensure that necessary supporting infrastructure upgrades were implemented in a suitable manner. The parties had reached an agreement to resolve the appeal, which broadly included rezoning as well as: amendments to ensure protection of indigenous vegetation; provision for amenity tree planting and public amenities; requirements relating to vehicle and pedestrian access; and requirements for geotechnical and transport assessments to be undertaken.

The parties had identified a scope issue in relation to H's original submission and appeal. While his original submission sought GR1 zoning for both areas, his appeal to the Court sought "General Residential 1 Transitional" ("RTZ") zoning for one of the areas. The Court concluded that the parties' proposed amendment to rezone that area as GR1 was not "in scope" and accordingly, it accepted the parties' alternative proposal to rezone that area as RTZ and the other as GR1. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the PDP was amended as agreed by the parties. There was no order as to costs.

Decision date 16 June 2022 _ Your Environment 14 July 2022

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High Quality Ltd v Auckland Council - [2022] NZEnvC 117

Keywords: resource consent; sporadic development; zoning; rural residential; industrial; character; amenity values; view; noise; mitigate

This was an appeal by High Quality Ltd ("High Quality") against a decision of the Auckland Council ("the council") to decline its application for consent to establish and operate a manufacturing activity of assembling mobile cabins. High Quality had proposed to conduct the activity on a lot within the mixed rural area of Drury zoned as Future Urban Zone ("FUZ"). This light manufacturing/industry activity required resource consent as a discretionary activity under the Auckland Unitary Plan ("AUP"). The council had declined consent on the grounds it would have adverse amenity effects, and also because the proposal would prematurely result in the urbanisation of land zoned "future urban" before it had been rezoned for such urban purposes. There were also some other issues in contention. By the time of the appeal hearing, several of these contentious matters had been resolved by agreement between the relevant experts for the parties (including various issues in relation to transport safety, stormwater management and noise). However, the two key amenity and planning issues remained in dispute.

Regarding the planning issues, the Court heard submissions from the council that the relevant policy framework in the FUZ sought to ensure that future urban development was not compromised by premature development. It argued that High Quality's proposal would pre-empt the required plan change process for the area to be rezoned for urban purposes. By way of background, the Court acknowledged that there was pressure for development in Auckland, yet a major constraint was the cost of infrastructure. Counsel for High Quality had suggested this meant the council was delaying the rezoning of the land until funding became available. The Court said it was difficult to view the inability to provide infrastructure as a full and complete basis to refuse to rezone land which is identified as future urban land. It noted that the council had obligations to implement the National Policy Statement for Urban Development, which ultimately required land to be available and development ready, and this would require plan changes. The Court stated that it could not be said there had been no structure planning as, in fact, the relevant structure plan showed this area as future industrial. The issue in this case was that structure planning had occurred, but no plan change for this particular part of the FUZ had been adopted.

The Court then noted that policy B2.2.2(8) of the AUP enabled use of land zoned future urban for "rural" activities until urban zonings were applied, provided that "the subdivision, use and development does not hinder or prevent the future urban use of the land". Although the proposed activity was not rural, the meaning of the policy had to be considered in light of the balance of that provision, which appeared to allow some development. The Court also

emphasised that the proposed light industrial activity was provided for as a discretionary activity. Therefore, the question was whether or not the proposal would hinder or prevent the future urban use of the land. The Court reasoned that the land was likely to eventually be used, once rezoned, in a similar manner to that now proposed. Accordingly, the Court could see no evidence to suggest that the activity would hinder future urban use. Further, although the objectives of the FUZ included that "[u]rbanisation on sites zoned FUZ is avoided until the sites have been rezoned for urban purposes", the policies for the FUZ hinted at a broader range of activities than those that were encouraged. The Court was satisfied that the proposal met these policies. It also observed from its site visit that the area was clearly a "transitional" area, or "urban land in waiting". There were already influences and effects that were clearly non-rural, including two major roads and business activities.

Because the activity was provided for as a discretionary activity, the Court said the core issue was really whether the rural character and amenity would be maintained. It concluded that the impacts on character and amenity would be "nil to minimal". It noted that the locality was already dominated by noise generated from road systems. The locality also gave an impression of a rural residential enclave rather than a "rural" aspect. While the proposal would generate some impacts from traffic along the driveway, these could be mitigated by the roading improvement envisaged in the experts' agreed proposed conditions. Fencing or planting could be used to reduce views into the site, and concerns about road signage creating a more industrial impression could be addressed by forbidding any signage beyond the site boundary. The Court was satisfied that the discretionary consent should be granted having regard to s 104 of the RMA 1991.

Consent was granted, subject to improvements agreed by the experts and final conditions being settled. High Quality was to prepare and circulate a final form of conditions, to be approved by the Court. Costs applications were not encouraged.

Decision date 30 June 2022 - Your Environment 22 July 2022

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Poutama Kaitiaki Charitable Trust v Heritage New Zealand Pouhere Taonga _

[2022] NZEnvC 124

Keywords: costs

This matter concerned applications for costs against an unsuccessful appellant. In 2020, the Poutama Kaitiaki Charitable Trust ("Poutama") appealed a decision of Heritage New Zealand Pouhere Taonga ("Heritage NZ") to grant First Gas Ltd ("First Gas") an Archaeological Authority ("Authority") to remove 270 m of a redundant section of the Kāpuni gas pipeline from land near the coast at Tongaporūtu. The central issue was whether the persons Poutama represented were tangata whenua holding mana whenua over the site, as Poutama claimed. The Court dismissed the appeal (see *Poutama Kaitiaki Charitable Trust v Heritage New Zealand Pouhere Taonga* [2021] NZEnvC 165). In these proceedings, Heritage NZ and First Gas each sought costs against Poutama. Heritage NZ sought costs of $18,798, comprising 25 per cent of its legal fees and office services and 100 per cent of its disbursements. First Gas sought $17,221, just under 30 per cent of its total costs. The parties variously argued that Poutama's arguments had lacked substance, that Poutama had conducted its case in a way that unnecessarily lengthened the hearing, and that there was no public interest component in the appeal because Poutama had brought the appeal to pursue its own claimed private interests.

The Court agreed that an award of costs to both Heritage NZ and First Gas was warranted. It accepted their submissions, and wished to highlight several particular points. First, in its substantive decision, the Court had found that the persons Poutama represented were not tangata whenua holding mana whenua over the site, and Poutama did not have a right to appeal the Authority as a "directly affected" party under s 56 of the Heritage New Zealand Pouhere Taonga Act 2014. This was not the first time Poutama had raised this issue; the Court had addressed this and reached the same conclusion in another 2019 decision, which was later upheld by the High Court. Second, the Court found that Poutama had unnecessarily lengthened the hearing with detailed and repetitive evidence. This undoubtedly would have contributed to the costs incurred by Heritage NZ and First Gas. Finally, Poutama had acknowledged that the Authority to remove the pipe had no effect on it. It had suggested in oral evidence that it did not oppose the removal, and instead, the issue was how the pipe was to be removed. Despite being invited to do so, Poutama did not propose any conditions to guide the pipe's removal.
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Addressing quantum, the Court noted that the costs sought by Heritage NZ and First Gas each fell within the standard costs or "comfort zone" band. It concluded that the amounts sought by both parties were reasonable. In response to Poutama's submission that there was a significant disparity in the resources of Poutama – a charitable organisation without public funds – compared to Heritage NZ and First Gas, the Court cited authority that even where a party has limited funds, costs can still be awarded against it. In light of Poutama's unsuccessful arguments about tangata whenua status and the way it had lengthened proceedings, the Court was satisfied that it was appropriate to award costs in the "comfort zone" against Poutama. Poutama was ordered to pay costs to Heritage NZ of $18,798 and costs to First Gas of $17,221.

Decision date 07 July 2022 - Your Environment 1 August 2022

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Aotearoa Water Action Inc v Canterbury Regional Council _ [2022] NZCA 325

Keywords: Court of Appeal; water take and use; water; interpretation

This appeal raised a question whether consents to take water, which had originally been granted for certain uses, could be the subject of new grants for different uses but without granting new take consents. The respondents in this appeal, Rapaki Natural Resources Ltd ("Rapaki") and Cloud Ocean Water Ltd ("Cloud Ocean"), had each became the holders of existing resource consents for the take and use of water after acquiring the sites for which the consents had been granted. These consents had originally been granted many years earlier for certain industrial processes, namely, the freezing of processed meats and a wool scour. Rapaki and Cloud Ocean then each submitted applications either to "change or cancel" a consent condition (under s 127 of the RMA 1991) or for a new consent to use groundwater (under s 88). The change (or new consent) they sought was to allow the use of water they were already authorised to take for new bottling purposes.

In both cases the Canterbury Regional Council ("the council") decided to process the respective applications as applications for new "use" of water (under s 88), the take of which was already authorised. Council officers were influenced by the wording of s 14(2), which provided that no person may "take, use, dam, or divert" the relevant water without consent. Council officers concluded that the separate references to "take" and "use" meant that a new use of water could be considered independently from a "take" of water. They considered the taking of the water to form part of the existing environment against which the new use applications would be assessed. As well as determining to grant the applications, the council also determined to amalgamate the new use consents with the existing consents. Although there was no formal basis to do this under the RMA 1991, the council said this was done to simplify matters, which had become complex after years of piecemeal granting of consents. Aotearoa Water Action Inc ("AWA"), an environmental advocacy group, unsuccessfully challenged the grant of the consents before the High Court (see *Aotearoa Water Action Inc v Canterbury Regional Council* [2020] NZHC 1625). In concluding that the council had acted lawfully, the High Court found that it was implicit in the drafting of both s 14 and s 30 (which stated the water control functions of regional councils) that there could be a consent for either use or take *separately*. AWA now appealed to this Court.

The Court considered two arguments by AWA. The first was that bottling water was not a use contemplated by s 14, and the council therefore could not grant a consent for the activity of water bottling. AWA noted that the definition of "water" in s 2 expressly excluded "water in any form while in any pipe, tank, or cistern". It argued that once taken from the ground, the water in this case was no longer within the definition, because it was in a pipe. Further, it argued that the bottles in which the water was placed were within the concept of a "tank or cistern". Accordingly, AWA argued that the water was not "water" that could be the subject of a resource consent under s 14(3)(a) since the prohibition in s 14(2) (ie against taking or using "water") would not apply. The Court disagreed. It found that once the water leaves the pipe, it becomes "water" again for the purposes of the statute. Further, it did not accept that a bottle was a "tank or cistern". It described that interpretation by AWA as "a strained use of language". It therefore concluded that when water leaves the pipe and enters the bottle, that amounts to a use of water covered by the prohibition in s 14(2), unless a resource consent under s 14(3) applies.

AWA's second argument was that under the Land and Water Regional Plan ("LWRP"), applications for "take" and "use" had to be considered together. The Court did not believe that
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the High Court had erred in its interpretation of ss 14 and 30 of the RMA 1991. It agreed that the activities of “use” and “take” (among others) were treated “disjunctively” in those sections. However, the Court agreed with AWA’s submission because the question ultimately depended on the terms of the water controls in the regional plan. The Court examined the detailed provisions of the LWRP and observed that it variously referred to “taking *or* use” and “taking *and* use”. The Court considered that this different wording was important and must have been intended. Critically, the relevant provision in this case stated that the “taking *and* use” of groundwater was a restricted discretionary activity. Although there were several conditions immediately following this that outlined particular requirements in relation to the “take” of the water, the Court said this did not detract from the proposition that it was the “taking and use” which together constituted the restricted discretionary activity. The Court said its interpretation was supported by the matters listed to which the council had restricted the exercise of its discretion, which included “[w]hether the amount of water to be *taken and used* is reasonable for the proposed use” [emphasis added].

The Court therefore concluded that the council did not have the ability to grant a resource consent limited to the use of the water for bottling purposes separately to the authorisation to take the water. The consents were therefore not lawfully granted. Further, although the subsequent administrative step of amalgamating the consents was, in the Court’s view, legitimate in itself, the amalgamated consents were also unlawful because they derived from unlawfully granted new consents.

The appeal was allowed and the High Court’s decision was set aside. The council’s decisions to grant the consents were set aside. The council was ordered to pay AWA costs for a standard appeal in band A, together with usual disbursements.

Decision date 20 July 2022 - Your Environment 2 August 2022

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Trustees of the Motiti Rohe Moana Trust v Bay of Plenty Regional Council _ [2022] NZHC 1846

Keywords: High Court; judicial review; regional plan; tangata whenua; Waitangi treaty

This matter involved a challenge to a council’s decision to withdraw a plan change on the grounds it had breached s 8 of the RMA 1991 – the requirement to take into account the principles of the Treaty of Waitangi when exercising powers and functions under the Act. In 2016, the Bay of Plenty Regional Council (“the council”) notified proposed Plan Change 9 (“PC9”) to the Bay of Plenty Natural Resources Plan. PC9 was part of the council’s programme to implement the National Policy Statement on Freshwater Management (“NPS-FM”) that had been promulgated in 2010, and later replaced in 2014 and amended in 2017. PC9 addressed regional issues relating to allocating water, including a policy framework for working with tangata whenua and the community. After the submission and decision process, 14 appeals were lodged against PC9 and a further 26 parties filed notices to become s 274 parties. Court-assisted mediation was unsuccessful in resolving the appeals. Then, the new NPS-FM 2020 was released and promulgated, which significantly developed the concept of Te Mana o te Wai. The council became concerned about the utility of proceeding with PC9 in light of both the pending appeals and the uncertainty associated with NPS-FM 2020. The council reviewed an internal report on the matter and decided to accept its recommendation to withdraw PC9 in full. The withdrawal was publicly notified, citing the council’s reasons. It was not disputed in these proceedings that the council had apparently complied with the withdrawal requirements in sch 1, cl 8D of the RMA 1991. However, Motiti Rohe Moana Trust (“MRMT”), which represented tangata whenua on Motiti Island, was concerned that the council’s decision was in breach of s 8.

MRMT unsuccessfully sought a declaration in the Environment Court (“EC”) pursuant to s 310 that the council’s decision to withdraw was unlawful. The EC declined on the basis it lacked jurisdiction under s 310 to make such a declaration. Now, MRMT advanced two separate actions in this Court: first, it appealed the EC’s decision on jurisdiction; and second, it now sought judicial review of the council’s withdrawal decision.

The Court was concerned that the first appeal action was “entirely academic”. MRMT acknowledged that the declaration it had sought in the EC was equivalent to the application for judicial review it now made to this Court. MRMT therefore sought no substantive relief from its appeal, but argued that this was an important question for future cases. The Court agreed to address the appeal arguments, but then rejected all three of MRMT’s appeal grounds. First, it
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disagreed that the EC should not have addressed the jurisdictional issue on a preliminary basis. This was not a case where tikanga principles of "hearing out the whole argument" meant the Court should have taken a different approach from the standard approach and not addressed jurisdiction as a preliminary matter. Second, the Court did not accept the claim that the EC had incorrectly addressed the merits of the withdrawal by referring to the evidence when it should have treated the matter purely as a question of law. The Court said the EC had only taken account of undisputed facts. Finally, the Court rejected the argument that the EC was wrong to decline to make a declaration as to the illegality of the council's actions. The Court confirmed that the EC did not have jurisdiction in the nature of a judicial review power. While s 310(a) would permit the EC to make declarations about the *requirements* for withdrawing a plan change under cl 8D, it did not permit the EC to undertake a merits review of a decision to withdraw. Further, under the alternative s 310(c), the relevant "act" to make a declaration about would be the act of withdrawing, but the Court said it would be "very odd" for an act that is expressly permitted and provided for in the RMA 1991 to be declared to be in contravention of s 8. What MRMT really sought was a declaration that the *decision-making* behind the act contravened s 8. That was a different matter and was in the realm of judicial review. The Court therefore dismissed the appeal against the EC's decision.

With respect to the application for judicial review in this Court, MRMT had advanced various grounds, all of which the Court rejected. However, the key issue was whether the council's withdrawal was unlawful because it was in breach of s 8. The Court cited authority that a withdrawal under cl 8D did not require consultation, and it held that tangata whenua were not required to be consulted. Further, it said the right of parties to participate in development of the plan change would only be temporarily impeded; there was going to be a replacement plan change, and tangata whenua would be required to be consulted. The Court recognised the importance of the council doing a thorough job on implementing freshwater policy and "getting it right", and determined that the delay in this case was not unreasonable. The Court did acknowledge that the council had to at least "turn its mind" to the principles of the Treaty when deciding whether to withdraw. However, the evidence showed that the council had done so; the report that recommended withdrawal had detailed how a withdrawal would impact tangata whenua and discussed options for engaging with tangata whenua in future plan development.

The appeal and the application for judicial review were both dismissed. The council was entitled to costs on both matters.

Decision date 1 August 2022 – - Your Environment 16 August 2022

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Espin Holdings NZ Ltd v Auckland Council - [2022] NZEnvC 99

Keywords: consent order; resource consent; conditions; safety

This consent order concerned an appeal by Espin Holdings NZ Ltd ("Espin") challenging a condition imposed by the Auckland Council ("the council") on Espin's resource consent to operate electronic billboards. The consent permitted Espin to construct and operate two digital billboards on Wairau Rd, Auckland. Due to concerns about drivers becoming distracted by the digital images, the council had imposed a condition (known as "Condition 8") that the images displayed on the two billboards at any one time must be the same image. Espin filed an appeal to challenge Condition 8. The parties then filed a joint memorandum outlining their agreement to resolve the appeal in its entirety. Condition 8 would be amended to make it clear that the images displayed on the two billboards at any one time need *not* be the same, and another condition (Condition 18) would be amended to require Espin to undertake additional periodic reviews of any road accidents occurring near the billboards, and to increase the length of road that must be monitored for these purposes. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the resource consent conditions were amended as agreed by the parties. There was no order as to costs.

Decision date 13 June 2022 - Your Environment 13 July 2022

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Trustees of Dokad Trust and Successors v Auckland Council _ [2022] NZEnvC 111

Keywords: appeal procedure; waiver

This application for a waiver of time involved a dispute as to when an appeal should have been lodged. On 7 March 2022, P Mawhinney ("M") filed an appeal with the Court on behalf of certain entities, challenging a decision of the Auckland Council ("the council") on several objections under ss 357 to 357D of the RMA 1991. There was some dispute as to when M had received "notice in writing" of the council's decision for the purposes of s 358, which provided that an appeal had to be lodged with the Court within 15 working days of receiving written notice. The Court had issued a minute advising that a waiver application was needed. M filed the application, and the council advised that it opposed the waiver.

The council submitted that it had emailed the decision to M on 4 February 2022 at 5.11 pm, stating in its cover letter that this was official notice of the council's decision. On that basis, the council claimed that the appeal should have been lodged by 28 February. The council also noted that M had been subject to a High Court order restraining him from commencing or continuing any civil proceedings in relation to certain identified land without leave from the High Court, and that this period of restraint had not expired until 11.59pm on 28 February 2022. The council argued that if the Court were to grant M a waiver of time, the council would suffer undue prejudice because this would be tantamount to allowing M to circumvent the restraint the High Court had imposed on him. M did not deny receiving the email on 4 February, but argued that he did not formally receive written notice of the council's decision until 9 February at 6.20 pm when a hard copy of the decision was delivered to him by courier. He therefore claimed that the appeal was not due until 7 March.

The Court found that neither party was correct. The Court cited authority that for these purposes, the day on which notice of a decision is received is excluded, so that the first day of the 15 working-day period is the day after receipt. It also cited Court practice regarding documents received after 5 pm. Taking into account these principles and the Waitangi Day public holiday in February, it concluded that the appeal had been due for filing on either 1 March (if the email was considered proper notice) or 3 March 2022 (if the hard copy was considered notice). The Court said in either case, this was after the High Court's restraint period had expired so it was not necessary for the Court to determine whether the email on 4 February constituted written notice. The Court therefore dismissed the council's undue prejudice argument regarding that High Court order. The Court then noted that the council acknowledged that in "standard" cases, the council was unlikely to have a problem with an appeal being lodged two to four working days late. The Court then dismissed another argument by the council that it would be contrary to the interests of justice to grant the waiver, and would create undue prejudice to the council, because there was a real risk this appeal was "just another variation on a theme" of M claiming his entities had a vague and unquantifiable interest in land. The Court was not prepared to adjudicate now whether the appeal raised issues that had previously been determined. It held that M simply had a right to appeal the council's decision.

The Court also addressed another procedural issue where the identity of the named appellant entities appeared to differ from the original objector. The council had argued that the current "appellants" therefore had no standing. The Court made no determination but directed M to provide further information to identify the parties. The application for waiver under s 281(1) of the RMA 1991 was granted. M was directed to further identify the appellant entities. Costs were reserved.

Decision date 28 June 2022 _ Your Environment 20 July 2022

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s 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 September 2022

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Proposal to sell several Rotorua reserves for housing

Stuff reports that a Rotorua Lakes Council proposal sets out to revoke the reserve status of 10 sites in order to sell them for a mixture of public and open-market sale for housing. A decision made at a Rotorua Lakes Council Strategy, Policy and Finance Committee meeting means seven of 10 reserve sites have progressed to the next stage.

Read the full story here.

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NZ's second tallest residental building gets green light

One News reports that a Melbourne-based property developer has the green light to build NZ's second tallest residential building, in Auckland. ICD Property Ltd has got resource consent from the Environmental Protection Agency under the Covid-19 Recovery (Fast Track Consenting) Act, and the building will be a 183-metre tall skyscraper at 65 Federal Street, a few doors down from the Sky Tower, designed for apartments - the 55-storey building will include 357 apartments, a health and wellness centre, and a 1000sqm ground floor marketplace that will feature a range of restaurants, cafes and other outlets.

Read the full story here.

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Council to protect more notable trees in Auckland

Stuff reports that Auckland Council's Planning Committee has decided to add further trees to its Schedule 10 for Notable Trees in the upcoming notification of the August 2022 Unitary Plan change.

Read the full story here.

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'Cheaper than carpet': Huge blocks on the market for housing developments

Stuff reports that a 3200m² section on the beachfront in Lyall Bay is just one of the options on the table for developers in Wellington, with hopes of increasing density and more homes at front of mind for the region. Another property, in Tawa, offers 103,784m² and works out a $52.99 a square – "cheaper than carpet", the real estate listing proclaims. However, Mayor Andy Foster put forward an amendment to remove this train line from the rapid transit list. Including it would have meant buildings within its walking catchment would be allowed to reach six storeys, which would be "a big change" to the face of the city.

Read the full story here.

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$3 million upgrade of Diamond Harbour wharf

Stuff reports that upgrades to the Diamond Harbour wharf to make it more accessible are due to begin. The project, which will take about six months to complete, will improve access and safety for wheelchair users, bikes and pushchairs.

Read the full story here.

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800,000 trees planted on rehabilitated West Coast mine site

Stuff reports that international mining company OceanaGold has planted more than 800,000 trees since 2016, in an effort to restore their former gold mining site near Reefton. The trees are mostly mānuka and red, mountain, and silver beech.

Read the full story here.

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Ngāi Tahu to run regenerative farming experiment

Stuff reports that Ngāi Tahu Farming, in partnership with Ngāi Tūāhuriri, has been given an $8 million grant through the Ministry for Primary Industries' Sustainable Food and Fibre Futures
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fund for a groundbreaking, seven-year research programme. One of its 286 ha dairy sites in North Canterbury will be farmed using regenerative practices, while its 330 ha farm next door will use conventional methods.

Read the full story here.
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Billionaire's plans for luxury lodge rejected

The Otago Daily Times reports that US tech billionaire Peter Thiel's plans to build a 330m-long, hidden, luxury lodge overlooking Lake Wanaka have been rejected by a Queenstown Lakes District Council independent resource consent panel.

Read the full story here.
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Auckland Council releases transport emissions reduction pathway

Stuff reports that Auckland Council has released its transport emissions reduction pathway. The pathway is a detailed outline of the change in lifestyle required in Auckland to meet the region’s commitment to halve carbon emissions by 2030 – meaning a 64 per cent cut in transport emissions.

Read the full story here.
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