Newslink Case-notes for July 2023 prepared 21 June 2023.

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Legal Case-notes July 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:

- If a subdivision development is intended to be undertaken in stages – this case involving a development in Auckland highlights some of the difficulties caused by default conditions and lapse of consent before the survey plans for all stages are submitted for approval under Section 223 RMA;
- Settlement by consent order of an appeal on the provisions of the Proposed Waikato District Plan addressing the policy framework for the Motorsport and Recreational Zone, which applied to the Hampton Downs Motorsport Park;
- Settlement by consent order of an appeal against decisions of Whangārei District Council in relation to a private plan change in the Ruakākā/Marsden Point area. This decision related to upgrading of existing roads within the plan change area.
- A decision on costs sought by Auckland Council, on appeals resulting from rejection of an application for consent to establishment of a retirement living development at Wainui in the northern part of the city area, on the basis of incomplete information;
- A decision on costs in favour of Queenstown Lakes District Council following an unsuccessful appeal against the council's process for community consultation on a proposed variation to its proposed district plan;
- A decision of the Environment Court on costs following an 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.

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CASE NOTES JULY 2023:

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Exotic Developments Ltd v Auckland Council - [2023] NZEnvC 104

***Keywords**: costs; subdivision; survey plan*

This costs decision concerned a discontinued application for declarations against Auckland Council ("the council"). In February 2021, Exotic Developments Ltd ("EDL") had lodged an application for survey plan approval under s 223 of the RMA 1991 for stage 3 of a staged subdivision. The council rejected this, maintaining that it had to decline the application because the related subdivision consent had lapsed by March 2017. EDL sought declarations from the Court that a two-year extension to the lapse date granted by the council to a third-party purchaser in September 2016, combined with EDL's interpretation of how the five-year lapse period for a staged subdivision operated pursuant to ss 125 and 223, meant the application for survey approval was required within five years of the date of that extension. However, EDL then discontinued the application for declarations after it applied for a new, retrospective subdivision consent.

The council now sought a costs award of $4,801, or 33 per cent of its costs. Although the matter had not proceeded to a hearing, it argued that bringing the proceedings had been unnecessary because the issues raised were already settled. It also claimed that EDL had not taken up the reasonable alternative option of applying for a new subdivision consent when that was first offered to it by the council.

The Court concluded that while aspects of the declarations sought had simply sought confirmation as to the wording of the RMA 1991, which was not appropriate, it also accepted EDL's argument that at least part of the issues raised had substance and had not been previously determined by the Court. That is, a subdivision consent with specified stages, together with a relevant condition that set out how the stages were to be treated for the purposes of s 223 approvals, was distinguishable from another case previously determined by the Court. The application had therefore not been entirely unnecessary. The Court also found that the settlement process had not been straight-forward; EDL had raised concerns about the impact of a new consent on its existing infrastructure approvals and the prospect of a retrospective consent was not discussed until after the Court's intervention. The Court's intervention therefore ultimately assisted in a resolution, and it was not the case that EDL had declined a clear settlement option. Finally, the Court was satisfied that EDL had not further lengthened the proceedings by only discontinuing its declarations application after it was satisfied that the application for new consent had been accepted for processing by the council. The council's application for costs was accordingly refused.

Decision date 18 May 2023 – Your Environment 8 June 2023

(Without access to the full records of this case, I cannot be sure what happened with this subdivision consent or its progression towards completion. A subdivision consent has different time-lines from land use consents that may not be well understood by those who usually deal with land use applications. It may be that the applicant and its advisors did not anticipate that default time periods in the RMA could impact possible slower progress during "Covid" disruptions and the need to anticipate the effects of delays for a development being undertaken in stages. Unless the staging intention has been incorporated in the application and the effects of staging the works and completion through to plan approval and deposit properly considered, problems can occur. The default time periods should be considered and where possible a later lapse date should be sought at the time of application or variation of conditions sought when delays to the completion date are expected. – RHL)

The vital RMA provisions are:

125 Lapsing of consents
(1) A resource consent lapses on the date specified in the consent ***or, if no date is specified****,—*
(a) 5 years after the date of commencement of the consent, if the consent does not authorise aquaculture activities to be undertaken in the coastal marine area; or… ***(****emphasis added* **- RHL.)***

223 Approval of survey plan by territorial authority
(1) An owner of any land may submit to a territorial authority for its approval, a survey plan in respect of that land if—
(a) a subdivision consent has been obtained for the subdivision to which the survey plan relates, and that consent has not lapsed; or….

224 Restrictions upon deposit of survey plan
No survey plan shall be deposited for the purposes of section 11(1)(a)(i) or (iii) unless—
(h) less than 3 years has elapsed since the territorial authority approved the plan under section 223.
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Hampton Downs (NZ) Ltd v Waikato District Council - [2023] NZEnvC 101

Keywords: consent order; district plan proposed; recreation

This consent order concerned an appeal on the provisions of the Proposed Waikato District Plan ("PDP") addressing the policy framework for the Motorsport and Recreational Zone, which applied to the Hampton Downs Motorsport Park. The parties had filed a consent memorandum outlining their agreement to partially resolve the appeal. This involved: the inclusion of a new definition that addressed activities related to the motorsport and recreation functions of the zone (but were not motorsport or recreation events or facilities) to ensure that these were provided for, and associated amendments to clarify these as permitted activities; increasing the maximum permitted total gross
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floor area for industrial use and removing prescriptive percentage limits for different types of activities; refinements to height and building coverage rules; and other minor changes.

The parties had agreed that one remaining appeal point concerning a permitted activity standard for setbacks from roads, the expressway, and other zones would be resolved as part of a separate appeal being pursued by Waka Kotahi NZ Transport Agency, which was seeking different amendments to the same standard. Pursuant to s 279(1)(b) of the RMA 1991, the Court ordered, by consent, that the PDP was amended as agreed by the parties. There was no order as to costs.

Decision date 18 May 2023 – Your Environment 06 June 2023

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Marsden City Ltd Partnership v Whangārei District Council - [2023] NZEnvC 67

***Keywords**: consent order; private plan change; district plan change; zoning; subdivision; traffic; traffic safety*

This was a further consent determination concerning appeals against the decision of the Whangārei District Council ("the council") on Private Plan Change 150 ("PC150") to the Whangārei District Plan ("WDP"). The purpose of PC150 was to rezone a 127 ha block of land in the Ruakākā/Marsden Point area from industrial activity zonings to urban (business and residential) zonings, and to include a new town centre precinct. The council had approved PC150 but with some modifications that were then appealed. The Court had issued an earlier consent determination resolving appeal points related to external roading, wastewater and other aspects (see *Marsden City Ltd Partnership v Whangārei District Council* [2023] NZEnvC 5). This consent determination now dealt with internal roading, namely the council's inclusion of a standard requiring full upgrade of existing streets prior to subdivision, development or land use on safety and infrastructure grounds. This determination would resolve the appeals in full.

The parties had agreed that the upgrade rule would be retained but in an amended form, and also agreed to add a new rule to specifically address the upgrade of intersections. This amended rules package still required existing roads to be upgraded, but took a more nuanced approach to when and how those upgrades happened - moving away from an approach where *all* existing roads would require upgrading before *any* development, and instead requiring sectors to be upgraded alongside development of the adjoining land in a staged way. The parties' s 32AA evaluation noted that the key relevant objectives were ensuring development was supported by appropriate infrastructure, and promoting high quality urban design. The parties' assessment of reasonably practicable options concluded that the agreed option was the most efficient and effective for achieving the objectives. It was recognised that development would still be supported by appropriate infrastructure, but that it was unnecessary and inefficient to require all roads to be upgraded before any development because this could stymy development by placing too much responsibility on the first landowner or developer who wished to develop or subdivide even a minor land area. The parties also proposed a number of consequential or "tidying up" amendments, including to ensure that the WDP was workable and compliant with the National Planning Standards. The Court agreed that the proposed amendments were justified, met the relevant objectives and policies, and were consistent with the council's decision. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the WDP be amended as agreed by the parties. There was no order as to costs.

Decision date 19 April 2023 – Your Environment 9 May 2023

(See previous report in Newslink April 2023 – RHL)

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Cossens v Queenstown Lakes District Council - [2023] NZEnvC 90

Keywords: costs

This costs matter followed the Court's substantive decision in Cossens v Queenstown Lakes District Council [2022] NZEnvC 206, in which the Queenstown Lakes District Council ("the council") had been successful in defending its position against an applicant, J Cossens ("C"). C had broadly sought "declaration and enforcement" against the council to direct the council to cease its community consultation on a proposed variation to the proposed Queenstown Lakes District Plan concerning landscape issues. C had submitted that the council's approach to consultation and methodology regarding landscape values were incorrect. The Court determined to strike out most

of the application on the grounds it disclosed no reasonable case, and also declined to grant the remaining relief sought. The council now sought costs of $1,764 (for use of in-house counsel) plus disbursements of $200 (for its strike-out application fee). C opposed any award on the grounds his application had pertained to matters of public interest.

The Court noted that the application had effectively compelled the council to be involved, given its statutory planning authority responsibilities. The council had been plainly successful. C's application had also been substantially misconceived. A further factor weighing in favour of an award was the injustice of the council's expenses falling on ratepayers. The Court was not aware of anything that precluded an award towards in-house counsel costs of the nature sought, and it agreed that using in-house counsel had also been efficient and proportionate.

Regarding quantum, the Court agreed that applying the District Court scale was appropriate, and it accepted Category 2 as the correct category given that the council had used in-house counsel, there had been no assistance by counsel on retainer, and the matter had not gone to hearing. However, it considered that a slightly reduced quantum was more appropriate. For in-house counsel, an award should not exceed actual costs, the rationale being that utilising in-house counsel often results in increased cost-efficiency to the extent that scale costs do exceed actual costs. The Court was unable to determine actual costs incurred in this case, but considered a more conservative award of $1,500 appropriate, plus $200 for the strike-out filing fee. C was therefore ordered to pay the council costs of $1,700.

Decision date 12 May 2023 – Your Environment 30 May 2023

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Country Lifestyles Ltd v Auckland Council - [2023] NZEnvC 95

Keywords: costs

This matter concerned applications for costs by Auckland Council ("the council") in respect of three different legal proceedings. The parties who brought each proceeding were related. In its substantive decision, the Court had found in favour of the council in respect of all three matters: see *Country Lifestyles Ltd v Auckland Council* [2022] NZEnvC 247. The council now sought costs against the other parties. For all three matters, the Court recognised that the council had been successful and the general principle that it was not appropriate that council costs fall on ratepayers. The Court then considered each matter separately.
The first proceeding had been an appeal by Country Lifestyles Ltd ("CLL") against the council's decision to return CLL's resource consent application for the construction of a retirement living facility because the application was deemed incomplete. The Court agreed with the council that that the application was deficient. It was not possible to determine the scale and significance of the potential effects of the proposal, and fundamental information had not been provided. CCL's appeal was dismissed. The council now submitted that it had incurred legal costs in that appeal of $52,892, and it sought an award of $17,454, or 33 per cent of its costs (being the top of the "comfort zone"). The Court accepted the council's submission that CLL had been unsuccessful both at first instance and on appeal, in which the Court had found the first instance decision of the hearing commissioners for the council to be well reasoned and fair. The Court accepted 33 per cent as an appropriate amount and ordered CLL to pay $17,454.

The second proceeding had been an application for declarations by C Wedd ("W") related to earthworks to form a farm access track on a property at Wainui. The issue under consideration was whether the proposed earthworks required resource consent and whether they were a permitted activity under the relevant planning instruments. The Court declined to make any of the declarations sought, finding the earthworks were not permitted. It also found that several of the directions sought were misconceived or beyond the Court's jurisdiction. The council now submitted that it had incurred legal fees of $60,378 and expert witness fees of $9,586, and it sought a total award of $29,511. This figure represented indemnity costs (100 per cent) in relation to the expert fees, and $19,924 of the legal costs (approximately 33 per cent, or top of the "comfort zone"). The Court agreed that it was appropriate to make an award of 33 per cent of the legal costs. It noted that the proceedings had been voluminous and required considerable time and effort from the council to respond to the various allegations and assertions. Regarding expert fees, it also agreed that the council had shouldered the burden of providing adequate expert evidence in these proceedings, particularly in relation to erosion and sediment control issues. W had not provided appropriate evidence and the Court had needed to rely on the council's evidence. It therefore agreed that indemnity costs were warranted for the expert fees. The council's $9,586 amount for
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expert fees was mostly for independent witnesses but also included an amount of $1,518 for a council employee who gave evidence, calculated from her hourly charge-out rate. Citing authority that it was legitimate to pursue cost recovery where a council officer gave evidence that assisted the Court, the Court agreed that these costs could be recovered.

The third proceeding had been an application for declarations by InfoTech Accountants Ltd ("InfoTech") concerning an application it had made to amend the conditions of resource consent for an operational clean fill. The council had returned this on the basis the proposal would result in the drainage of a "natural wetland", which was prohibited. Since then, the council had received expert advice and then acknowledged that there was not a "natural wetland" and the activity would therefore not be prohibited. With the parties then agreeing that it was no longer necessary for the Court to decide on a declaration concerning whether the activity was prohibited, the Court found that the remaining declaration sought - that the council treat the application as accepted for processing - was not within the Court's jurisdiction. The council now submitted that it had incurred legal costs of $24,447, and it sought an award of $6,111 (or 25 per cent). The Court agreed that it was appropriate to make an award of 25 per cent, but reduced the amount to $5,000 in recognition that the council had somewhat belatedly accepted that the activity was not prohibited and the first declaration was not required. The three parties were ordered to pay costs to the council of $17,454, $29,511 and $5,000 respectively.

Decision date 15 May 2023 – Your Environment 01 June 2023

(See previous report in Newslink May 2023 – RHL)

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Gray v Dunedin City Council - [2023] NZEnvC 75

***Keywords**: costs; public interest*

This costs matter involved a question of whether costs should be awarded against a council authority that had been unsuccessful in defending its decision to decline resource consent. Dunedin City Council ("the council") had declined consent for a residential development on an undersized lot because, the council found, the proposal did not meet an exception for undersized lots in the Dunedin City Second Generation District Plan ("2GP") where the residential activity would be associated with long-term land management that would result in "a significant contribution to the enhancement or protection of biodiversity values". On appeal, the Court disagreed with the council and it granted consent (see Gray v Dunedin City Council [2023] NZEnvC 45). The successful appellants now sought costs of $61,215, representing 50 per cent of their total appeal costs. They submitted that the council had acted unreasonably and pursued reasoning that was irrational and unreasonable. In opposing costs, the council argued that this matter had involved a contentious issue of public interest and had been a test case for a key provision in the 2GP, and that the appeal had allowed the Court to deliver a judgment that now assisted the council and the community with understanding the parameters of that 2GP provision.

The Court considered the well-established principle that costs were not to be awarded against a statutory decision-maker in the absence of special circumstances. However, it considered that an award of costs was appropriate here. While the Court had not been overly critical of the council's approach, the appellants had modified their proposal after the council's decision to refuse consent, in order to address the council's concerns. However, in the appeal the council had then taken a position on essentially the same grounds as raised at the original council hearing. There were also some situations in which the council's position was seemingly at odds with the expert evidence presented, including a joint witness statement of the planners. Other relevant factors included: that the council had made reference, late in proceedings, to documents to which the Court did not give weight, such as 2GP User and Style Guides and guidance notes for the National Policy Statement for Highly Productive Land; that the council had overstated reliance on another decision relating to another site, which was irrelevant because the factual circumstances were different; and that the council had made unhelpful arguments about a further non-statutory "true exception" test. Finally, the Court did not agree that this matter was a "test case", and found that the appellants had focused on their own proposal rather than pursuing an altruistic wish to have the law clarified. Regarding quantum, the Court found that higher-than-normal costs were not warranted. It determined that an award of approximately 30 per cent was reasonable. Some of the claimed costs needed to be removed, such as costs incurred when the parties were in direct negotiations. From an adjusted total of $114,187, the Court determined to award costs of $34,256 to the appellants.
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Decision date 1 May 2023 - Your Environment 19 May 2023

(See previous report in Newslink June 2023 – RHL)

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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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Otira Tunnel Centenary – Heritage New Zealand

The new edition of this magazine contains an article celebrating the centenary of completion of the Otira rail tunnel which created the rail link between the South Island's east and west coasts. The article emphasises the challenges of the tunnel's construction and in particular highlights the difficulties of providing the essential survey control to ensure accurate tunnelling work.

Heritage NZ Powhere Taonga Magazine, Issue 169 Winter 2023

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Increased development contributions will stymy Hastings housing projects: developers

Stuff reports that developers are unhappy with a Hastings District Council plan to significantly increase development contributions from 2023-24 – in some cases by 97 per cent. Developers warn that the increases will become a disincentive to housing development, hindering efforts to address housing supply issues. However, the council maintains that the fee increases are needed to fund critical infrastructure required to service rapid growth in the district.

Read the full story here.

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Prime Minister opens Auckland's new $1 billion motorway

Stuff reports that the Puhoi to Warkworth motorway, under construction since 2016, has been "officially" opened by Prime Minister Chris Hipkins. Waka Kotahi doesn't yet have an exact opening time or day that the motorway will be open to traffic.

Read the full story here.

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Chunk of Government's climate fund yet to be spent

Radio New Zealand reports that tens of millions of dollars earmarked for government climate change projects are yet to be spent. The unused money affects a range of projects, including initiatives to burn less fossil fuel and use more renewables.

Read the full story here.
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Beehive: Forgotten World Highway improvements continue with construction of new bridge

Construction of a new bridge is underway on the Forgotten World Highway, east of Stratford, which is part of a package of improvements that will boost local tourism and economic activity in the area, Associate Minister of Transport Kiri Allan announced today.

"Our regions are the backbone of Aotearoa and it's exciting to see the Kahouri Stream Bridge project get underway in such a picturesque part of the country," Kiri Allan said.

"The Forgotten World Highway is not only an iconic tourist route, but also an important link for mana whenua, local communities, and businesses.

"The bridge is part of a $30m investment by the Government towards improvements for the Forgotten World Highway that will attract more tourists to the area and boost economic activity by an estimated $35 to $45 million, helping to create new jobs in the area.

- Please click on the link for full statement Media release

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Iwi reject Kermadec Ocean Sanctuary proposal

The *New Zealand Herald* reports that iwi have almost unanimously voted to reject the Government's latest Kermadec Ocean Sanctuary proposal. The vote was a huge setback in Government's efforts to establish the long hoped for ocean sanctuary. Environment Minister David Parker said the vote was disappointing.

Read the full story here.

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NZ must free up land, expand housing supply to ease home affordability - IMF

(Reuters) - New Zealand needs to keep increasing the supply of houses to address housing affordability, which is still a concern, the International Monetary Fund said on Wednesday, adding that land should be freed up to promote investment.

"The cyclical downturn in (house) prices does not imply that the structural housing shortage has been addressed. There is a strong need to expand housing supply, including for social housing to improve affordability," the IMF said in a statement issued after its "Article IV" review of New Zealand policies

New Zealand house prices have fallen roughly 16% since their peak in November 2021 as the central bank has aggressively hiked the cash rate with the intent of dampening inflation. However, New Zealand still has one of the highest house-price-to-income ratios in the world.

The IMF report said while prices have fallen, financial stability risks appear contained.

It added that achieving long-term affordability depends critically on freeing up land supply and improving planning and zoning, and fostering infrastructure investment to enable fast track housing developments and reduce construction costs and delays.

More broadly, the IMF said that New Zealand's economic growth is expected to slow to 1% annually both this year and next while inflation will likely gradually decline to be between 1% and 3% by 2025.

"Risks to the outlook stem from the external environment and a potential need for stronger tightening of monetary and financial condition," it said.

For the latest news visit Reuters.com

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Kawerau locals fed up with brown tap water

The *New Zealand Herald* reports that Kawerau locals are angry that their tap water continues to pour out brown, with a resident saying "it's like slime". The issue has been occurring since 2018 and residents report it causes skin irritation, is terrible to drink and dirties washing. One local has called for an independent investigation of the water supply.

Read the full story here.

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Natural evolution: Record Galapagos deal sparks clamour for eco-friendly debt swaps

LONDON, June 11 (Reuters) - The record $1.1 billion debt-for-nature swap Ecuador just pulled off to protect its unique Galapagos Islands is creating a clamour among other nature-rich but cash-poor countries eager to follow suit.

While a number of governments already had plans in the pipeline before Ecuador's success, those who put these types of deals together say that breaking the $1 billion barrier has fundamentally changed what is possible.

At their simplest, in debt-for-nature swaps a country's government bonds or loans are bought up by a bank or specialist investor and replaced with cheaper ones, usually with the help of a multilateral development bank "credit guarantee".

As those guarantees protect buyers of the new bonds if the country isn't able to pay the money back, the interest rate is lower, allowing the government involved to spend the savings on conservation.

Credit Suisse banker Ramzi Issa, who was involved in the Galapagos deal and a key architect of other recent transactions in Belize and Barbados, described this as a holy grail for eco-finance experts.

Ecuador has committed to spend about $18 million dollars annually for at least the next 20 years on conservation in the Galapagos, the remote islands whose unique animal life inspired Charles Darwin's Theory of Evolution.

"I think this transaction in particular, which is unprecedented in many ways - in size, in funding and in terms of the environmental commitments - has got people saying, ok this is now a real thing," Issa said.

"What we have seen is that conversations that we had in the past and that went sideways for some time have been reinvigorated, and some of those that were moving along have been accelerated," he added.

The growing appetite comes as record numbers of developing world governments face debt pressures due to higher global interest rates.

Gabon is expected to be the next country to seal a swap in the coming weeks, but the model is also starting to produce offshoots.

Ilan Goldfajn, president of the Inter-American Development Bank, which provided the credit guarantee for the Galapagos deal, said recently that it is working on a debt-for-climate swap, where the savings would go towards climate change adaptation schemes.

Scott Nathan, the head of the U.S. International Development Finance Corporation (DFC), which provided the political risk insurance for the Ecuador and Belize deals - another key tool in lowering borrowing costs - said debt-for-health and debt-for-gender equality were also possibilities.

"There is no shortage of opportunities," Nathan said. "We want to be as innovative as possible."

NEXT MILESTONE

Debt-for-nature swaps are not new. There have been around 140 over the past 35 years, but even including last month's super-sized Galapagos deal they have only involved around $5 billion of debt altogether.

Such initiatives are expected to receive more backing later this month, when French President Emmanuel Macron and Barbados' Prime Minister Mia Mottley host a summit in Paris to discuss climate and developmental financing.

The top-level attendees will be urged to do more, not only debt swaps, but also by providing foreign exchange guarantees and automatic debt-payment breaks for countries hit by climate-related disasters.

As well as Gabon, a handful of other African countries are also working on debt-for-nature deals bankers say, as is Sri Lanka and a clutch of Caribbean and Indian Ocean islands.

Credit Suisse's Issa believes a multi-country swap will be the next big milestone though.
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Colombia, Costa Rica, Ecuador and Panama have set up the Eastern "Tropical Pacific Marine Corridor", which could soon see the world's largest transboundary marine biosphere established.

Kenya, Mozambique, Tanzania, Seychelles and others are also creating a "Great Blue Wall" in the Western Indian Ocean where every single coral reef is at risk of collapse in the next 50 years.

"Seeing something that has a group of countries involved would be amazing," Issa said. "Logistically it is more complex but the likely impact would be tremendous," he added, explaining how countries often have very different debt profiles.

Ecuador says it is eyeing another transaction to capitalise on the halo effect from the Galapagos deal. Conservationists hope it will focus on protecting more of the country's share of the Amazon rainforest.

Some of those directly involved in last month's swap think it would make sense to let the market absorb that one before going ahead, but DFC's Nathan believes countries should strike while the iron is hot.

"Sitting back and waiting when there are opportunities out there doesn't make any sense to me," he said. "We are going to keep pushing forward."

For the latest news visit Reuters.com

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NZ King Salmon reaches settlement on moving farm to colder waters

06/06/2023

Radio New Zealand reports that NZ King Salmon has reached a mediated settlement with Department of Conservation and the McGuinness Institute on objections to move salmon farming into deeper, colder waters in Cook Strait. Acting chief executive Graeme Tregidga said "We are delighted that the parties to the appeal have agreed to amended consent conditions and have sought that the Environment Court make orders by consent".

Read the full story here.

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Analysis: A Northland shipwreck has been labelled an environmental time bomb - so why is the Government refusing to act?

Writing in *Stuff* Mike White investigates the "scary and confounding" story of the RMS Niagara, which many say is on the brink of causing the country's worst ever environmental disaster, and delves into the reasons why the Government is refusing to do anything to address it.

Read the full item here.

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Sewage overflowing into Auckland river

Stuff reports that sewage is overflowing into an Auckland river, Henderson Creek, almost three times more than the limit allocated to water providers. The creek had 100 wastewater overflow incidents in a one-year period

Read the full story here.

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