Newslink Case-notes for December 2022 prepared 20 November 2022.

~~~~~~

Legal Case-notes December 2022

Feedback Please! Any Feedback? Drop us a note!

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

The Case-book Editor Roger Low can be contacted through the Survey & Spatial NZ National Office, or by e-mail, Roger Low<rlow@lowcom.co.nz>

~~~~~~

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:

- Two consent orders resolving appeals on zoning rules and subdivision matters in Dunedin's Proposed District Plan for the Patmos Avenue (Leith valley) area
- A partially successful appeal against decisions on proposed zoning and development proposals in the Warkworth area;
- An interim decision on appeals against grant of water-take consents in the Kaitaia area in the Far North District;
- A decision on a controversial application by Timaru District Council to make certain provisions of its proposed district plan effective from the date of its public notification;
- A claim for costs by an Auckland landowner who claimed to have been improperly been served an abatement notice relating to a boundary fence;
- Two appeals involving decisions by Waikato District Council identification of land at Ngaruawahia as being of special significance to Maori when the area had not been identified as such when the proposed plan was notified;
- The "costs" decision for appeals involving proposed land use and subdivision consents near Tarras, Central Otago;

~~~~~~

Log-in and download these summaries, earlier case summaries and other news items at: https://www.surveyors.org.nz/Article?Action=View&Article_id=23

CASE NOTES DECEMBER 2022:

~~~~~~

Ovens v Dunedin City Council - [2022] NZEnvC 155

Keywords: consent order; district plan proposed; subdivision

This consent order concerned an appeal regarding the Patmos Avenue Structure Plan Mapped Area Performance Standards in the proposed Dunedin City Second Generation District Plan ("the PDP"). The parties had filed a consent memorandum outlining their agreement to resolve the appeal. This involved amending the standards to decrease the minimum lot size and introduce provisions limiting vehicle access and protecting the biodiversity values of nearby riparian areas. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the PDP be amended as agreed by the parties. By consent, there was no order as to costs.

Decision date 17 August 2022 - Your Environment 9 September 2022

~~~~~~

Johnston v Dunedin City Council – [2022] NZEnvC 182

***Keywords**: consent order; district plan proposed; subdivision*

This consent order concerned an appeal regarding the Patmos Avenue Structure Plan Mapped Area Performance Standards in the proposed Dunedin City Second Generation District Plan ("the PDP"). The parties had filed a consent memorandum outlining their agreement to resolve the appeal. This involved amending the standards to decrease the minimum lot size and introduce provisions limiting vehicle access and protecting the biodiversity values of nearby riparian areas. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the PDP be amended as agreed by the parties. By consent, there was no order as to costs.

Decision date 29 September 2022 - Your Environment 19 October 2022

~~~~~~

Middle Hill Ltd v Auckland Council - [2022] NZEnvC 162

Keywords: zoning; residential; commercial; employment; economic activity; private plan change

This appeal concerned the appropriate zoning for a 3.5 hectare block of land known as the "Middle Hill site" just north of Warkworth, and raised issues about the need for housing, business and employment opportunities, as well as the economic feasibility of different types of development. The Middle Hill site had been the subject of a private plan change ("PC25") lodged by another party, Turnstone Capital, covering 99 hectares of land north of Warkworth that was zoned "Future Urban". Hearing commissioners for the Auckland Council ("the council") declined to rezone some of that land, including the Middle Hill site, and instead decided to retain the Future Urban zoning. This decision was largely due to a lack of evidence or rationale supporting a business zoning. Turnstone Capital appealed and this resulted in some of the land being "live-zoned" to a Residential – Mixed Housing Suburban zone. However, this did not include the Middle Hill site. Now, the owner of the Middle Hill site, Middle Hill Ltd ("Middle Hill"), which had aspirations to develop residential and commercial buildings at the site, appealed and sought a "live" zoning for the Middle Hill site to either a "Mixed Use" zone or, failing that, a "General Business" zone. The council was opposed to a Mixed Use zone and preferred that the land be zoned General Business or remain as Future Urban. Much of the evidence presented in these proceedings came down to the choice between Mixed Use and General Business.

The Court considered the question of housing or business land capacity and concluded this was not a relevant issue here. There had been disagreement as to which provisions of the National Policy Statement on Urban Development 2020 ("NPS-UD") applied. Specifically, Middle Hill had argued that Policy 3 – that local authorities provide sufficient development capacity to meet expected demand for housing and business land over the short, medium, and long term – was relevant in this appeal. The Court disagreed, applying the reasoning expressed in Eden-Epsom Residential Protection Society Inc v Auckland Council [2021] NZEnvC 82. In that decision, the Court had found that some provisions of the NPS-UD could be considered in a "planning decision" on the merits of a private plan change request, including an appeal to the Court. In determining what provisions may be considered, it had found that reference to "planning decisions" among the eight objectives and eleven policies was quite limited, being found only in Objectives 2, 5 and 7 and Policies 1 and 6. The Court had noted that the NPS-UD included a two-year timeframe for Tier 1 local authorities to implement Policy 3 and that the council was busy with the promulgation of plan changes to the Auckland Unitary Plan under Sch 1 of the RMA 1991. In these proceedings the Court agreed with the reasoning in Epsom that it was not required to give effect to NPS-UD policies that did not require "planning decisions" at this time, and that the Court could not pre-empt Sch 1 processes required to be initiated by the NPS-UD. Policy 3 was therefore not relevant in this appeal. Even so, and if the Court was wrong in that respect, it found that on the question of residential capacity, there was sufficient short- and medium-term capacity even based on a high-growth scenario. There was also adequate short- and medium-term supply of business use land.

Middle Hill had also placed significant weight on commercial feasibility. It had argued that only Mixed Use zoning was feasible because it allowed multiple-level buildings, and that intensive use of the site supported a higher land value. In contrast, it argued, a General Business zoning would not be feasible as it would result in the site remaining vacant and un-utilised over the long term. However, the Court said there were limitations with this analysis. The analysis focused on feasibility for the owner, and not at all on what was an appropriate zoning from a district and regional perspective. The Court agreed with the observations of one expert witness that if the "highest and best use" was a key factor in zoning decisions, there would be a large number of high land value, retail-enabled zones across Auckland, and limited provision of lower land value zones (such as industrial, rural or open space).

After assessing the detailed evidence as to economic, urban design and planning effects against the relevant statutory requirements, the Court concluded that General Business zoning was the most appropriate way to achieve the purpose of the RMA 1991. It emphasised that under the relevant parts of the NPS-UD, provision for growth must be balanced between provision for residential land supply as well as commercial and industrial land. The Auckland Plan and the Warkworth Structure Plan also emphasised the need for balance between residential development and ensuring sufficient employment opportunities. Both the Mixed Use and General Business zones would enable employment opportunities, but importantly, there was no certainty that Mixed Use would result in predominantly business activities on the site given the ability to construct houses. Instead, it was highly likely that Mixed Use zoning would lead to the development of more housing. This would not facilitate the provision of employment in the area but simply extend adjacent residential areas. Additionally, General Business zoning would provide for large-format retail (rather than smaller formats under Mixed Use zoning), and the site's proximity to Great North Road was a factor in favour of that zone because future business developments would benefit from direct access to that road. It was also clear from the District Plan that the Mixed Use zone was typically to be located close to existing town or city centres; Middle Hill was on the periphery of Warkworth and had no direct linkages to the Warkworth town centre.

The appeal was upheld to the extent that the zoning for the Middle Hill site was changed to General Business. Several minor amendments to PC25 dealing with traffic rules and landscape planting were directed. Costs were reserved.

Decision date 26 August 2022 - Your Environment 16 September 2022

~~~~~~

Director-General of Conservation v Northland Regional Council - [2022] NZEnvC 170

Keywords: water take and use; wetland; kaitiakitanga; conditions

This interim decision concerned an appeal against the granting of 23 applications for water take consents for the Te Aupōuri Aquifer by the Northland Regional Council. The core question raised in the appeal by the Director-General of Conservation was whether conditions could be imposed which could allow takes to occur but avoid adverse effects on those matters protected under the New Zealand Coastal Policy Statement 2010 or s 6(c) of the RMA 1991. There was particular concern about wetlands as significant habitat for rare and endangered species, and the potential for saline intrusion.

The Court said it had never seen a more complex set of draft conditions. It had concerns about their structure and expression, and how they might be understood and implemented. All parties but the Te Aupōuri Aquifer Protection Group ("Protection Group") were of the view that conditions could theoretically be developed to address the perceived low risk but potentially high impact adverse effects of concern, and agreed more work was needed. The Protection Group had doubts as to whether an appropriate consent regime could be established, and had sought relief that consent be refused. The Court noted that this interim decision was only indicative and aimed at addressing some preliminary issues, which would then assist the parties in resolving the appeal.

The Court firstly assessed the appropriateness, and limitations, of the model that had been created by hydrogeological experts for the Aquifer, which was heavily relied upon by the applicants and their expert witness. The Court was satisfied that the model was robust on an Aquifer-wide scale,
~~~~~~

and on that basis the water takes were potentially able to be consented. However, it recognised that this model could not assist with two critical issues: localised effects, and extreme weather events and their impact. The Court agreed that an adaptive management approach was suitable for dealing with localised variation from the model or extreme conditions.

The next key issue was how much water might be taken with very high confidence that there would be minimal effects or temporary effects only. One possible approach was to grant consents for lesser volumes and increase these in subsequent applications as more evidence about likely effects became available. However, that could lead to arguments about allocation issues. Instead, the Court expressed a preliminary view that it could be appropriately cautious in granting consents for the full quantities sought with implementation on a staged basis. Given the caution required, it suggested the parties could consider including a review at each stage of implementation to ensure the model was updated with new information that became available. The Court also commented on the types of conditions required. The Court highlighted the need for a cautious approach whereby the proxies for monitoring groundwater needed to assume that adverse effects on groundwater were occurring unless the contrary was established. Similarly, any adverse effects on significant species or habitats would be assumed to be caused by abstraction until any alternative cause was proven, and saline intrusion monitoring should assume that any changes were due to saline intrusion until the contrary was proven.

Regarding trigger levels, the Court said consent holders should be alerted early so that they could review and reduce the rate and/or volume of takes. It was not appropriate to allow abstraction to continue unabated until certain bottom lines were reached, as this approach would not have proper regard for avoiding adverse effects on the environment or the principles of kaitiakitanga. Its preliminary view was that voluntary reductions should be set at the lowest 25th percentile of baseline values, with mandatory reductions at around the 90th percentile and full reduction at the 95th percentile.

The Court also addressed some issues concerning priority. Although it had indicated that the full quantities sought could be consented, it nevertheless determined that if there was an allocation issue, Te Aupōuri Commercial Development Ltd was first in time and was entitled to be considered first. In terms of the Treaty position for Māori claimants, their expectation that they would be able to access at least the same water that they were able to access at the time of settlement was a more complex issue than that of priority. However, the Court noted that it did not have the same concerns about the take applications of these Māori claimants as other applications. These matters would be effectively dealt with on a sub-regional basis, as the Court was satisfied that the different sub-aquifers could be managed separately such that more complex conditions applied to the particular sub-aquifer of concern. The parties were directed to advise by 28 October 2022 whether they had reached agreement on the consents.

Decision date 7 September 2022 - Your Environment 27 September 2022

~~~~~~

Re Timaru District Council - [2022] NZEnvC 171

Keywords: district plan proposed; jurisdiction

This was an application by the Timaru District Council ("the council") for an order under s 86D of the RMA 1991 that certain provisions in the proposed Timaru District Plan ("PDP") would have legal effect upon notification of the PDP, rather than at the standard time of when a decision on submissions was made and publicly notified. The provisions proposed to commence early covered a number of different topics.

The Court agreed with the comments in Re Waimakariri District Council [2021] NZEnvC 142 that there must be "good reason" to depart from Parliament's intention expressed in s 86B that the rules in a plan have legal effect when the decision on submissions is made and publicly notified. It cited authority that relevant matters when assessing a s 86D application included the strategic importance of the plan change, whether the plan change was the outcome of detailed consideration by the council, and the extent of consultation undertaken by the council.
~~~~~~

The first suite of provisions was the “Sites and Areas of Significance to Māori” (“SASM”) chapter of the PDP. The council submitted that the operative plan (“OP”) did not recognise any SASM. If the new chapter of the PDP was not given immediate legal effect, certain activities could result in the removal or destruction of some SASM. However, the Court identified a jurisdictional issue in that the rules in the SASM chapter protected “historic heritage” and would therefore have immediate legal effect anyway under s 86B(3)(d) once notified by the council. Section 86D(1) effectively provided that an application under s 86D could only be made in relation to rules that did not come within the scope of ss 86B(3)(a) to (e). The Court considered whether it would be permissible to make an order on an “avoidance of doubt” basis, but was reluctant to do so for want of jurisdiction. The same jurisdictional issue applied to the drinking water protection chapter of the PDP, which would have immediate legal effect under s 86B(3)(a) because that sub-section applied to a rule that “protects or relates to water, air, or soil (for soil conservation)”.

However, the Court determined to make an order under s 86D in relation to two other sets of provisions. The first was a new rural subdivision minimum allotment size rule, which had been introduced to combat the spread of ad hoc and fragmented allotments across the district. The council submitted that it had already experienced a rush of resource consent applications seeking subdivision consent under the current, more relaxed OP rules and wanted to avoid a further “gold rush”. Although the Court would have preferred to see more detailed information on the number of properties of each size and in each relevant zone, in order to more thoroughly assess the impact of the new rules, on balance it was satisfied that it should grant the order given the strategic importance of this issue. It also said the level of consultation that had occurred on the proposal since 2020 had the effect of tempering the degree of prejudice to persons affected by these provisions. The second set of provisions related to new accessible vehicle parking and minimum loading requirements, which had been introduced to fill a gap in the OP. The Court said that while little justification for these having immediate legal effect had been given to the Court, it acknowledged that giving these rules immediate legal effect would enable people and communities to provide for their social, economic and cultural well-being and for their health and safety, as per s 5(2). This of itself was possibly sufficient.

The application was granted in relation to the minimum allotment size subdivision rule and accessible vehicle parking and minimum loading requirements. The application was declined in relation to the SASM chapter and drinking water protection chapter on an interim basis, with leave reserved to the council to make further submissions on the jurisdictional issue before that decision would become final.

Decision date 09 September 2022 - Your Environment 28 September 2022

Re Timaru District Council - [2022] NZEnvC 172

Keywords: district plan proposed

This was the Court’s final decision regarding an application by the Timaru District Council (“the council”) for an order under s 86D of the RMA 1991 that certain provisions in the proposed Timaru District Plan (“PDP”) would have legal effect upon notification of the PDP. The Court had made an interim decision that the application was declined with respect to the PDP chapters on Sites and Areas of Significance to Māori (“SASM”) and drinking water protection (see Re Timaru District Council [2022] NZEnvC 171). The council had now indicated that it did not wish to make further submissions and requested that the decision be made final. The application was declined in relation to the SASM chapter and drinking water protection chapter.

Decision date 20 September 2022 - Your Environment 11 October 2022

~~~~~~

Greensmith v Auckland Council - [2022] NZEnvC 175

Keywords: costs; abatement notice

This was an application for costs by an appellant claiming she was put to unnecessary cost in defending herself against an abatement noticed that she claimed was ill-founded. J Greensmith (“G”) and her husband had been ordered by the Disputes Tribunal to construct a fence along a
~~~~~~

property boundary. Under that order, G and her husband could recover around $2,240 from their neighbours once construction was completed. During construction, Auckland Council ("the council") inspected the property and issued an abatement notice to G, requiring her to cease construction of the fence. It alleged that because the property was within a defined Significant Ecological Area, construction of the fence was a discretionary activity requiring consent. G disputed this, claiming this standard boundary fence did not require consent, and filed an appeal against the abatement notice. The parties had then agreed to mediation, but this was postponed during COVID-19 lockdowns because G wanted the mediation to take place in person. Before mediation was rescheduled, the council withdrew the abatement notice. G then withdrew her appeal, but applied for costs of around $8,084, or 100 per cent of her costs incurred. Approximately half of these costs were legal fees, while the other half related to fencing costs. G claimed that because the abatement notice had prevented her from completing construction by the due date specified by the Disputes Tribunal, she was unable to recover the $2,240 from her neighbours. She would need to return to the Tribunal for further orders on that matter. She also claimed additional fencing costs of $1,127 because she said the construction costs had increased significantly while works were on hold.

The Court firstly noted that the fencing costs were not an appropriate matter for costs in this Court as they did not relate to expenditure on legal fees or expert's costs. Regarding the claimed legal costs, the Court then noted that the parties were "diametrically opposed" as to whether the abatement notice had been justified. The council still maintained that consent was required, but said it had withdrawn the abatement notice because it had decided, in the circumstances, not to pursue the matter. The Court noted that the merits of the notice had not been tested because the appeal was not heard.

The Court considered two previous decisions where an abatement notice had been cancelled and the appellant had alleged that the notice was ill-founded. In one case, costs had been awarded to the appellant where a council had withdrawn the notice without cogent reasons. In another, costs were to lie where they fell because communication had broken down between the parties, meaning both bore responsibility. In this case, the Court determined that there should not be an award of costs. It was not satisfied that there was a just case for compensation or that G had been forced to incur costs unnecessarily. Relevantly, there had been no timetable set for hearing and no evidence had been directed to be filed before the appeal was withdrawn. Costs were to lie where they fell.

Decision date 23 September 2022   Your Environment 12 October 2022

~~~~~~

Blue Wallace Surveyors Ltd v Waikato District Council - [2022] NZEnvC 186

Keywords: appeal rights, appeal procedure; district plan proposed; submission; jurisdiction; strike out

This matter concerned applications by two appellants to amend their notices of appeal, and whether their submissions or appearances on a proposed plan provided the necessary scope or standing. Blue Wallace Surveyors Ltd ("BWSL") and Perjuli Developments Ltd ("Perjuli") had each lodged appeals against decisions of the Waikato District Council ("the council") on the proposed Waikato District Plan ("the PDP"). Specifically, they each challenged the identification of land at Great South Road, Ngaaruawaahia ("the Site") as a Site or Area of Significance to Māori ("SASM"). Perjuli was the owner of the land, while BWSL was a firm of surveyors, engineers and planners with interests in resource management planning and land development throughout the district. The Site was not included as a SASM in the notified version of the PDP, but after a submission was made by Ngāti Tamainupō outlining the Site's high cultural value, the council added the Site as a SASM in the decisions version of the PDP. BWSL and Perjuli then each filed appeals, and the original relief they each sought was removal of the identification of the Site as a SASM in the PDP. Now, they each applied to amend their appeals, seeking: (a) recognition that identification of the Site as a SASM would make the Site "incapable of reasonable use and place an unfair and unreasonable burden on the landowner"; and (b) that if the SASM identification was to be retained, a direction by the Court that the council acquire the land pursuant to s 85 of the RMA 1991 on the basis the Site was incapable of reasonable use and there was an unfair and unreasonable burden
~~~~~~

on the landowner. The council opposed both appellants' applications, on the basis of the nature of the submissions (or lack thereof) that had been made by the appellants. It also sought that Perjuli's appeal be struck out for lack of standing.

The Court firstly considered BWSL's application. BWSL had made an initial submission on the PDP and, relevantly, a further submission in support of a submission by another party in relation to another site ("the Further Submission"). In that Further Submission, BWSL had stated that all relevant environmental, cultural and landowner considerations need to inform a balanced evaluation prior to a SASM annotation being placed on private properties. It had highlighted the potential for a SASM annotation to carry with it a significant economic and financial burden to landowners. The council now argued that the amendments sought by BWSL (to include relief under s 85) were not within the scope of that Further Submission. However, the Court disagreed. It confirmed the test was whether the amendments were ones which were raised by and within the ambit of what was fairly and reasonably raised in submissions. One aspect of BWSL's Further Submission was the potential for economic and financial burden on a landowner, and the Court was mindful not to "interpret or assess the extent of the scope of a submission so narrowly as to limit appeal rights". It found that including relief under s 85 was "not too far removed from the concerns raised in BWSL's submission". Further, as BWSL's appeal already sought relief in relation to the Site, amending the appeal to seek s 85 relief for the Site was also within scope.

The Court then considered Perjuli's application. Perjuli had made no submission on the PDP, but had been invited to address the council's hearing commissioners. The council's decision report evidenced that although Perjuli (and other landowners of other relevant sites) had made no submission, s 76(3) of the RMA 1991 expressly provided for the council to have regard to actual and potential effects on the environment. The council had therefore invited Perjuli and other landowners in order to hear their views. The council now argued that Perjuli's statements to the hearing commissioners were not a "submission" and Perjuli therefore lacked standing to even bring an appeal under cl 14, sch 1 of the RMA 1991. The Court agreed. It said it was clear Perjuli had not been invited to make a "submission", but had instead been invited to participate as a witness giving evidence about the effects. Further, as Perjuli did not have standing to bring an appeal, the appeal had to be struck out for want of jurisdiction. Although the discretion to strike out a proceeding under s 279(4) was generally used "sparingly", the discretion in this case had fallen away.

The Court acknowledged that this was an "unfortunate" situation. The Site had not been identified in the notified version of the PDP and Perjuli had not become aware of the matter until it was invited to address the commissioners. However, the Court described the alternative ways that Perjuli could have responded. These included: making a further submission in opposition to primary submissions; making use of the unlimited scope under s 37 for a council to extend a time period or waive a failure to make a submission on time; or using the procedure in s 85(2)(b) that enabled a landowner who was concerned their land would be rendered incapable of reasonable use to apply under cl 21 of pt 2 of sch 1 to change the plan, with an appeal right under cl 27. Perjuli could also rely on the appeal by BWSL, to which Perjuli was a s 274 party.

BWSL's application to amend its appeal was granted. Perjuli's application to amend its appeal was declined. The council's application to strike out Perjuli's appeal was granted.

Decision date 04 October 2022 - YourEnvironment 21 October 2022

~~~~~~

Canyon Vineyard Ltd v Central Otago District Council - [2022] NZHC 2572

Keywords: High Court; costs

This was a decision on costs following an unsuccessful application by Bendigo Station Ltd ("Bendigo") to strike out an appeal by Canyon Vineyard Ltd ("Canyon") (see Canyon Vineyard Ltd v Central Otago District Council [2022] NZHC 749). Although Bendigo's strike out application failed, Canyon was ultimately unsuccessful in the substantive appeal (see Canyon Vineyard Ltd v Central Otago District Council [2022] NZHC 2458).
~~~~~~

The Court was satisfied that costs on a 2B basis, plus disbursements, were appropriate for the unsuccessful strike out application. It adopted the same approach as the Court in the substantive appeal, which had awarded 2B costs against Canyon as the unsuccessful appellant. The Court also said no uplift was justified for the strike out application. The application was not hopeless or the pursuit of a meritless point – it was simply not accepted. The Court also took into account that had the strike out application not been brought and the grounds relied on in the strike out application run in the substantive appeal, the appeal would still have been dismissed and in all likelihood the same costs outcome would have applied. Bendigo was ordered to pay Canyon costs on a 2B basis ($6,214) plus disbursements ($142).

Decision date 05 October 2022 - Your Environment 13 October 2022

(See also previous reports in Case-notes November 2021, March, June and November 2022.- RHL.)

~~~~~~

The above brief summaries are extracted from "Alert 24 - Your Environment" published by Thomson Reuters and are reprinted with permission. They are intended to draw attention to decisions that may be of interest to members. Please consult the complete decisions for a full understanding of the subject matter.

Should you wish to obtain a copy of the decision please phone Thomson Reuters Customer Care on 0800 10 60 60 or by email to judgments@thomsonreuters.co.nz.

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

~~~~~~

OTHER NEWS ITEMS

~~~~~~

National Policy Statement for Highly Productive Land released

Radio New Zealand reports that the Government has released the National Policy Statement for Highly Productive Land aimed at protecting the country's most productive land from urban development. Councils will now need to identify, map and manage productive land to protect it from inappropriate use and development.

Read the full story here.

~~~~~~

Environmental Defence Society opposes proposed Lincoln South development

Star News reports that the Environmental Defence Society has joined forces with Lincoln Voice in opposition to the proposed Lincoln South development. The case is expected to go to mediation, then onto a hearing if mediation fails.

Read the full story here.

~~~~~~

Mercury plans $115 m wind farm near Gore

The New Zealand Herald reports that Mercury intends to build a new $115 million, 43 megawatt wind farm at Kaiwera Downs, south of Gore. The company has executed contracts for the procurement and construction of the first stage of Kaiwera Downs.

Read the full story here.

~~~~~~

Mayor fears site may harbour a "cocktail of chemicals"

Radio New Zealand reports that New Plymouth mayor Neil Holdom says there needs to be independent oversight of multi-national agrichemical company Corteva's promised testing of its controversial Paritutu site. From the 1960s through to 1987, Ivon Watkins (later Ivon Watkins-Dow) made the herbicide 2,4, 5-T, at Paritutu - which contained the toxic dioxin TCDD.

Read the full story here.

~~~~~~

Approval for Waikato solar farm

The New Zealand Herald reports that the Environmental Protection Authority has approved Harmony Energy's proposal for about 330,000 solar panels to be installed on 182 hectares at Te Aroha West. The panels will generate electricity to power 30,000 homes.

Read the full story here.

~~~~~~

Council funds development contribution on Wellington City Mission's $40 m building

Stuff reports that Wellington City Council has voted to cover Wellington City Mission’s new building project's $383,000 development contribution. It amounts to one per cent of the $40 m development’s costs.

Read the full story here.

~~~~~~

Central government may intervene in Christchurch housing density row

Radio New Zealand reports that Christchurch Mayor Lianne Dalziel says central government will "probably" intervene in a Christchurch housing density row. The council has voted against implementing the national standards for housing density.

Read the full story here.

~~~~~~

Air New Zealand to fly on sustainable aviation fuel

Stuff reports that Air New Zealand plans to start flying its aircraft partly on sustainable aviation fuel made from recycled cooking oil and animal waste. The fuel will be manufactured by the world’s largest supplier of sustainable aviation fuel, Neste.

Read the full story here.

~~~~~~

The fight for the greenbelt

Stuff reports that Arrowtown locals have long supported keeping a rural greenbelt around the town, to give it a well-defined boundary. One man, Dave Hanan, who owns an historic gold miner’s cottage, is preparing an uphill battle against encroaching development from luxury mansions and the like. He, and numerous others, are concerned such development will encroach on, and ruin, the town's character and greenbelt. Hanan claims he is trying to protect the town from “urban bleed” of property development.

Read the full story here.

~~~~~~

Residents opposed to Government's proposed seawall

Newsroom reports that Government funding for an unwanted barrier at Hokitoka has elicited strident opposition from affected property owners. They maintain they do now want the seawall built and that it is possibly illegal. The Hokitika Coastal Protection Alliance says the original wall,
~~~~~~

built 10 years ago when the beach was rapidly eroding, was effectively an exercise in land reclamation. That was illegal, the group's president Mark Mellsop-Melssen told the council's sea wall committee last week. "You can't use emergency rules for land reclamation. We were consulted and we agreed to a wall on the erosion line close to our property boundaries, but the council went ahead and built it 20-30m out towards the sea."

Read the full story here.

~~~~~~

Sea-level rise effects on estuaries and wetlands to be monitored

Radio New Zealand reports that monitoring equipment is being installed in Bay of Plenty estuaries to understand how wetlands will fare as sea levels rise. Twelve devices, called Rod Surface Elevation Tables have been installed that are now used internationally for measuring estuary level changes.

Read the full story here.

~~~~~~

Rural rezoning for Nelson subdivision

Radio New Zealand reports that the Nelson City Council has approved a plan change to allow the rural Kākā Valley to be subdivided for housing. The housing development was first proposed for the rural valley near central Nelson two years ago, and Save the Maitai have since campaigned to protect and preserve the valley's rural character. Environmental planning manager Maxine Day said the plan change included a number of zone changes, including a residential area above Atawhai and a higher density area in the Maitai Valley along with a network of open space and recreational zones.

Read the full story here.

~~~~~~

Tiwai Point smelter: significant amount of contamination

Radio New Zealand reports that Southland Regional Council says a new assessment on the impact of the Tiwai Point aluminium smelter shows a significant amount of contamination has been released into the environment. Contaminants found at the site include fluoride, PAHs (polycyclic aromatic hydrocarbon), aluminium, and heavy metals.

Read the full story here.

~~~~~~

Agreement reached to restore whenua at Tīwai Point smelter

Radio New Zealand reports that a new partnership with Ngāi Tahu has been set up to restore the whenua at the site of the Tīwai Point aluminium smelter in Southland. New Zealand Aluminium Smelters and Rio Tinto will work with local rūnaka to remove waste, conduct environmental monitoring, and re-mediate the site.

Read the full story here.

~~~~~~

Pre-fab house building project financed through stock exchange for smaller companies

Stuff reports that McKenzie's Shute, a high-end, pre-fab house building project, is the first development to be financed through a stock exchange for smaller companies, the Catalist Public Market.

Read the full story here.

~~~~~~

748-home project in Queenstown approved for RMA fast-track

Radio New Zealand reports that a large housing development in Queenstown and two smaller ones in Auckland have been put on the fast-track for consenting. The Te Pūtahi project at Lake Hayes, Queenstown, would redevelop an area to create up to 748 more homes.

Read the full story here.

~~~~~~

Air pollution from Wellington's buses dropping due to electrification

Stuff reports that the amount of harmful chemicals emitted by Wellington's buses is declining as the Metlink fleet becomes increasingly electric. Currently 20 per cent of the bus fleet, or 90 buses, are electric.

Read the full story here.

~~~~~~

QEII Trust marks 5000 registered covenants

Stuff reports that QEII National Trust chairman Bruce Wills addressed a crowd gathered this week to celebrate the 5000th covenant partnership with private landlowners. The amount of land home to ecological treasures tucked away on private land up and down the country is equivalent to all the national parks in the North Island - the land protected is known as the QEII Open Space Covenant and now totals close to 200,000 hectares nationwide.

Read the full story here.

~~~~~~
~~~~~~