Newslink Case-notes for May 2023 prepared 22 April 2023.

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Legal Case-notes May 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 decision on appeals relating to a determination by Auckland Council that an application for a residential development at Wainui near Silverdale was incomplete and that all relevant, interrelated applications for consent should be lodged for consent together;
- Settlement by consent of an appeal against refusal of consent by Thames-Coromandel District Council to use a decommissioned ferry in Tairua as a residential dwelling;
- An appeal against a refusal to grant consent for a proposed building extensions in a mixed residential/business area in New Plymouth;
- A further unsuccessful appeal concerning decisions of the Environment Court ("EC") and grant of resource consent to Bendigo Station Ltd ("Bendigo") for a non-complying subdivision and land use on rural zoned land at Bendigo, Central Otago;
- A request to the District Court for an indication of possible sentencing of companies which had been charged with environmental offences at Wainui, near Silverdale, Auckland and the final decision issued;
- This application for early commencement of resource consents for development of a new golf course at Muriwai, on Auckland's west coast.

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CASE NOTES MAY 2023:

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Country Lifestyles Ltd v Auckland Council - [2022] NZEnvC 247

Keywords: information required; resource consent; land use consent; declaration; retirement housing

This decision concerned three separate matters that had been heard together, but were addressed separately by the Court. The parties bringing each proceeding were related. The first matter was an appeal, brought by Country Lifestyles Ltd ("CLL"), concerning an application for consent that the Auckland Council ("the council") had returned to CLL because it was deemed incomplete. CLL had applied for land use consent to construct a "facility for older rural folk to retire to" on a 17 ha property in Wainui. The proposal was for a 17-building community, over an area of approximately 1 to 2 ha, that would comprise apartment-style buildings and villas. However, the exact number of homes within these buildings was not yet determined. The proposal also included manager's accommodation, a two-level community centre to provide facilities for the residents, and infrastructure such as additional sealed roading. The application was only for land use consent,

and CLL had acknowledged that several other consents would be required. However, CLL claimed that there would be no "overlap" between the potential environmental effects of this consent, and any other consents needed. The council determined that the application was incomplete and returned it to CLL pursuant to ss 88(3) and (3A) of the RMA 1991. In its letter to CLL, the council gave seven specific reasons why it considered the application to be incomplete; broadly, the application had insufficient information and lacked expert assessment of a number of key issues. The council also identified several additional consents which were likely to be required, and advised CLL that, given the inter-related nature of the consents, "unbundling" was not an option. If the application was to be re-submitted, the required consents would need to be considered together. CLL lodged an objection, which was considered by an independent commissioner for the council ("the Commissioner"). The Commissioner dismissed the objection, finding that the return of the application was an appropriate exercise of the council's discretion. CLL now appealed the Commissioner's decision to the Court.

The Court noted the information requirements for consent applications in sch 4 of the RMA 1991, which included an assessment of the effects in "such detail as corresponds with the scale and significance" of the effects. The activity also had to be assessed against instruments such as the Auckland Unitary Plan ("AUP") and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("NES-F"). The AUP also contained information requirements for applications (as permitted by ss 67(2)(g) and 75(2)(g) of the RMA 1991) such as scale requirements for plans and drawings, and a requirement that a proposal "be in relation to all matters for which consent is required". It appeared to the Court that CLL had desired approval for a "concept" involving retirement living, while retaining flexibility for people to design their own living areas. The Court emphasised that neither the AUP nor the RMA 1991 provided for "concept" consents - they both required that proposals provide sufficient detail.

The Court agreed with the Commissioner that the submitted plans did not meet the minimum scale requirements. It also noted that the building design details were "indicative at best", and did not illustrate elevations, scale, dimensions, heights or proposed contours. The Court said that because the activity for which CLL sought consent was a discretionary activity, it required a comprehensive assessment. It further agreed with the Commissioner that there was inadequate information regarding traffic effects, wetlands, streams, and earthworks. CLL had made numerous assertions about effects, or that there was no need for consent for some activities, but these assertions were unsupported. The Court said a "mere assertion" that something will be compliant is not, of itself, an assessment. The Court also noted that there had simply been no assessment against NES-F, as required. The Court concluded that it was not possible to determine the scale and significance of the potential effects of the proposal. The Commissioner's objection decision was well-reasoned and fair. Further, because the application did not include the "fundamental" elements of the proposal, it would not be acceptable for the council to "fill the gaps" by requesting further information under s 92. Given the Court's findings on the lack of information provided, it did not need to consider CLL's arguments about "unbundling" multiple consents. However, it said that often, the matters requiring consideration under each consent application in respect of the same development would overlap. In that case, a proposal needed to be looked at in the round with all matters considered at the same time.

The second matter concerned an application for various declarations concerning proposed earthworks on another property. The key issue was whether the proposed earthworks required resource consent, and whether they were permitted under both the land disturbance rules in the AUP and reg 54 of the NES-F. The Court concluded, based on the evidence, that it was not a permitted activity under either. It therefore declined to make the declaration sought that the activity would not breach the RMA 1991, AUP or freshwater standards. It also declined to make a declaration that there was no evidence of a wetland on the property because the evidence suggested otherwise. Accordingly, the Court also declined to make declarations sought that there was no need for assessment under the NES-F, to apply for a Certificate of Compliance, or to obtain various expert evidence or provide various information in relation to these earthworks and wetlands issues. Finally, the Court declined to make declarations that the council will not hold the applicant to higher standards than others, and that the council is required to provide its advertised "Permitted Activity Review" service to the fullest extent. The Court did not have jurisdiction to make these under s 310 because these would involve the Court directing the council on matters relating to the exercise of its functions.

The third matter concerned an application for a declaration that the council "treat as accepted" an application that one of the parties had lodged to change consent conditions relating to the operation of an existing clean fill. That party had sought the changes in order to expand the clean

fill. The council had returned this application on the basis the proposal would result in the complete or partial drainage of all or part of a natural wetland, which was prohibited under the NES-F. Since then, the council had received expert advice, and now agreed there was not a "natural wetland" and the activity would therefore not be prohibited. The council's present view was that the applicant could re-file its application to change the consent conditions, but the Court could not require the council to accept it. The issue now was not whether a permitted activity standard was complied with, but whether the application was complete. The council would need to assess the application accordingly against s 88 and sch 4. The Court concluded it would be helpful if the council reconsidered the application. However, it could not direct the council to receive it. Nor was it within the Court's jurisdiction to make a declaration that the council process the application promptly and in a professional manner. The appeal was dismissed, and the applications for declarations were declined. Costs were reserved.

Decision date 6 December 2022 - Your Environment 17 January 2023

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Tairua Beach Realty Ltd v Thames-Coromandel District Council - [2023] NZEnvC 20

Keywords: consent order; land use consent; vessel; residential

This consent order concerned an appeal against the decision of the Thames-Coromandel District Council ("the council") to refuse a land use consent to use a decommissioned ferry in Tairua as a residential dwelling. The parties had filed a consent memorandum outlining their agreement to resolve the appeal. This included several new conditions for the consent. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the council grant consent subject to the conditions agreed by the parties. There was no order as to costs.

Decision date 8 February 2023 - Your Environment 24 February 2023

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Regina Properties Ltd v New Plymouth District Council - [2023] NZEnvC 21

Keywords: height; building height; scale; amenity values; character; effect adverse; resource consent

This matter concerned an appeal against a refusal to grant consent for a proposed building extension in a mixed residential/business area because of the effects of the proposed height. Regina Properties Ltd ("the appellant") owned a commercial three-storey property in New Plymouth City. Despite the underlying business zoning, the predominant use of properties in the area was residential, with buildings typically being low- to mid-rise and one to three storeys in height. The appellant applied to New Plymouth District Council ("the council") for consent to significantly extend the property. This would involve not only the construction of a three-storey annex on one side of the property, but also the addition of a fourth storey to the existing building in order to create a rooftop residential apartment, resulting in a maximum building height of 15.4m. As this would exceed the maximum permitted height for this zone of 10m, the proposal required consent as a restricted discretionary activity. Although the council's s 42A report had recommended approval, an independent hearing commissioner for the council declined the application. The basis for the commissioner's decision was the adverse shading effects of the proposal, and that the proposal was out of character with the area. The appellant now appealed to the Court. Several nearby residents joined proceedings as s 274 parties, supporting the council's decision.

The Court noted relevant objectives in the operative district plan ("ODP") to "ensure activities do not adversely affect the environmental and amenity values of areas", to "maintain and enhance the character and coherence of the urban areas", and to "ensure the … character of the business environment is maintained", and related policies. The Court said the word "ensure" was strongly directive in nature and required decision-makers to make sure that adverse effects did not occur. It noted a specific comment recorded in the ODP regarding the amenity of business areas that said: some areas remained predominantly residential in use, despite an underlying business zoning; these had developed a character based on their predominant use; "out of scale" buildings could adversely affect this character; and it was "important to ensure that development [was] of a similar visual character in terms of bulk, height and location of development … or that any significant adverse effects [were] mitigated".

The Court ultimately reached similar conclusions to the hearing commissioner, but differed somewhat in its approach to certain assessment criteria. In terms of shading effects, the parties agreed on the extent of shading that would be caused by the extra height above the permitted

level, but differed in their interpretation of the adverse effects. Several nearby residences would receive additional shading of between 0.5 and 2.5 hours per day in certain months of the year. The Court said that, whatever view was taken as to the significance of these effects, they were plainly adverse to the amenity of these dwellings. The Court considered that the assessment of significance by the appellant's landscape architect witness had suffered from his belief that dominance and privacy effects were not relevant within this business zone. This was because "overbearing effects" were listed as a matter of discretion for the residential zone, and not the business zone, and the hearing commissioner had therefore concluded that he could not take into account any overbearing effects. However, the Court noted that the landscape witnesses in these proceedings had agreed in a joint witness statement that visual dominance or over-dominance, loss of outlook and views, loss of open space and spaciousness, encroachment on privacy and over-shadowing all fell under the umbrella of "visual amenity" effects. Accordingly, these considerations were relevant. The Court preferred the assessment of the landscape architect witness for the s 274 parties, who had concluded that the amenity effects of the height of the proposal on the most obviously affected property would be "moderate-high", taking into account the effects associated with the permitted baseline height of 10m. The Court said this was possibly even a conservative assessment. Thus, the adverse effects on amenity were more than minor and not mitigated.

The Court also agreed that the height, scale and character of the proposed building would be detrimental to the predominantly residential character of the area, which was typified by one- to three storey buildings. The Court had conducted a site visit and agreed with the commissioner's appraisal of that matter. The Court thus concluded that the proposal was directly contrary to the objectives and policies of the ODP with regard to visual amenity and character. The appeal was declined. Costs were reserved.

Decision date 9 February 2023 - Your Environment 27 February 2023

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Canyon Vineyard Ltd v Central Otago District Council - [2023] NZCA 74

Keywords: Court of Appeal; leave to appeal; kaitiakitanga; objectives and policies; interpretation; amenity values

This application for leave to appeal raised issues concerning kaitiakitanga and the proper interpretation of "contrary to" in s 104D(1)(b) of the RMA 1991 against relevant plan objectives. Central Otago District Council ("the council") had granted Bendigo Station Ltd ("Bendigo") consent for a 12-lot subdivision with residential building platforms on eight lots. The appellant, Canyon Vineyard Ltd ("Canyon"), owned an adjoining property on which there was a vineyard, cellar door, restaurant, and function centre. Canyon appealed the council's decision in the Environment Court ("EC") on the grounds that aspects of the proposal would have unacceptable visual effects when viewed from Canyon's property. The EC dismissed the appeal, granting resource consent to Bendigo and approving amended conditions. Canyon then unsuccessfully appealed in the High Court ("HC"): see *Canyon Vineyard Ltd v Central Otago District Council* [2022] NZHC 2458. Bendigo now sought leave to appeal to this Court on three questions of law.

The first question was whether kaitiakitanga, for the purposes of s 7(a) of the RMA 1991, included an individual's relationship with land, or was limited to more general evidence by rūnanga. A director and shareholder of Canyon (known as "J") affiliated to the iwi that was recognised as exercising mana whenua in the area. J's view was that the subdivision lacked kaitiakitanga because, he argued, it was driven by maximising the number of houses and it ignored the importance of a harmonious plan that integrated the landscape and Canyon's property. The Court said that the proposed question of law on kaitiakitanga would arguably be of general and public importance in a case where it may affect the outcome, but this was not such a case. The HC had found that independent evidence that kaitiakitanga required the land to remain "unspoilt" was needed. This was because J's current evidence as to kaitiakitanga conflicted with his earlier actions when he had purchased the Canyon land and agreed with the vendor that he would not oppose development on the Bendigo land. The Court found that neither the EC nor the HC had rejected J's evidence simply because it came from an individual rather than the rūnanga. Their reasons for rejecting his evidence did not give rise to an error of law.

The second question concerned the meaning of "contrary to" in s 104D(1)(b) against the relevant plan objective. That objective was "to *maintain* and where practicable enhance rural amenity values …" (emphasis added). The HC had found that the proposal would not be contrary to, in the sense of being repugnant to or antagonistic towards, the plan objectives and policies and that
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therefore s 104D(1)(b) was satisfied. Canyon now submitted that this interpretation of “contrary to” was erroneous. It argued that the normal meaning of “contrary to” meant that a development would be contrary to the maintenance of rural amenity if it “decreased the amenity”. However, the Court disagreed and found that Canyon had mischaracterised the objectives and policies of the relevant plan, as referenced in s 104D(1)(b). The Court said that the rural amenity values of the relevant plan included the built environment and contemplated development of that built environment. Relevantly, the HC had noted that the landscape category of the site was Other Rural Landscape and not Outstanding Natural Landscape (“ONL”). The evidence of one expert witness was that while the subject area had scenic qualities, it did not have the same degree of wildness and remoteness as the upper mountains that were within the ONL. The HC had accepted that a visual change to the area did not automatically equate to one that was incompatible with the surrounding environment. Canyon had thus not understood that the rural amenity values in the plan were not premised on an unchanged environment.

Finally, the Court rejected Canyon’s third question, namely whether the EC now had jurisdiction to “amend” the plan that had formed part of its final decision in order to address a purported error identified in the subsequent HC appeal. The Court reviewed the history of this plan detail, which suggested it had indeed been inadvertently omitted from the EC’s final decision. Without any other plausible inference, the Court said this omission had to have been an accidental error, and it was therefore capable of correction by the EC as suggested by the HC. The application for leave to appeal was declined. Canyon was to pay Bendigo’s costs for a standard application on a band A basis and usual disbursements.

Decision date 23 March 2023 **-** Your Environment 11 April 2023

(See previous reports in Newslink, November 2021 and March, June, November and December 2022 - RHL)

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Auckland Council v Wells Northland Ltd - [2022] NZDC 17254

Keywords: prosecution; forestry; erosion; water quality

This was a sentencing indication sought by a corporate defendant and its director, who had both been charged with offences relating to harvesting, construction of river crossings and earthworks that contravened the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (“NES-PF”).

The first defendant, Wells Northland Ltd (“WNL”), provided logging services including land preparation and harvesting. It had been contracted by another corporation, Woodmetrics Ltd (“Woodmetrics”), to undertake harvesting at a site in Upper Orewa, Wainui. The site fell within a “Significant Ecological Area” and an “Outstanding Natural Landscape”. The area was characterised by steep-sided gullies with high energetic stream systems that confluenced before discharging into the lowland of the Waiwera River. The second defendant, B Wells (“W”), was the director of WNL and had overall responsibility for forestry works at the site, overseeing the harvesting crew and taking instructions from Woodmetrics. The notice of intention to harvest the site that Woodmetrics had lodged with Auckland Council (“the council”) had provided information about the planned 20-hectare harvest and concluded that the forestry activity was a permitted activity under the NES-PF. However, according to the summary of facts provided to the Court, the works that were then carried out did not comply with the relevant permitted activity requirements in the NES-PF in relation to earthworks, river crossings and harvesting. There were a number of deficiencies, including: no or limited appropriate erosion, stormwater and sediment controls; works undertaken in close proximity to, and over, water bodies; operation of heavy machinery in close proximity to and within a water body; depositing of slash, stumps, spoil and tree stems into a water body and onto land where they may enter a water body; and installation of river crossings that were not stabilised against erosion and that induced instability. The council undertook numerous site visits between October 2019 and February 2020 and observed ongoing compliance issues. For their role in the alleged offending, WNL and W were charged with three representative charges under s 9(1) of the RMA 1991 for using land in a manner that contravened the NES-PF, being use of land for earthworks, harvesting and construction of river crossings. The two defendants now sought a sentencing indication for the harvesting and river crossing offences, but not the earthworks offence.

Regarding environmental effects, the summary of facts had recorded significantly degraded water quality, destruction of high-quality freshwater habitat across over 500 m of stream length,
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restriction of fish passage, and the “potential” of fish and frog species death. The Court noted the defendants’ submission that there was no evidence of fish or other ecology present during the offending, but said it was difficult to conceive that evidence of fish or other ecology would be obtained before or during offending. Furter, “potential” effects were appropriate matters for consideration (in addition to the water quality degradation and loss of habitat that had been established). The Court concluded that the adverse effects on the immediate environment had been significant, with moderate potential adverse effects on the wider environment.

In terms of culpability, the Court found that both defendants had been “highly careless” in their approach. Despite the defendants’ submission that they had been assured by Woodmetrics that the harvesting was in accordance with relevant requirements, the Court found that as experienced operators, they should have known about the relevant rules and regulations under the RMA 1991 and NES-PF. It was not appropriate to rely on the word of others on such matters. The Court also said their level of oversight of the operation had been deficient. Concluding that these were serious offences, the Court said it would ordinarily impose a global starting point of $80,000 to be split equally between WNL and W. Regarding discounts, the Court would hear further submissions on the question of whether a guilty plea entered after a sentencing indication should be considered “early”. It said it would allow a discount of 10 per cent for good character and co-operation, recognising that both defendants had been in business for many years without prior convictions.

A significant issue, however, was the defendants’ ability to pay a fine. WNL had ceased trading, had no means to effect payment, and was going to be wound up. W (and his wife) had been left with significant debts of the business that they had personally guaranteed. W was undertaking casual work and using his superannuation entitlements to service the debts and avoid bankruptcy. The Court required more financial information before it would determine whether a community sentence was appropriate. W had submitted that he could fulfil a community work order by continuing to volunteer at the “Riding for the Disabled” charity he already supported. However, the Court agreed with the prosecutor that if a community sentence was ordered, the Court could not direct the type of work and that this was a matter for probation services. The Court indicated starting penalties of $40,000 for each defendant. Discounts and the possibility of imposing an alternative community sentence would be determined after further information was provided to the Court. For the final sentencing, see Auckland Council v Wells Northland Ltd [2023] NZDC 2909.

Decision date 3 October 2022 - Your Environment 10 April 2023

Auckland Council v Wells Northland Ltd - [2023] NZDC 2909

Keywords: prosecution

This was the final sentencing of Wells Northland Ltd (“WNL”) and its director, B Wells (“W”) for offences related to forestry activities. For the facts of the offending, and the reasons for the Court’s sentencing indication (being a $40,000 starting point for each defendant), see *Auckland Council v Wells Northland Ltd* [2022] NZDC 17254 (“the Indication Decision”).

Both defendants had now accepted the Court’s indication. The Court now heard further submissions on whether a full 25 per cent discount for the guilty pleas should be allowed given that the pleas followed the sentencing indication. *Hessell v R* [2010] NZSC 135 was authority that a full 25 per cent credit was generally given when a person pleaded guilty “at the first reasonable opportunity”. The Court here concluded that it was not appropriate that a person who unconditionally pleaded guilty at the first or second appearance would get the same credit as someone who pleaded guilty following a sentencing indication. A sentencing indication was a substantial step in the criminal process that used time and resources. The Court determined to allow a 20 per cent discount for each defendant, in addition to 10 per cent for good character.

The Court also addressed the matter of the defendants’ capacity to pay a fine. W’s financial difficulties had been described in the Indication Decision. The Court now heard further information that W did not personally own any property, but was trustee and beneficiary of a trust that owned property. The trust had attempted to sell the property but had encountered difficulties. A further complication was that W was one of several beneficiaries, all of whom the trustees needed to consider. The Court determined to impose an alternative sentence of 130 hours of community work for W. It said there was no formula for calculating the number of hours, but it had considered all relevant circumstances in setting this penalty.

Regarding WNL, the Court noted that it still did not have a full picture of the company’s financial position. W and his family did not presently have the resources to pay for legal or accounting services to explain the company’s full position. The only information before the Court was that

WNL had ceased trading but was not in liquidation, and the shareholders were attempting to sell assets to pay creditors. Without having more information, the Court determined to impose a fine. WNL was convicted and fined $28,000. Ninety per cent of the fine was to be paid to Auckland Council. W was convicted and sentenced to 130 hours of community work.

Decision date 21 February 2023 - Your Environment 10 April 2023

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Bears Home Project Management Ltd v Auckland Council - [2023] NZEnvC 42

Keywords: resource consent; commencement of consent

This application for early commencement of resource consents concerned a new golf course, where the applicant wished to commence construction while some conditions were under appeal. The Bears Home Project Management Ltd ("BHPM") had obtained a suite of resource consents from Auckland Council ("the council") to construct a golf facility in the Muriwai Valley comprising a standard golf course, short course, clubhouse and other facilities. BHPM had commenced an appeal to challenge several conditions of consent. These included a requirement that eight land titles be consolidated into a single title within one year of commencing construction, and three covenants required to be given - prior to the golf course becoming operational - that would restrict use of the land not associated with the golf course to primary production purposes, and require protection of areas of indigenous vegetation and wetlands across the property. BHPM sought that these conditions be deleted. BHPM now also applied for an order under s 116 of the RMA 1991 authorising immediate commencement of the consents. BHPM submitted that it needed to construct and then charge a reservoir on the property over the 2023 winter season or else the project would be delayed by at least a year. This was because the reservoir would be required to support turf growth and "grow in" the golf course, and the high-flow days needed to fill the reservoir were unlikely to occur during summer months. Neither the council nor Ngā Maunga Whakahii o Kaipara Development Trust, a s 274 party to the appeal, opposed the early commencement.

The Court accepted that the timing delays, and related costs, arising from missing the construction window would be significant. It noted that BHPM had accepted the risk of proceeding, as BHPM had indicated that if its appeal were unsuccessful and the contested conditions were retained, it would either comply with the conditions or stop work and reconsider the project at that time. The Court also noted that none of the appealed conditions were relevant to establishment of the golf course, and none required implementation before construction commenced. Thus, proceeding with these works would not be impacted by the outcome of the appeal. In terms of prejudice to the parties, the s 274 period had closed and all submitters had been served with copies of this s 116 application before that time. The only party that had joined under s 274 in fact supported the s 116 application because commencement of the consent would enable implementation of kaitiakitanga responsibilities. The Court was also satisfied that there was no prejudice to the council.

The only issue was ensuring that the conditions were resolved prior to the operation of the golf course. Otherwise, the appealed conditions could be rendered nugatory or could place BHPM into immediate breach if they were retained. Rather than suspend the conditions in question, the Court preferred to make the consents wholly operative but clarify that the golf course could not become operational until the appealed conditions were resolved or further order of this Court. The application was granted. The consents were to commence forthwith, subject to the qualification regarding when the course could become operational. Costs were reserved.

Decision date 13 March 2023 - Your Environment 31 March 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: Major shakeup will see affordable water reforms led and delivered regionally

Local Government Minister Kieran McAnulty has announced major changes to New Zealand's affordable water reforms by agreeing to establish 10 new regionally led entities, which will still deliver big cost savings to New Zealand households.

- 10 new regionally owned and led public water entities to be established
- New approach avoids a rates-blow out and delivers savings to households between $2,770-$5,400 per year by 2054
- Entities will be owned by local councils on behalf of the public, and entity borders to be based on existing regional areas
- Each entity to be run by a professional board, with members appointed on competency and skill
- Strategic oversight and direction to be provided by local representative groups with every local council in the country, as well as mana whenua, getting a seat at the table

"Under our proposal to establish 10 entities New Zealand households will still make big savings, projected at $2,770 - $5,400 a year by 2054 on average within each region.

"By extending the number of publicly owned water entities to 10, every district council in the country will have a say and representation over their local water services entities through regional representative groups, forming a partnership between council representatives and iwi/Māori that will provide strategic oversight and direction to the entities.

"These groups will continue to sit below the governance board, in which each member will be appointed on merit and qualification," Kieran McAnulty said.

The water services entities will start delivering water services from 1 July 2026 at the latest. Entities are able to proceed before this if ready.

Please click on the link for full statement - Media release

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Government refers solar energy projects for fast-track consenting

Prime Minister Chris Hipkins has announced that nearly half a million solar panels across two Waikato solar farm projects, Rangiriri Solar Farm Project and Waerenga Solar Farm Project, that could reduce over 200 million kilograms of carbon pollution each year have been referred for fast-track consenting, creating up to 280 jobs.

"Solar energy helps keep household power bills lower, and delivers economic and environmental benefits across the region and nationally."

"Delivery of fast-track consenting has been a key part of the Government's strategy to accelerate economic recovery and boost jobs, while speeding up our emissions reduction."

Please click on the link for full statement Media release

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Report says 45% of NZ rivers are unsafe for swimming

Stuff reports that a new report, *Our Freshwater 2023* by Ministry for the Environment and Stats NZ reveals that 45 per cent of New Zealand's rivers are un-swimmable and 68 per cent of monitored groundwater sites failed drinking water standards at least once. The report is prepared every three years to track key metrics on New Zealand's freshwater.

Minister for the Environment David Parker said to have nearly half of NZ’s rivers classified as un-swimmable “... is something that I and most New Zealanders are not prepared to accept.”

Read the full story here

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Iwi calls for joint effort to clean up Lake Ōmāpere

Stuff reports that Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi chairperson Wane Wharerau said pollution at Lake Ōmāpere, Northland's biggest lake, has been an issue for 30 years, but the problem has become worse over time and needs to be cleaned up for good. Wharerau has called on the Government, council and community to help clean up the lake, saying "I'm calling on everybody. A lot of central Government [support] will, hopefully, be funding. Council will no doubt be looking to provide on the ground support".

Far North District mayor Moko Tepania said the Far North District Council was willing to pitch in, saying the "Far North District Council will be a willing participant on working together for solutions to restore the mauri and the mana of our lake".

Read the full story here.

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Scott base redevelopment construction to start soon

Stuff reports that Antarctica New Zealand, the company tasked with the $344 million redevelopment of Scott base, announced that the design phase was complete and construction will begin in May. Senior project manager, Simon Shelton, said "We will start with enabling works and then begin constructing the new base in the middle of the year. We're excited for this next stage of the project – seeing years of design work turn into physical infrastructure."

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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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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Local government seeks $257m investment to stop river flooding
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Stuff reports that local government is seeking $275 million from the central government to expedite projects that would strengthen rivers and prevent flooding. Greater Wellington Regional Council chairperson and Local Government NZ (LGNZ) regional representative Daran Ponter said regional councils have pulled together about 90 “urgent shovel-ready projects” that could be completed faster with additional funding.

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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Nations secure U.N. global high seas biodiversity pact

March 5 (Reuters) - Negotiators from more than 100 countries completed a U.N. treaty to protect the high seas on Saturday, a long-awaited step that environmental groups say will help reverse marine biodiversity losses and ensure sustainable development.

The legally binding pact to conserve and ensure the sustainable use of ocean biodiversity, under discussion for 15 years, was finally agreed after five rounds of protracted U.N.-led negotiations that ended in New York on Saturday, a day after the original deadline.

"The ship has reached the shore," the U.N. conference president, Rena Lee, said after a marathon final day of talks.

The treaty is seen as a crucial component in global efforts to bring 30% of the world's land and sea under protection by the end of the decade, a target known as "30 by 30" agreed in Montreal in December.

Economic interests were a major sticking point throughout the latest round of negotiations, which began on Feb. 20, with developing countries calling for a greater share of the spoils from the "blue economy", including the transfer of technology.

An agreement to share the benefits of "marine genetic resources" used in industries like biotechnology also remained an area of contention until the end, dragging out talks.

The European Commission, the executive arm of the European Union, hailed the agreement as a "historic moment".

"With the agreement on the UN High Seas Treaty, we take a crucial step forward to preserve the marine life and biodiversity that are essential for us and the generations to come," said Virginijus Sinkevicius, the European commissioner for the environment, oceans and fisheries.

Greenpeace says 11 million square km (4.2 million square miles) of ocean needs to be put under protection every year until 2030 to meet the target.

Very little of the high seas is subject to any protection, with pollution, acidification and overfishing posing a growing threat.

"Countries must formally adopt the treaty and ratify it as quickly as possible to bring it into force, and then deliver the fully protected ocean sanctuaries our planet needs," said Laura Meller, a Greenpeace oceans campaigner who attended the talks.

"The clock is still ticking to deliver 30 by 30. We have half a decade left, and we can't be complacent."

Sweden, which was involved in the negotiations as the holder of the EU's rotating presidency, said the agreement was the "most important international environmental deal" since the 2015 Paris Agreement on tackling climate change.

"It is also a victory for the UN and the global system that we have managed to deliver such an important agreement at a very challenging time," Swedish Foreign Minister Tobias Billstrom said in a written statement.

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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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Operators of Kamo Wildlife Sanctuary go into liquidation

Newshub reports that Big Cats Ltd, the operator of the Northland Kamo Wildlife Sanctuary has gone into liquidation. Director of Big Cats Ltd, Janette Vallance, said "The important thing is that the cats are fine and being looked after. Their welfare is unaffected. I'm working through several options at this point and will be in contact with people who have made bookings ahead for the coming weeks".

Read the full story here.

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Hamilton seeks "unitary" council

Stuff reports that Hamilton City Council has made a submission to the nationwide Review into the Future for Local Government to create a "super-city". Hamilton mayor Paula Southgate said the Council wants to see a “Hamilton-Waikato sub-region” unitary council based on fast-growing Hamilton, Waikato district, Waipā and Matamata-Piako. Hamilton's submission falls on the heels of a similar submission for a "super-city" made this week by Christchurch City Council.

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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Waiheke Island: Algae causes stink and possibly illness

Stuff reports that algae that has washed up on Waiheke beaches not only smells terrible, but could also cause illness. Decomposing algal bloom is forcing residents of the Hauraki Gulf island to close their windows and some are complaining of headache and burning eyes. Auckland Council’s Tarn Drylie said the algae can produce toxic compounds and cause skin, eye and respiratory irritation.

Read the full story here.

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Kaipara mayor called "irresponsible" for stance on climate change, Cyclone Gabrielle

Stuff reports that Kaipara mayor Craig Jepson is under fire after making comments on stating he does not think climate change intensified Cyclone Gabrielle. Mayor Jepson said he wants to see the science proving the cyclone was made worse by climate change and said "In my view, weather's cyclic and we've had these events before. These events keep repeating themselves. My

belief is the science is not definitive". Far North deputy mayor Kelly Stratford criticised the mayor's statements as irresponsible and short-sighted.

Read the full story here.

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Analysis: How did Hutt City end up in such a financial pickle?

Writing in *Stuff* journalist Nicholas Boyack, who has been covering the Hutt City Council for 30 years, discusses the reasons the council has a backlog of infrastructure projects and, in particular, broken water infrastructure, it cannot fund and an increasingly concerning level of debt. Boyack reveals that "As of December 31, council debt was $247.8m and for 2023/24 it is forecast to be $400m. By 2027-28 it could reach $868m. For a council that collects $130m in rates, that is a lot of debt".

Read the full item here.

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Two previously extinct native plant species rediscovered in Auckland

Stuff reports that two native plant species that were thought to be extinct have been rediscovered in Auckland. Juncus caepiticius, a grassy rush and Leptinella rotundata, a creeping herb were previously classified as extinct have now been reclassified as "regionally critical". The discovery was made by an Auckland Council in a plant diversity assessment project, which collected data over the last decade.

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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Three wallaby sightings investigated in Marlborough

Stuff reports that there have been three reported wallaby sightings in the Marlborough region since July 2022. Marlborough District Council received a report of a sighting in July above Ngākuta Bay and there were two sightings in January, one at Te Hoiere Pelorus Sound and the other in central Picton. Wallabies are considered a pest as they eat tree seedlings and native plants, and also compete with livestock over pasture.

Read the full story here.

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Climate groups call for investigation of council housing plans, say plans will prevent NZ from meeting carbon targets

Stuff reports that a coalition of climate groups is calling on the Environment Minister to investigate council housing plans that are to be built on previously undeveloped land, known as "greenfield development". The groups argue that greenfield developed housing plans will prevent New Zealand from meeting its carbon targets for 2050 and say that providing homes on already developed land, a process known as "intensification", creates fewer greenhouse gas emissions.

Read the full story here.

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New council passive housing units expected to drop power bills by 90%

Stuff reports the a new Dunedin City Council passive housing unit project is expected to save tenants money by dropping the cost of power bills by 90 per cent. The 10-unit project was built by Stevenson & Williams and designed by architect Tim Ross of Architype in Dunedin, who said

“From a sustainability point of view, there was a desire to incorporate passive house principles, including high levels of insulation and balanced heat recovery ventilation units.”

Read the full story here.

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700-house development on former prison site awaiting fast-tracked consent

Stuff reports that Kara Puketapu-Dentice, chairperson of the Port Nicholson Block Settlement Trust has confirmed plans to build around 650 to 700 homes on the former prison site at the top of Mt Crawford, with a cable car connection to Shelly Bay. The priority for the land would be getting iwi members into affordable housing. The proposal is awaiting a fast-tracked resource consent, which does not require public consultation.

Read the full story here.

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