Draft Newslink Case-notes for April 2023 **prepared 20 March 2023.**

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Legal Case-notes April 2023

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

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Summaries of cases from Thomson Reuter's "Your Environment".

This month we report on seven court decisions covering diverse situations associated with subdivision, development and land use activities from around the country:

- A consent order incorporating agreed conditions settling an appeal against refusal of consent for a boundary adjustment subdivision at Whangapoua on the Coromandel Peninsula;
- Another consent order settling an appeal against refusal by Central Otago District Council of consent to undertake a two-lot rural subdivision at Lowburn and convert an existing building from traveler's accommodation to a residential dwelling;
- An unsuccessful High Court challenge to an Environment Court decision on location of the Rural/Urban boundary at Pūkaki Peninsula near Auckland Airport;
- A majority decision of the Supreme Court on appeals relating to compulsory acquisition of easements to allow construction of an additional HV power line to serve an area of Northland;
- An application to admit the evidence of an expert witness who had died so was unable to present evidence to the hearing;
- A decision confirming a consent order following appeals against a decision of Whangārei District Council relating to a private plan change in the Marsden Point area;
- Successful applications to adduce new evidence to the Court of Appeal on a prosecution of an owner for undertaking works on wetlands in the Wellington area.

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CASE NOTES APRIL 2023:

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Adams v Thames-Coromandel District Council - [2022] NZEnvC 242

***Keywords**: consent order; boundary adjustment; building location; subdivision; land use consent; resource consent*

This consent order concerned an appeal against the decision of the Thames-Coromandel District Council to decline the appellant's application for a retrospective combined subdivision and land use consent. This application was to authorise a boundary adjustment, the conversion of a relocated building into a dwelling, and cancellation or variation of conditions of a certain consent notice to change the location of the "Defined Building Area" on the land. The parties had filed a consent memorandum outlining their agreement to resolve the appeal. This included some agreed conditions to the boundary adjustment. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the consents were granted, and the consent notice varied, subject to the conditions agreed by the parties. There was no order as to costs.

Decision date 25 November 2022 - Your Environment 14 December 2022

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Hankinson v Central Otago District Council - [2023] NZEnvC 9

Keywords: consent order; subdivision; resource consent; national policy statement

This consent order concerned an appeal against a decision of the Central Otago District Council ("the council") to refuse an application for resource consent to undertake a two-lot rural subdivision at Lowburn and convert an existing building from traveller's accommodation to a residential dwelling. The parties had filed a consent memorandum setting out an amended proposal that would resolve the appeal. The Court noted that the subject site was considered to be treated as highly productive land under the National Policy Statement for Highly Productive Land ("NPS-HPL") (even though the council had not yet mapped highly productive land in the region) and was satisfied that the proposal was not contrary to the NPS-HPL. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that resource consent was granted, subject to the conditions agreed by the parties. By consent, there was no order as to costs.

Decision date 30 January 2023 -Your Environment 15 February 2023

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Gock v Auckland Council - [2022] - NZHC 3126

Keywords: High Court; regional policy statement; interpretation; soil; soil high value

This appeal challenged the latest decision of the Environment Court ("EC") to uphold a decision of the Auckland Council ("council") regarding the location of the Rural Urban Boundary ("RUB") of the Auckland Unitary Plan ("AUP"). The independent panel that had been appointed to formulate the provisions of the AUP had been tasked with determining where the RUB should be drawn. It had recommended that land at Pūkaki Peninsula (including the appellants' land) should be on the urban side of the RUB. However, the council had then rejected this recommendation and left it on the rural side. The council's decision was subsequently upheld by the EC in 2018: see *Self Family Trust v Auckland Council* [2018] NZEnvC 49 ("the 2018 Decision"). In an appeal to this Court, Muir J then set aside the location of the RUB and sent the matter back to the EC for consideration. Justice Muir found, among other things, that the EC had erred in interpreting a policy in the Regional Policy Statement ("RPS") regarding "elite" and "prime" soils. After re-hearing the matter in accordance with Muir J's determinations, the EC then again upheld the council's decision to exclude the Pūkaki Peninsula from the urban side of the RUB: see *Gock v Auckland Council* [2020] NZEnvC 214 ("the 2020 Decision"). The appellants now appealed the 2020 Decision to this Court. The Court approached this appeal by considering in turn each subject area that had factored into the EC's 2020 Decision, and the questions of law that each gave rise to.

The first topic was the soils issue, which was the predominant issue for the EC. This concerned a particular RPS policy of ensuring that the location of the RUB identified land suitable for urbanisation while, among other things, "avoiding elite soils and avoiding where practicable prime soils which are significant for their ability to sustain food production" ("the RPS Soils Policy"). While "elite" and "prime" soils were defined in the AUP by classification, the phrase "significant for their ability to sustain food production" was not defined. Justice Muir had found that the EC's construction of the RPS Soils Policy in its 2018 Decision was erroneous because the EC had found that the RUB needed to avoid elite soils without reference to their significance in sustaining such production. Justice Muir had found that both elite *and* prime soils needed the quality of "significance" before they were required to be avoided. The EC was then directed to re-consider the matter in light of Muir J's determination. In this appeal, the Court rejected the appellants' first argument that the EC had failed to follow Muir J's interpretation in its 2020 Decision. The Court found that the EC had spent considerable time in 2020 addressing this question of whether the subject elite *and* prime soils had the necessary "significance" quality.

The appellants' second argument on the soils topic was that the EC had then come to the wrong conclusion in 2020 in finding that the soils at the Pūkaki Peninsula were in fact significant for their ability to sustain food production. The EC had relied on this finding in ultimately upholding the council's decision to exclude the Pūkaki Peninsula from the urban side of the RUB. The appellants argued that the EC had erroneously used an "incremental loss" approach, which Muir J had found was not relevant to the assessment of significance. However, the Court noted that the EC had interpreted this directive as meaning it should focus attention on the broader context of regional effects over time and not limit its consideration to the significance of a single increment. In doing so, it had had regard to the accelerating rate of loss of elite and prime soils across the Auckland region, based on updated data that had become available since the independent panel's decision.
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It was open to the EC to take account of this matter. The Court also found that there had been sound reasons for the EC to reject the quantitative approach to "significance" put forward by the appellants' expert. Only one comparator had been advanced for assessing significance, and the EC had identified shortcomings in that approach. Instead, the EC had taken a qualitative approach, finding that the question was a matter of judgment rather than something that could be derived from statistical analysis. Based on the evidence that was before the EC, this was a reasonable and available conclusion to reach. The Court noted that given the definition of "elite" soils – with features such as being well-drained, well-structured and capable of continuous cultivation – it was difficult to see how soils could meet this "elite" definition but still be said to lack the requisite significance for food production. The Court reasoned that there had to be some distinguishing feature that set some elite soils apart from others. This was to be found by looking at the "extrinsic factors" that could affect the use of those soils. Groups of elite and prime soils that were unaffected or minimally affected by such extrinsic adversities would necessarily be soils that had greater significance for their ability to sustain food production. In this case, the Pūkaki Peninsula elite and prime soils were largely contiguous across the Peninsula, creating a creating a single area of productive land that would be easier to utilise for food production than elite and prime soils in other locations that were more fragmented. The EC had also considered the commercial viability of the subject soils, and there had been some agreement between the experts as to likely commercial success. Further, the appellants had not satisfactorily identified any specific issue that would detract from the subject soils' significance.

The next key subject area in the 2020 Decision was mana whenua issues. While the EC had found that the Pūkaki Peninsula was not suitable for urbanisation because of the soils issue, it did not treat that issue as decisive. Importantly, Muir J had concluded that the EC had not erred in its 2018 assessment of the mana whenua issues. The EC therefore treated the weight to be given to its 2018 Decision, as it related to these mana whenua issues, as a matter for further consideration, bearing in mind the remission back of the soils issue. In this appeal, the Court noted that the EC's 2020 Decision reached the same view on the soils issue as the 2018 Decision, but based on reasons that accorded with Muir J's interpretation of the RPS Soils Policy. Against this background, there was "little strength" in the appellants' arguments in this appeal on the mana whenua issues. The Court noted that the additional evidence the EC heard in 2018 on the mana whenua issues confirmed the evidence that had supported the 2018 Decision.

The Court then considered certain relevant structure plan guidelines ("SPG") in the AUP. Under the RPS, the decision-maker was required to ensure the location of the RUB identified land suitable for urbanisation in locations that followed these SPG. In the first appeal to this Court, Muir J had directed that the appellants be given an opportunity to improve their evidence in relation to compliance with the SPG. Thus, supplementary evidence was heard at the re-hearing. Broadly, the EC had then found that the appellants' evidence was lacking in several respects and that some matters had been insufficiently addressed. It considered that this should be placed "in the mix" with the other matters relevant to the EC's decision on whether the subject land was suitable for urban development. The Court examined the evidence and concluded there was no error in the EC's process and that it had provided sufficient reasons. It also rejected the appellants' criticism that the EC had not specified what more the appellants should have done to meet the SPG where their evidence was found to be insufficient; the EC was not required to do this.

Finally, the Court found that the EC had properly considered relevant chapters of the RPS. The EC had considered that it should reconsider whether its findings on the soils issue, and new evidence it had heard on the soils and SPG issues, impacted on any of the other matters it was required to consider in order to give effect to the RPS. The Court found no error in its approach to the relevant chapters. The appeal was dismissed.

Decision date 28 November 2022 - Your Environment 8 December 2022

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Dromgool v Minister for Land Information – [2022] NZSC 157

***Keywords**: Supreme Court; compulsory acquisition; alternative; utility network; requiring authority; judicial review*

This appeal concerned questions about what was required of the Minister for Land Information ("the Minister") when making an initial decision under s 186 of the RMA 1991 to commence a compulsory acquisition process. Top Energy Ltd ("Top Energy"), an electricity lines company, wished to construct a new 110kV line between Kaikohe and Kaitaia in order to meet increased
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demand for electricity and ensure security and reliability of supply. Following investigation of potential routes for the new line, two alternative routes emerged as possibilities. Top Energy selected one of these routes, but several landowners – the appellants in these proceedings – did not agree to enter into agreements to grant easements. In May 2016, Top Energy made applications to the Minister under s 186 to have easements taken under pt 2 of the Public Works Act 1981 ("PWA 1981") in respect of the appellants' properties. In August 2016, the Minister, having been briefed by officials from Land Information New Zealand ("LINZ"), agreed to commence the compulsory acquisition process under s 186. The Minister issued Notices of Desire to acquire easements over the appellants' properties, but the appellants would not agree to grant easements. In June 2017, the Minister executed Notices of Intention to Take Easements under s 23 of the PWA 1981. The appellants then filed objections in the EC to the proposed acquisitions. In response, the EC prepared a report under s 24, largely finding in favour of the Minister. This then triggered several appeals in which the various courts expressed a range of views as to what was required of the Minister when making a decision under s 186.

The key relevant statutory provisions were found in both the RMA 1991 and PWA 1981. Section 186 of the RMA 1991 allowed a network utility operator that was a requiring authority, such as Top Energy, to apply to the Minister to commence a process that provided for the compulsory acquisition of land. This mechanism required that the acquisition be undertaken by the Minister on behalf of the requiring authority, even though the requiring authority would be the transferee of the land, not the Minister. Section 186 said the acquisition was to be effected "as if the project or work were a government work" within the meaning of the PWA 1981. Otherwise, s 186 did not give any guidance as to the matters that had to be taken into account by the Minister. Once a process was set in train under s 186, the PWA then required good faith endeavours to acquire the land by agreement, and if a compulsory acquisition was then required, the Minister could notify their intention to take land under s 23. Importantly in these proceedings, s 24 of the PWA outlined a range of matters the EC would need to inquire into, and report on, in response to any objection filed to a s 23 notice. These included the adequacy of the consideration given to alternatives (s 24(7)(b)) and a decision whether, in the EC's opinion, it would be "fair, sound, and reasonably necessary" for achieving the objectives for the land to be taken (s 24(7)(d)). The EC ultimately had a discretion to send the matter back to the Minister for further consideration.

The EC had found that a Minister's decision under s 186 was "fully discretionary", and also that Top Energy had given adequate consideration to alternatives per the requirement in s 24(7)(b). On appeal, the High Court ("HC") had found that the discretion was *not* unfettered, and that the Minister – not the requiring authority – personally needed to consider alternatives. In this case, the Minister had not personally done so, and therefore the EC was wrong to find that there had been adequate consideration. It set aside the EC's report. The Court of Appeal ("CoA") then agreed that a s 186 decision was not unfettered. However, it found that the Minister needed to consider whether there had been appropriate consideration of alternatives, but it was not the Minister's role to personally choose which alternative. It disagreed with the HC and said the *requiring authority* had primary responsibility for considering alternatives. The Minister instead was to decide whether the proposal could meet the test in s 24(7)(d) (ie that it was "fair, sound, and reasonably necessary"). Further, the Minister did not need to be satisfied it would "definitely" meet the test – just that it was "capable" of doing so. The CoA allowed the appeal against the HC decision and referred the matter back to the EC to finalise the easement terms. In these proceedings, the approved question for leave to appeal to this Court concerned the role and obligations of the Minister in deciding an application under s 186. Various other questions had been refused leave.

In the majority decision in these proceedings, the Court agreed with the HC and CoA that a s 186 decision was not "fully discretionary". A statutory power was subject to limits even if it was conferred in unqualified terms. In the present context, the statutory scheme of compulsory acquisition meant the Minister's land acquisition power was limited by the concept of reasonableness. The majority then said that when making an initial s 186 decision to set in train a process, the Minister would be aware that, if a compulsory taking eventuated under s 23 and an objection were made, the EC would need to be satisfied of the matters in s 24(7). Thus, in making a s 186 decision, the Minister would need to be satisfied that the compulsory acquisition of the land, should that occur, would be fair, sound and reasonably necessary. Further, the Minister had to be satisfied that alternatives had been duly considered. However, the majority disagreed with the HC that the Minister had to personally consider alternatives. Section 24(7)(b) required the EC to review the adequacy of the consideration given, but this did not say anything about *the party* required to give the consideration. If the consideration was adequate, s 24(7)(b) was met. Further,

since the EC was only required to consider the adequacy, it would be “odd” if the Minister had to give greater consideration to the merits of the alternatives at the preliminary s 186 stage than at the s 23 stage, or than the EC at the s 24 review stage. In conclusion, while it was open to the Minister to consider the alternatives, the Minister was not *required* to do so. The majority concluded there was no reason to disturb the CoA’s decision to reinstate the EC’s report.

The majority also considered an argument by the appellants that the EC’s finding as to adequacy was based on the information before the EC, and that the EC should have considered whether there was adequate consideration of alternatives by the Minister *at the time of the s 186 decision*. The majority considered this to involve de facto judicial review of the Minister’s decision. It concluded it was not the function of the EC to review the exercise by the Minister of the s 186 power. The EC’s jurisdiction in this case was limited to the terms of ss 23(3) and 24 of the PWA. It could possibly consider what occurred at the s 186 decision stage if that was relevant to the determination of the s 24(7) factors. However, beyond that, a challenge to the legality of the Minister’s s186 decision would need to be by way of judicial review proceedings in the HC. It commented, generally, that the commencement of a s 23 objection process would not stand in the way of separate judicial review proceedings. However, judicial review proceedings had not been brought in this case.

In a dissenting judgment, Winkelmann CJ firstly emphasised that more was required of the Minister at the initial s 186 stage than suggested by the CoA. Section 186 “put in play” the State’s coercive power to compulsorily acquire land. Although the first step was to negotiate with landowners in good faith, such negotiations took place with the knowledge by the parties that if the landowners did not agree, the land could be taken. Thus, the s 186 decision was a critical one. While the Minister might receive more information at a later stage, that would provide an opportunity to *revisit* the decision, and did not support the proposition that the substantive decision was not to be made until later in the process. Winkelmann CJ disagreed with the CoA that the Minister must be satisfied that the proposal was “capable” of meeting the s 24(7)(d) test. Before commencing a process, the Minister needed to be satisfied that it *was* fair, sound and reasonably necessary. Consideration of whether there were alternatives was, in Winkelmann CJ’s view, “part and parcel” of the Minister satisfying themselves that acquiring private land was “required” (pursuant to s 16) and reasonably necessary. Winkelmann CJ agreed that the Minister was not required to undertake their own investigation of alternatives. However, she ultimately concluded that the EC had erred in its s 24 consideration. The EC had recognised that LINZ had provided incorrect advice to the Minister that the chosen route was “the only” practicable and economic alternative available. However, the EC had seen this misstatement as irrelevant as it was not a statutory requirement that the route be the only practical and economic route. Winkelmann CJ considered this erroneous because this information was critical to the Minister’s consideration of whether the chosen route had been selected *on a proper basis*. As the EC had misunderstood the significance of the incorrect information provided to the Minister, there could be no confidence in its subsequent determination that the taking was fair, sound and reasonably necessary. Winkelmann CJ would therefore have allowed the appeal based on this error of law. The appeal was dismissed. The appellants were to pay the respondent costs of $25,000 plus usual disbursements.

Decision date: 22 December 2022 – Your Environment 10 January 2023

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Bunker v Queenstown Lakes District Council - [2022] NZEnvC 254

Keywords: evidence

This was an application to admit, by consent, the written statement of an expert who had recently passed away. Dr T Ryan ("Dr R") was an intended expert for the appellants, who had filed an appeal concerning the proposed Queenstown Lakes District Plan review in relation to land at Wānaka. Dr R had prepared a statement in September 2022 detailing cultural evidence about the site. Following Dr R's passing, the parties confirmed to the Court that his evidence was not challenged by any other experts and the parties jointly requested the admission of his evidence by consent. The Court noted Dr R's "unimpeachable expertise" and that the written statement was authoritative on the matters addressed, and cited a range of external sources. The Court concluded that the evidence was reliable and highly instructive. Pursuant to ss 276 and 269 of the RMA 1991, the Court directed that Dr R's evidence was admitted by consent.

Decision Date 16 December 2022 - Your Environment 20 January 2023
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Marsden City Ltd Partnership v Whangārei District Council - [2023] NZEnvC 5

Keywords: consent order; private plan change; district plan change; zoning; subdivision; noise; railway

This consent determination concerned appeals against the decision of Whangārei District Council ("the council") on Private Plan Change 150 ("PC150") to the Whangārei District Plan ("WDP"). The purpose of PC150 was to rezone a 127 ha block of land in the Ruakākā/Marsden Point area that had previously been predominantly zoned for industrial activities, and to introduce urban (business and residential) zonings and a new town centre precinct. The council had approved PC150 but with some modifications concerning roading, wastewater, and railway line zoning and noise issues. The present appeals concerned those modifications and other consequential amendments.

Following discussions and Court-assisted mediation, the parties had reached agreement on a proposal to resolve some aspects of the appeals. This consent determination covered: the requirement to assess the capacity of the SH1 and SH15 intersection; a specific wastewater standard; and other consequential amendments. It also resolved zoning issues along the rail corridor. However, associated noise issues were to be addressed through district-wide provisions in a contemporaneous consent determination dealing with appeals on the urban and services plan changes in Plan Change 109 (see: *KiwiRail Holdings Ltd v Whangārei District Council* [2023] NZEnvC 4) rather than site-specific noise provisions for PC150. Appeals on one other matter – the inclusion of a standard requiring full upgrade of internal roading prior to subdivision and development – would remain extant.

The parties had provided a s 32AA evaluation of the proposed changes. The Court was satisfied that the changes were justified and promoted greater certainty and clarity. The Court was also satisfied with the parties' rationale for adopting district-wide noise provisions and associated changes to rail corridor zoning. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the WDP be amended as agreed by the parties. There was no order as to costs.

Decision date 18 January 2023 – Your Environment 9 February 2023

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Page v Greater Wellington Regional Council - [2023] NZCA 20

Keywords: Court of Appeal; evidence new

These applications to adduce new evidence and for leave to bring a second appeal focused on a risk of miscarriage of justice due to an absence of expert challenge to the prosecutor's evidence at trial. A Page ("P") and J Crosbie ("C") ("the applicants") had been convicted in the District Court ("DC") of 35 offences under the RMA 1991 (see *Greater Wellington Regional Council v Page* [2021] NZDC 16019). The offending concerned works carried out by P at land owned by his spouse, C. The charges included various breaches of regional rules and the RMA 1991, such as allowing cattle access to wetlands, disturbing wetlands, undertaking earthworks in water bodies, depositing substances into water or where they could enter it, taking water, and depositing soil onto a riverbed. At trial, a key issue was whether a series of wet areas on the property constituted "wetlands" under the RMA 1991 and "natural wetlands" under the proposed Natural Resources Plan ("PNRP") as this was fundamental to many of the charges. The DC heard evidence from a witness for the Greater Wellington Regional Council ("the council"), Mr Spearpoint ("S"), an expert in terrestrial ecology and wetland delineation. S had concluded that a number of wetlands on the property met the definitions under the RMA 1991 and PNRP. Following the convictions, P was sentenced to three months' imprisonment for related breaches of abatement notices and three months' imprisonment for breaching an enforcement order, to be served concurrently, while C was fined $118,742. On appeal, the High Court upheld the convictions and agreed with the DC's conclusions about the presence of wetlands. It noted that there was an absence of compelling evidence, particularly expert evidence, to suggest the DC had made any error (see *Page v Greater Wellington Regional Council* [2022] NZHC 762). The applicants now sought leave to adduce new evidence and to bring a second appeal.

The application to adduce further evidence was supported by affidavits of a senior ecologist and a senior hydrologist (the "New Experts"), which both challenged the evidence of S concerning the presence of wetlands. The applicants argued that the new evidence "tended to show" that S' evidence was insufficient to establish the presence of the wetlands to a criminal standard. They

submitted that excluding this new evidence risked a miscarriage of justice. The Court agreed that while the evidence was not "fresh" (in that it could have been presented at trial), it could render the convictions unsafe, either in total or in part. The Court was reinforced in this view by the reliance placed by both the trial judge and the High Court judge on S's expertise and the lack of any "compelling evidence" at the time to suggest he was in error. The Court took notice of the decision in *Greater Wellington Regional Council v Adams* [2022] NZEnvC 25, in which the evidence of the same two New Experts was preferred over the council's evidence, including that of S, concerning the presence of wetlands. The Court concluded that the absence of expert challenge in this case raised a risk of a miscarriage of justice.

The Court also agreed with the applicants' submission that substantial packages of information had been disclosed late. While these had been disclosed in electronic format two to three months before trial, P had requested that these be provided in hardcopy (as he was unrepresented and had limited IT skills). Some of these were then provided 10 days before the trial. This was a further factor pointing towards a risk of a miscarriage of justice. The applications to adduce new evidence and for leave to bring a second appeal were both granted.

Decision date 15 February 2023 – Your Environment 23 February 2023

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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

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Beehive: New legislation to streamline Cyclone recovery

Cyclone Recovery Minister Grant Robertson and Emergency Management Minister Kieran McAnulty have announced that the Government is introducing the Severe Weather Emergency Legislation Bill to ensure the recovery and rebuild from Cyclone Gabrielle is streamlined and efficient with unnecessary red tape removed.

The legislation is similar to legislation passed following the Christchurch and Kaikōura earthquakes that modifies existing legislation in order to remove constraints on recovery.

"The recovery phase needs to be timely and efficient, it should not constrained," Kieran McAnulty said.

"The urgent changes will help facilitate the initial stages of the recovery and provide legal certainty where needed.

"The legislation also removes unnecessary red tape. For example extending the period for a food business to renew its registration will mean that it can continue operating post the Cyclone without impractical administrative deadlines to contend with," Kieran McAnulty said.

"A month on from the national state of emergency being declared, we are moving away from the emergency response into the recovery phase," Grant Robertson said.

"We have worked alongside communities as we respond to this major event. We have put in place a taskforce, led by Sir Brian Roche, which will ensure the recovery is also locally led and supported by central government.

"We have also established a Cyclone Recovery Unit in the Department of the Prime Minister and Cabinet to coordinate the work at a central government level," Grant Robertson said.

- Please click on the link for full statement Media release

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Beehive: Freeing up more government bandwidth and money to focus on the cost of living

Prime Minister Chris Hipkins has announced that a second tranche of government programmes is being stopped or delayed to allow the Government to focus more time, energy and resources on the bread and butter issues facing New Zealanders.

- $1 billion in savings which will be reallocated to support New Zealanders with the cost of living
- A range of transport programmes deferred so Waka Kotahi can focus on post Cyclone road recovery
- Speed limit reduction programme significantly narrowed to focus on the most dangerous one per cent of state highways
- Second part of alcohol reform that relates to issues such as sponsorship, advertising and pricing deferred
- Not introducing legislation to lower the voting age to 16 for general elections. Instead, we will shift focus to lowering the age for voting in local body elections, which has stronger support in Parliament
- Auckland transport solutions to reduce emissions and congestion will be rolled out in stages

The second group of programmes set out add to the already announced stopping of the RNZ-TVNZ merger and biofuels mandate, and putting a hate speech law and social insurance scheme on a slower track until economic conditions allow.

"It will give Ministers and wider government more bandwidth to deal with cost of living issues and the cyclone recovery.

"The two lots of reprioritisation will save about $1 billion, which will be reallocated to support New Zealanders with the cost of living.

"That's in addition to the over $700 million in savings we reallocated to fund the petrol excise cut and half-price public transport extension through to the end of June.

The programmes that are being reprioritised include:

- Saving $568 million by stopping the clean car upgrade scheme, where households can scrap their old cars in return for a grant for a cleaner vehicle or to pay for public transport.
- Refocusing our goal of increasing and improving public transport as an alternative to driving to the five main centres of Auckland, Hamilton, Tauranga, Wellington and Christchurch.
- Significantly narrowing the speed reduction programme to focus on the most dangerous one per cent of state highways, and ensuring Waka Kotahi are consulting meaningfully with affected communities.

That means speed limits will reduce in the places where there are the highest numbers of deaths and injuries and where local communities support change. We will continue to make targeted reductions in the areas immediately around schools and marae and in small townships that a state highway runs through.

- Stopping the social leasing car scheme. The scheme was to provide leasing arrangements to low income families for clean cars but was proving difficult to implement. And several of the communities where it was to be trialled have been affected by the recent weather.
- Deferring advice on the second part of legislation looking at alcohol reform that relate to pricing, sponsorship and advertising. This will now be pushed back to April 2024, rather than come to Ministers in March this year.

These are areas that need time to investigate properly and ensure there are no unintended consequences. For example, when community groups are doing it tough, the Government doesn't want to see any restrictions on sponsorship increasing costs for community sports teams.

- Not introducing legislation to lower the voting age to 16 for general elections. Instead, we will shift focus to lowering the age for voting in local body elections.
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- Deferring work on the container return scheme that would see small refunds for returning containers. It's estimated it will add a small cost to the average household and we don't want to be imposing additional costs on families at this time.
- Deferring public consultation on a new test to determine who is a contractor and who is an employee. A recent Employment Court ruling has significant implications on the legal definition of a contractor, so rather than pushing ahead with our proposed consultation on changes we will put our work on hold until all appeals of the case are heard.

"I can also confirm today that we will roll out transport projects in Auckland in stages," Chris Hipkins said.

"Work on Auckland Light Rail will continue alongside other city-shaping investments like a second Waitematā Harbour Crossing, more rapid busways, and better connections to growth areas like the North-West.

"But just like the London Underground didn't suddenly appear fully formed, and in fact took many years to develop, Auckland Light Rail will happen in stages - with the first stage expected to be confirmed by the middle of this year," said Chris Hipkins.

"Today's announcement doesn't mean there won't be more areas we will look at. My expectation is that Ministers will continue to prioritise their own work programmes, including by re-scoping plans and amending policy where necessary," Chris Hipkins said.

- Please click on the link below for full statement Media release

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New dark sky reserve gets approval

Stuff reports that the International Dark Sky Association has approved a new dark sky reserve in the region covering South Wairarapa and Carterton districts. The international approval was achieved after a five year's long process.

Read the full story here.

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Auckland's coastal seawalls: consents or retreat?

Stuff reports that there is a new urgency to the question of whether to allow consents to private homeowners to shore-up seawalls on Auckland's coast, or if managed retreat is the better option. Some wealthy owners want to fortify properties with fortress-like rock seawalls, but as Richard Reinen-Hamill, the technical director of coastal engineering at Tonkin + Taylor, says “Historically seawalls have been the solution of choice, but no structure is permanent. It can only buy you more time". The Government has said it will introduce legislation on managed retreat before the end of 2023, which Reinen-Hamill expects will include some people having to give up their land.

Read the full story here.

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Developers threaten to pull Christchurch projects over one-way streets plan

Stuff reports that top Christchurch developers have threatened to pull-back major projects in the CBD unless Christchurch City Council nixes a $33 million plan for one-way streets in the area, especially around the new Te Kaha stadium. Philip Carter and Shaun Stockman made the threats, saying the Council was breaking promises of earlier post-earthquake rebuild documents. Supporters of the plan say it will make the CBD safer for pedestrians, along with increased greening and beautification.

Read the full story here.

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Despite $16bn cost, Govt pushing Lake Onslow power project forward

Stuff reports that Energy and Resources Minister Megan Woods said the Government will push on to develop a detailed business case for a pumped hydro scheme at Lake Onslow, despite an estimated price tag of $16 billion for the project. Minister Woods said the Government will also hedge its bets by exploring alternatives to the Lake Onslow scheme. Both paths would be

designed to ensure the country has enough electricity in “dry years” when normal hydro production is too low, preventing the need to fill the gap with fossil fuel.

Read the full story here.

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Minister McAnulty invites mayors to meeting on Three Waters reforms

Stuff reports that Local Government Minister Kieran McAnulty has invited mayors opposed to the proposed Three Waters reforms to a meeting at the Beehive to discuss the issue. The meeting will take place on March 21, 2023. Minister McAnulty has been tasked with with reconsidering the long-planned reform of fresh, waste, and storm water systems across the country,

Read the full story here.

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Overseas investors scooping up land in Auckland suburbs

Stuff reports that since September 2022, overseas investors have purchased more than $123 million worth of land in the Auckland suburbs under a pathway known as the “increased housing test” designed to encourage house building. The largest purchaser was the Neil Group, reportedly owned by Malaysian and Singaporean investors, which picked up 13 hectares of land on Trig Rd in Whenuapai for $49m.

Read the full story here.

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Six-year old finds taonga tūturu on Auckland beach

Stuff reports that six-year old Rowan Tompkins, a budding historian, found an abrader stone on an Auckland beach, which has now been officially deemed an artefact and a taonga tūturu (protected object). Rowan and his mother were visiting the Torpedo Bay Navy Base Museum, in Devonport when he found the rock, which they thought looked like a Māori fishing stone. After sending pictures of it to the Auckland Museum the family were asked to bring it in for examination. Six months later, the museum notified Rowan that the rock was “a real artefact”.

Read the full story here.

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Hamilton childcare centre to be 3-D concrete printed

Stuff reports that a Hamilton childcare centre will be the first commercial building made of 3-D printed concrete in the Southern Hemisphere. Iconic Construction is building the centre with 3-D printed concrete made by Qorox. Qorox was the first construction business in Australasia to successfully make building code compliant concrete 3D printing, which is much more environmentally friendly than traditional building.

Read the full story here.

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Man apologises for taking 23-million-year-old whale fossil

Stuff reports that a West Coast man has apologised for removing a 23-million-year-old whale fossil from the mouth of the Little Wanganui River in October 2022. Harry Jensen offered “sincerest apologies” for the “outrage and anguish” caused by the removal, which prompted wide-spread media coverage. Jensen said "...my sincerest apologies to the affected parties, chiefly the residents of the little Wanganui settlement, past and present, for the hurt felt throughout the community. To the local hapu Ngāti Waewae, the iwi Ngāi Tahu, the national museum of Te Papa and to the Otago museum I must express my deep regret at the negative publicity that this has brought upon your institutions.”

Read the full story here.

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Temporary housing company says business has “gone bonkers” since cyclone

Stuff reports that temporary housing company HouseMe says demand for short-term emergency housing units and transportable granny flats has "gone bonkers" after Cyclone Gabrielle displaced more than 10,000. Bryce Glover of HouseMe said the showroom has been inundated with people looking for temporary housing. Glover said people should talk to their local council because “Every half day, things are changing. There are council by-laws for temporary accommodation, and most councils have been more accommodating due to the crisis", but some were having issues getting approval.

Read the full story here.

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