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

- The Environment Court decision on an appeal involving a proposed residential development on an undersized lot in the Rural - Taieri-Plain zone of the Dunedin City Council district plan;
- Two further court decisions relating to disputes between a development company in the Palmerston North area. One relates to watermain construction and the other to designation of a proposed road;
- An iwi trust seeking leave to appeal decisions of Gisborne District Council on matters relating to rights and interests in fresh water;
- This matter considered two proceedings, an appeal against refusal of Heritage New Zealand Pouhere Taonga to decline an archaeological authority and whether Kapiti Coast District Council had statutory power to list a new scheduled area of significance to Māori in the district plan as part of an intensification planning instrument ("IPI") process;
- The final decision on an appeal against grant of a subdivision consent near Slopehill Road, Wakatipu Basin by Queenstown Lakes District Council. Parts of the appeal related to non-compliance with district plan rules and existing registered consent notice conditions.

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CASE NOTES JUNE 2023:

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Gray v Dunedin City Council - [2023] NZEnvC 45

Keywords: residential; rural residential; density; activity non-complying

This appeal involved a proposal for a residential development on an undersized lot and whether it met an exception for undersized lots in the Dunedin City Council 2GP ("2GP") where the activity would result in "a significant contribution to the enhancement or protection of biodiversity values". The appellants had sought resource consent from Dunedin City Council ("the council") for a proposal that entailed a single storey dwelling and restorative indigenous vegetation planting on a rural-zoned 2.8 ha lot. The plantings would cover an area of approximately 8,340 m^2, and the balance of the site would continue to be used to grow grass for cut and carry. Density performance standards required a minimum site size of 25 ha, and failing to meet this standard triggered non-complying activity status. This also triggered a policy to "avoid" such undersized residential activity in the rural zones unless an exception in Policy 16.2.1.7.Y ("Exception Y") applied. That exception was where "the residential activity will be associated with long term land management and/or capital investment that will result in ... (ii) a significant contribution to the enhancement or protection of biodiversity values". The appellants had prepared an Environment Management Plan with input from an ecologist and submitted that the proposal would meet Exception Y. However,

the council declined to grant consent. It determined that substantial ecological values had to exist on the site in order for the exception to apply, and found that the site held no such pre-existing values. The appellants now appealed that decision.

The Court firstly addressed an issue concerning the "long term land management and/or capital investment" aspect of Exception Y. It disagreed with the council's suggestion that this "one-off" planting proposal - which would cost around $60,000 and be completed over a 12-month period - did not qualify as it was not a long-term capital investment. The Court said that Exception Y did not require ongoing capital investment. Instead, it was the alternative "land management" that was required to be long-term. The Court found support for this in the specific examples given in the 2GP's "guidance on the assessment of resource consents" for contraventions of the density standard.

The Court then determined that a site did not need to have pre-existing "significant" biodiversity values for Exception Y to apply. The council's stance was difficult to accept given the Strategic Objective in the 2GP of "all indigenous biodiversity having improved connections and improved resilience". Although the "special information requirements" for this type of consent application required "an ecological assessment of the *significance* of the site" (emphasis added), the Court said that "the information requirements for a resource consent application cannot influence the interpretation of the policy framework" as contended by the council. The Court therefore agreed with the expert planners that the "baseline" for evaluation of the pre-existing site was its biodiversity values (not necessarily "significant") and it was satisfied that in this case, the site had existing biodiversity values that were able to be enhanced by the restoration proposal. In considering whether the proposal would make "a significant contribution" to the enhancement of biodiversity values as required by Exception Y, the Court noted that the 2GP required assessment at a "local level". The Court preferred the assessment of the appellants' ecologist to that of the council in this respect. Further, the experts had agreed that undertaking indigenous restoration planting on land environments that retained less than 10 per cent indigenous vegetation was important. Here, only 2.9 per cent was retained, and the planting would increase the extent of indigenous vegetation by 14 per cent. The Court found that the proposal would make a significant contribution.

The Court also addressed an apparent disparity between 2GP provisions in that there was another alternative limb to Exception Y (not relied upon by the appellants) where residential activity would result in "significant positive effects for rural productivity". The council submitted that this proposal would bring no positive effects for rural productivity (as only a biodiversity proposal was being offered) and this would result in a negative impact on rural productivity such that the proposal should be viewed as being directly contrary to the rural productivity limb. The Court noted that both alternative limbs were enabling in their language and meeting one limb was sufficient for the exception. Further, while a biodiversity proposal would necessarily result in some displacement of rural productivity (and this entailed some inconsistency with 2GP objectives of maintaining rural productivity), there was only a "minor" degree of tension in this case. The appeal was allowed. Consent was granted and the appellants were directed to consult with the council and submit the final set of conditions.

Decision date 14 March 2023 Your Environment 4 April 2023

Gray v Dunedin City Council - [2023] NZEnvC 52

Keywords: residential; rural residential; resource consent; conditions

This was the Court's final decision concerning the appeal it had recently allowed in *Gray v Dunedin City Council* [2023] NZEnvC 45, granting a resource consent to the appellants. The parties had now agreed on a set of conditions of consent, which the Court confirmed.

Decision date 29 March 2023 – Your Environment 18 April 2023

(Note - The decision explains that the site is zoned "Rural - Taieri-Plain" in the Dunedin City Council 2GP (2GP). Density performance standards require a minimum site size of 25 ha for a residential activity with some exceptions that were not applicable to this application.)

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Aokautere Land Holdings Ltd v Palmerston North City Council - [2023] NZHC 356

Keywords: High Court; resource consent; conditions; subdivision; water supply; strike out
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This matter involved a dispute between the Palmerston North City Council ("the council") and a property developer, Aokautere Land Holdings Ltd ("ALH"), as to whether the council had assumed certain obligations that ALH was required to meet under its resource consent when the council took title to certain works completed by ALH.

ALH had obtained resource consents for a staged subdivision in Palmerston North and was required to construct the necessary infrastructure, including roading and a watermain that was to be situated under a road. The council was to eventually take title to these works. It was common ground that ALH was required to construct the watermain between 1 and 1.5 metres below the finished level of the road (in order to prevent damage to the watermain from traffic). An issue arose between ALH and the council as to the quality of ALH's workmanship on the watermain. In December 2017, the parties met and then recorded a number of matters in a written letter ("the 2017 letter") intended to confirm the matters discussed and agreed at that meeting. Following the 2017 letter, the council took title to a part of the road and watermain that had been completed as part of "Stage 1" of the development, and took title to the *watermain only* in the "Stage 2" part of the development. At that time, the Stage 2 part of the road had not yet been sealed and the watermain was only about 250 mm below ground level of that unsealed section. Later, the council put ALH on notice that the Stage 2 section of the watermain was at an insufficient depth and needed to be rectified. ALH claimed that the council had assumed responsibility for rectifying the depth in the 2017 letter. Ultimately, ALH carried out the repair works itself at a cost of around $19,000. It then sought a range of relief from the Court including a declaration that the council had assumed responsibility for this matter, an action in negligence, an action for breach of statutory duty, an estoppel claim, and relief under the "inherent jurisdiction of the Court". The council now applied to strike out ALH's claim.

ALH conceded that if it had not been released from its obligations in respect of the Stage 2 watermain, none of its causes of action could succeed. The key issue was therefore whether that obligation had shifted to the council. ALH did not allege that the 2017 letter was incomplete or inaccurate, and the 2017 letter therefore stood alone.

The Court could not find any arguable basis for the council having released ALH from its Stage 2 watermain obligations. The 2017 letter discussed matters other than the watermain, and the only specific mention of the watermain was limited to the need for further disinfection of the watermain before it could be connected to the council's reticulated supply. The Court rejected ALH's submission that the parties' agreed deletion, in the 2017 letter, of "condition 6", which had until then required ALH to provide written confirmation by an approved surveyor or engineer that the works met the council's engineering standards, had meant the council had accepted the watermain as compliant. Rather, this just meant that the council had dispensed with that requirement, which made sense because at that time the council was of the opinion that the watermain had not been completed to the required standards. The council had also only agreed to delete condition 6 in order to advance the completion of Stage 1. The Court did not agree that in accepting vesting of the Stage 2 watermain, the council had accepted all extant deficiencies. The Court also noted that the Stage 2 resource consent, which was issued *after* the 2017 letter, required a depth of between 1 and 1.5 metres, and ALH accepted that requirement when it accepted and acted upon the terms of its Stage 2 consent. As the watermain obligations had not shifted to the council, the Court concluded that none of ALH's causes of action could succeed. The application for strike-out was granted. Costs were ordered on a 2B basis, plus disbursements.

Decision date 28 February 2023 – Your Environment 20 March 2023

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Aokautere Land Holdings Ltd v Palmerston North City Council - [2023] NZEnvC 35

Keywords: requiring authority; designation; public work; road

This appeal challenged the extent of a proposed designation and whether it was reasonably necessary for achieving the purposes of a road connection project outlined in the notice of requirement ("NoR"). Palmerston North City Council ("the council"), as territorial authority, had confirmed a NoR it had issued for a public work – a new road – in its district. The NoR sought to designate an area of land zoned "Residential" in order to provide a new road link between Abby Road and Johnstone Drive, Palmerston North. The designation area shown in the NoR extended beyond the identified "roadworks" area to also include a neck of land lying between that area and the boundary of Manga o Tane Reserve ("the Reserve"). The appellant, Aokautere Land Holdings Ltd, owned land affected by the NoR and opposed it on the basis that the sizing and alignment of
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this designation went beyond what was reasonably necessary for the works. Specifically, it argued that the land beyond the roadworks area up to the Reserve had been included in order to facilitate access to the Reserve, rather than to provide an area necessary for the road connection. It submitted that this was a "collateral" function not commensurate with the notified purposes.

The activity description in the notifying instrument was "to enable roading access" between Abby Road and Johnstone Drive. This was further elucidated as "[p]reserving and providing an efficient and logical connection between Abby Road and Johnstone Drive". The council argued that the alignment chosen, including the extension up to the Reserve boundary, had been directly influenced by factors such as: better road gradients; better connectivity with the Reserve; sufficient space for the recommended landscaping mitigations; and necessary fill work associated with the roadworks. It submitted that these aspects of the project fell within the stated purpose because they related to considerations of "efficiency and logic". The NoR's purpose was not to create a "bare minimum" connection, and it was "logical" for the council to take the opportunity to interconnect its roading network and its reserve network so as to avoid an illogical residual parcel of non-contiguous land resembling an awkward gap. Further, it argued it was incumbent on a requiring authority in any project to ensure that the configuration of the requirement allowed it to provide for mitigations (in this case, landscaping measures).

The Court stressed that it was apparent from the NoR documentation that the roadworks area identified in the designation was *indicative* only. The NoR explained that in projects such as this, it was usually only possible to provide a "conceptual" design in this early stage. The designation thus showed the conceptual "corridor" within which the road would be constructed. Further detail would be provided at a later stage in an outline plan submitted under s 176A of the RMA 1991. The Court cited authority that some tolerance should be allowed, and said it was appropriate to have some "inbuilt flexibility" regarding final design and construction, including ancillary work. The Court concluded it was "efficient and logical" (to use the words expressed in the NoR purposes) to include within the proposed designation land which might potentially be required for the purposes of physical road formation, landscaping and effects mitigation. The alternative would be for the council to have no flexibility. The full corridor proposed was therefore appropriate. The appeal was declined. Costs were reserved in favour of the council.

Decision date 01 March 2023 – Your Environment 23 March 2023

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Te Whānau a Kai Trust v Gisborne District Council - [2023] NZCA 55

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

This application for leave to appeal raised a question as to whether the Environment Court ("EC") had jurisdiction under the RMA 1991 to recognise Māori proprietary interests in freshwater. The Te Whānau a Kai Trust ("the Trust") was a representative entity of the iwi of Te Whānau a Kai. It challenged a decision of Gisborne District Council ("the council") on submissions it had made on the Regional Freshwater Plan ("the Freshwater Plan"). The Trust essentially sought recognition in the Freshwater Plan of the customary rights and interests (including proprietary interests) of Te Whānau a Kai in relation to freshwater. It also sought provisions requiring the council to resource Te Whānau a Kai both financially and with technical assistance. The Trust unsuccessfully appealed to the EC (see *Te Whānau a Kai Trust v Gisborne District Council* [2021] NZEnvC 115) and the High Court ("HC"), which upheld the EC's findings (see *Te Whānau a Kai Trust v Gisborne District Council* [2022] NZHC 1462). Now, the Trust sought leave to appeal to this Court on the basis there was a question of law capable of serious argument that was also of general or public importance.

The first ground of appeal was a challenge to the EC's and HC's finding that the EC did not have jurisdiction under the RMA 1991 to recognise proprietary interests in freshwater and therefore could not direct the inclusion of provisions in the Freshwater Plan which recognised such interests. The Court found that while it would have "no hesitation" in finding that this raised a matter of general or public importance, in the Court's view it was not seriously arguable that the HC had erred in upholding the EC's finding. That is, while the RMA 1991 provided for consideration of the Treaty of Waitangi, the relationship of Māori with their ancestral lands and water, and kaitiakitanga, this did not give the EC jurisdiction to determine underlying issues of native title or ownership of land. The focus of the RMA 1991 was on the *management* and *use* of natural resources, not their underlying ownership. No specific provisions of the RMA 1991 conferred jurisdiction, and nor was
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this implicit in provisions such as s 6(e) (recognition of the relationship of Māori and their culture and traditions with their ancestral lands and water as a matter of national importance).

This finding as to jurisdiction was also strongly supported by the legislative history of the RMA 1991; the Crown had decided to exclude ownership of resources from the scope of the legislation, even after Māori representatives had raised the issue constantly throughout the law reform process between 1988 and 1990. The Court acknowledged a 2019 finding by the Waitangi Tribunal as part of the National Freshwater and Geothermal Resources Inquiry that the Crown's refusal to recognise Māori proprietary rights during the development of the RMA 1991 was a breach of Treaty of Waitangi principles. However, the Court said this proposed appeal was not the appropriate vehicle to revisit the law reform process or provide a remedy for any breach of the Treaty. It was appropriate to pursue that via other legal or political avenues.

The Court also dismissed two other grounds of appeal challenging the HC's upholding of the EC's evidential finding that, in case the EC was wrong that it had no jurisdiction to recognise proprietary interests, there was insufficient evidence to establish that Te Whānau a Kai had tikanga-based proprietary rights in freshwater in its rohe. The Court concluded that while the correct formulation of the evidential test for the existence of tikanga-based proprietary rights was a question of law of general or public importance, in this case it was "academic" given the Court's findings on the jurisdiction matter.

The fourth ground of appeal concerned the EC's and HC's finding that there was no power in the RMA 1991 to prescribe funding directions in a regional plan, and that this logically fell to be dealt with under the Local Government Act 2002 ("LGA"). The Court agreed and said it would be inappropriate for the EC to circumvent or cut across the LGA framework for decisions about funding and expenditure. Finally, the Court rejected the fifth ground of appeal that the HC had erred in upholding the EC's adopted definition of "tikanga Māori". The Trust had unsuccessfully argued that the EC should add the word "laws" to "Māori customary values and practices". The Court saw no obvious error; the EC (which comprised an EC Judge, a Māori Land Court Judge and an Environment Commissioner) had had regard to the evidence and taken into account the need for consistency with existing definitions of "tikanga Māori" in other instruments. There was also clear Supreme Court authority that although the RMA 1991 definition of "tikanga Māori" did not specifically mention laws, it was not to be read as excluding laws. Leave to appeal was declined. The Trust was to pay the council costs for a standard application on a band A basis and usual disbursements.

Decision date 13 March 2023 – Your Environment 24 March 2023

Te Whānau a Kai Trust v Gisborne District Council - [2023] NZEnvC 47

Keywords: property rights; regional plan; Māori land; water

This was the final decision of the Court concerning the appeal by Te Whānau a Kai Trust on the proposed Gisborne Regional Freshwater Plan. Following the Court of Appeal's recent decision declining leave to appeal the matter, the appeal in this Court was confirmed as resolved as set out in *Te Whānau a Kai Trust v Gisborne District Council* [2021] NZEnvC 115.

Decision date 17 March 2023 - Your Environment 5 April 2023

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Waikanae Land Company Ltd v Heritage New Zealand Pouhere Taonga - [2023] NZEnvC 56

Keywords: ultra vires; residential; district plan change; Māori values

This matter considered whether a council had statutory power to list a new scheduled area of significance to Māori in the district plan as part of an intensification planning instrument ("IPI") process. Waikanae Land Company Ltd ("WLC") proposed to develop five new residential lots at Waikanae Beach. The proposal was subject to two proceedings in the Court – first, an appeal against a decision of Heritage New Zealand Pouhere Taonga to decline an archaeological authority required for the project, and second, a direct referral to the Court from Kapiti Coast District Council ("the council") in respect of an application for subdivision and land use consent. A key factual dispute in both proceedings was whether the site was wahi tapu, being part of an urupa known as "Karewarewa". However, as a preliminary matter, WLC had also asked the Court to rule on the potential impact of Plan Change 2 ("PC2") to the operative district plan ("the Plan"). PC2 was an IPI notified by the council to incorporate the Medium Density Residential Standards ("MDRS") as required by the RMA 1991. The MDRS had been incorporated into the RMA 1991 to
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address housing unaffordability and supply by setting more permissive land use regulations that enabled intensified housing development. However, the MDRS provisions also permitted an authority to make standards “less enabling” of development in order to accommodate recognised “qualifying matters”, which relevantly included matters of national importance (s 77I). In notifying PC2, the council had included areas in Schedule 9 of the Plan, which presently identified 43 Sites and Areas of Significance to Māori, as “qualifying matter” areas. Further, the council had purported to amend Schedule 9 itself by listing Karewarewa urupa as a new qualifying matter area in the Schedule. Listing the site in Schedule 9 would have several consequences; first, the site (and therefore WLC’s proposal) would become subject to additional Plan policies; second, a number of activities commonly associated with residential development (such as earthworks, planting and building a dwelling) that would otherwise be permitted would now be restricted discretionary or non-complying; and finally under the IPI process, there was no right of appeal to the Court against the council's determination on WLC's submission opposing PC2. WLC sought a ruling from the Court that listing this area in Schedule 9 through the IPI process exceeded the council's statutory power. The Court firstly agreed that it had capacity to make such a ruling and it was unnecessary to do so via a declaration pursuant to ss 310 and 311. Those sections created an originating jurisdiction, but in this case the matter under consideration was already before the Court through the direct referral process.

In assessing the council's power to list the site via the IPI process, the Court considered the meaning of “IPI” in s 80E. This meant a district plan change to not only incorporate the MDRS, but also to “amend or include … related provisions … that support or are consequential on the MDRS” (s 80E(1)(b)(iii)(A)). While the term “related provisions” in turn appeared to be extremely wide (and included “qualifying matters”), the Court found there was an inherent limitation in the expression “that support or are consequential on the MDRS”. The Court further found that inclusion of the site in Schedule 9 did not support the MDRS but rather “actively preclude[d]” operation of the MDRS. Nor was this “consequential on” the MDRS. The purpose of the IPI process was to impose on residential-zoned land more permissive standards for permitted activities. Changing the status of activities which were permitted on the site went well beyond just making the MDRS and relevant standards “less enabling” as contemplated by s 77I. PC2 "disenabled" or removed the rights which WLC presently had under the Plan to undertake various activities commonly associated with residential development as permitted activities. The inclusion of the site therefore exceeded the council’s power in the IPI process. The Court finally noted that the council was entitled to change the Plan to include the new Schedule 9 area using the usual RMA 1991 sch 1 processes. The inclusion of the site in Schedule 9 via PC2 was ultra vires. Costs were reserved.

Decision date 30 March 2023 – Your Environment 20 April 2023

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Brial v Queenstown Lakes District Council - [2023] NZEnvC 57

Keywords: resource consent; subdivision; rural residential; objectives and policies; visual impact; conditions

This was the Court’s final decision on an appeal against the granting of consent for a two-lot subdivision in the Wakatipu Basin. Queenstown Lakes District Council (“the council”) had granted resource consent to a couple known as the Blacklers (“the applicants”) to subdivide approximately 8 ha of land into two lots of approximately 4 ha each, each with a residential building platform. The appellants, who were neighbours, appealed the council’s decision. The Court issued an interim decision in 2020 confined to “community-scale” issues (such as whether the proposal had unacceptable effects on landscape and rural amenity values or was contrary to relevant objectives and policies). The Court found that the proposal satisfied the requirements of the RMA 1991 on all matters determined at that stage, while leaving aside various other grounds of appeal concerning how the proposal would impact the appellants more directly as neighbours (see *Todd v Queenstown Lakes District Council* [2020] NZEnvC 205). An appeal by the appellants against that decision was dismissed by the High Court in 2021, and leave to appeal to the Court of Appeal was declined in 2022. The matter was now remitted back to this Court for determination of all remaining matters. In these proceedings, three key issues remained outstanding.

The first issue concerned a prior consent notice that had been registered on title in 1997 as a condition of a subdivision and land use consent granted at the time. That consent notice limited the number of dwellings on the subject lot to one, which would preclude the applicants from carrying out their current proposal. Therefore, as part of their application for the proposal, the applicants
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had applied to the council under s 221 of the RMA 1991 for cancellation of this consent notice condition, which the council had granted. The appellants challenged this on the grounds that the 1997 consent notice had intended to signal that no further development of the site was appropriate beyond what was then consented. However, the Court disagreed and found there was nothing in the evidence as to the circumstances that prevailed when the condition was imposed that would suggest it would not be appropriate to cancel the consent notice. Neither the consent notice nor the associated consent decision revealed anything as to what environmental values were sought to be protected by the condition. There had also been several material changes in circumstances since that time that supported cancellation. First, there had been a change in approach to management of landscape values under the district plan, with the site now part of a new Wakatipu Basin Rural Amenity Zone. Further, the immediate receiving environment was now considerably more developed with the establishment of a number of dwellings in the immediate area. For these reasons, cancellation allowed for the consideration of the proposal on its merits by reference to the current planning framework and environmental setting. The Court was also satisfied that the environmental impact from cancelling the consent notice would be minor, referring to its interim decision on the factors that satisfied it that the proposal sufficiently maintained openness in a way sympathetic to landform and ensured absorption of this land use change.

The second issue concerned plan integrity issues. In its interim decision, the Court had found that granting consent would not impact on the integrity of the proposed district plan ("PDP"). In relation to a new policy in the PDP to "[r]equire an 80 ha minimum net site area be maintained", the Court had found that while this proposal inherently could not accord with that policy because the site was already less than 80 ha, the proposal was not condemned and was still able to be consented. Nevertheless, the appellants now submitted that the proposal would impact on the integrity of the PDP's new framework. The Court said that nothing raised in these submissions caused it to revisit its interim findings on plan integrity.

The final issue concerned direct amenity effects of the proposal on the appellants as neighbours, such as effects on privacy, on outlook, and as a result of the proposed vehicle accessways. After considering the nature of the effects, the Court concluded that, adjudged from a benchmark of what the PDP intended and what could be reasonably anticipated in such a rural lifestyle enclave, the proposal would properly maintain amenity values and the qualities of this neighbourhood environment. It found that the proposed conditions were sufficient and noted that the applicants had made several concessions to the appellants in the final version of conditions (such as additional planting for mitigation and reduced building height). The appeal was declined, except insofar as necessary to modify consent conditions as proposed by the applicants. Costs were reserved.

Decision date 30 March 2023 - Your Environment 21 April 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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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 unswimmable 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 unswimmable "... 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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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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Christchurch City Council fined $7000 over stinky compost plant

Stuff reports that Environment Canterbury (ECan) has now issued eight infringement notices to Christchurch City Council with fines of $7000 over the odour emitted by a stinky compost plant.

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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.

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Govt announces start date and five plan options for Auckland Harbour crossing

Stuff reports that Prime Minister Chris Hipkins has announced that construction on a second Auckland Waitematā Harbour crossing will begin in 2029, 11 years earlier than expected. The Prime Minister also unveiled five different scenarios for the new crossing, all of which include light rail from the city centre to the North Shore and beyond, as well as accommodations for walking and cycling.

Read the full story here.

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Rising Antarctic ice melt will dramatically slow global ocean flows, study finds

SINGAPORE, March 29 (Reuters) - Rapidly melting Antarctic ice is dramatically slowing down the flow of water through the world's oceans, and could have a disastrous impact on global climate, the marine food chain and even the stability of ice shelves, new research has found.

The "overturning circulation" of the oceans, driven by the movement of denser water towards the sea floor, helps deliver heat, carbon, oxygen and vital nutrients around the globe.

But deep ocean water flows from the Antarctic could decline by 40% by 2050, according to a study published on Wednesday in the journal Nature.

"That's stunning to see that happen so quickly," said Alan Mix, a paleoclimatologist at Oregon State University and co-author on the latest Intergovernmental Panel on Climate Change assessments, who was not involved in the study. "It appears to be kicking into gear right now. That's headline news."

As temperatures rise, freshwater from Antarctica's melting ice enters the ocean, reducing the salinity and density of the surface water and diminishing that downward flow to the sea's bottom.

While past research has looked at what could happen to similar overturning circulation in the North Atlantic - the mechanism behind the doomsday scenario that would see Europe suffer from an Arctic blast as heat transport falters - less has been done on Antarctic bottom water circulation.

Scientists relied on around 35 million computing hours over two years to crank through a variety of models and simulations up to the middle of this century, finding deepwater circulation in the Antarctic could weaken at twice the rate of decline in the North Atlantic.

"They are massive volumes of water... and they are bits of the ocean that have been stable for a long time," said study co-author Matthew England, an oceanographer at the University of New South Wales, in a news briefing.

BASE OF THE FOOD CHAIN
The effect of meltwater on global ocean circulation has not yet been included in the complex models used by the IPCC to describe future climate change scenarios, but it is going to be considerable, England said.

Ocean overturning allows nutrients to rise up from the bottom, with the Southern Ocean supporting about three-quarters of global phytoplankton production, the base of the food chain, said a second study co-author, Steve Rintoul.

"If we slow the sinking near Antarctica, we slow down the whole circulation and so we also reduce the amount of nutrients that get returned from the deep ocean back up to the surface," said Rintoul, a fellow at Australia's Commonwealth Scientific and Industrial Research Organisation (CSIRO).
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The study's findings also suggest the ocean would not be able to absorb as much carbon dioxide as its upper layers become more stratified, leaving more CO2 in the atmosphere.

The study showed that warm water intrusions in the western Antarctican ice shelf would increase, but it did not look at how this might create a feedback effect and generate even more melting.

"It doesn't include the disaster scenarios," said Mix. "In that sense, it's actually kind of conservative."

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Bell Block subdivision plan attracts hundreds of submissions

Stuff reports that a $200 million, 113 home housing development planned for Bell Block, New Plymouth has attracted a lot of interest, with hundreds of submissions lodged. Submissions to the New Plymouth District Council closed on March 22, and council staff are processing around 200 responses.

Read the full story here.

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Analysis: Three strikes against David Parker's RMA reforms

Stuff has published an article by Roger Partridge, chairperson and a co-founder of The New Zealand Initiative, analysing the odds of Environment Minister David Parker's Resource Management Act reforms passing. Partridge says there have been three significant interventions that make that highly unlikely.

Read the full analysis here.

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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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