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

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Legal Case-notes August 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:

- Settlement of an appeal against refusal by Auckland Council of consent for development to create 17 residential units and subdivision of a property at Glendowie, Auckland;
- An unsuccessful application to the Court of Appeal for leave to appeal a High Court decision about identification of a property at Hastings as a site of significance in a proposed district plan;
- A preliminary determination by the Environment Court about whether public notification by Wellington City Council of a proposed development property in central Wellington had adequately identified the property;
- An application for change of an enforcement order resulting from a prosecution for unapproved works near Selwyn river, due to a change of circumstances;
- Resolution by consent order of an appeal against refusal of consent by Dunedin City Council to subdivision and development of a property at Wakari;
- An appeal, upheld in part against a decision of Dunedin City Council to identify a larger part of a property at Waitati as an area of "significant natural landscape" in its proposed district plan.

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CASE NOTES AUGUST 2023:

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69 Roberta Avenue Ltd v Auckland Council - [2023] NZEnvC 126

Keywords: consent order; residential; subdivision

This consent order concerned an appeal against a decision of Auckland Council ("the council") to decline consent for a 17-dwelling development and subdivision. The reasons for the council's decision were that the adverse effects were unacceptable (including that the form and intensity did not accord with the planned suburban built character anticipated in the zone) and the proposal was inconsistent with some of the key policies and objectives for this zone. Following mediation, the parties had agreed on a modified proposal and filed a consent memorandum setting out their agreement to resolve the appeal. The modified proposal involved 15 dwellings, rather than 17, additional setback, and removal of certain earthworks to enable retention of existing hedging and increased landscaping around the road interface, improving residential amenity. The consent conditions also required a number of consent notices in favour of the council (requiring tree protection and also restricting the establishment of further dwellings for 30 years).

The Court noted that it was difficult for the Court to assess whether the modified proposal was sufficient to support the grant of consent. Without having heard any evidence, it said it was at least "logical" that the reduced number of dwellings would reduce the intensity and that the landscaping

measures could improve amenity, and it acknowledged the steps taken to address the hearing commissioners' concerns about setbacks. It relied on the parties' assessment, noting that the council was a party to this settlement and would have considered the issues raised by the commissioners. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the land use and subdivision consents were granted, subject to the conditions agreed by the parties. There was no order as to costs.

Decision date 21 June 2023 – Your Environment 12 July 2023

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Raikes v Hastings District Council - [2023] NZCA 264

***Keywords**: Court of Appeal; leave to appeal; Māori culture; cultural values; district plan proposed*

This was an application for leave to appeal against the decision of the High Court ("HC") in *Raikes v Hastings District Council* [2022] NZHC 3075, in which the HC dismissed an appeal against a decision of the Environment Court ("EC") that a 70 ha site was a wāhi taonga or site of significance under the proposed Hastings District Plan ("PDP"). This leave application was brought by affected landowners ("the applicants") and was opposed by both Hastings District Council ("the council") and the Maungaharuru-Tangitū Trust ("MTT"), an interested party representing a collective of hapū.

In 2018, the EC had issued an interim decision confirming that the site was a wāhi taonga and determining the rules to apply to that site (and others). In a first appeal to the HC in 2019, the HC had agreed that the EC had not performed the required analysis, and remitted the matter back to the EC for further consideration, calling for the EC to undertake more precise analysis. In 2021, the EC issued a revised decision, concluding that the site a wāhi taonga. On further appeal in 2022, the HC upheld the EC's revised decision. The applicants now sought leave to appeal that HC decision. The Court noted that in order to grant leave for a second appeal, it had to be satisfied that either the appeal involved a matter of general or public importance, or a miscarriage of justice may have occurred, or may occur unless the appeal was heard. The appeal had to raise one or more questions of law that were capable of bona fide and serious argument.

A key question of law submitted by the applicants was whether the HC had been correct in its interpretation and application of the provisions of pt 2 of the RMA 1991. The applicants argued that private land could not be designated as a wāhi taonga on the basis of either spiritual or metaphysical associations with the land, or historical use of the land by tangata whenua where those past activities had left no tangible artifacts or other physical traces. The Court agreed that this was a question of public or general importance, but did not consider it capable of bona fide and serious argument. It was "self-evident" that ss 6, 7 and 8 required decision-makers to have regard to, and provide for, connections between hapū and their ancestral lands of a cultural, spiritual and historic nature as well as other more tangible connections. The applicants' arguments that the spiritual and cultural values invoked were "beyond reason", being associations between places and gods or concerning mythical acts, were misconceived. The question of whether tangata whenua had a sufficient cultural, traditional and/or spiritual connection to particular land was a matter that could be established by evidence. It was the existence and significance of the beliefs, not their "correctness", that was relevant. The courts below had considered this and it was not the role of this Court on a second appeal to revisit the assessment of the evidence. Regarding historical uses, the Court said it was not seriously arguable that the RMA 1991 only permitted protection of a site as wāhi taonga on the basis of historical uses if and only if there were tangible artifacts or other physical traces of those uses. The existence of cultural and traditional connections based on historical uses could be established by evidence.

Finally, the Court disagreed that there was any appearance of a potential miscarriage of justice. The HC, in its second decision, had not failed to ensure that the EC had followed the HC's earlier directions to carry out the required analysis. Rather, the second HC decision had carefully considered the EC's revised decision. The Court also said that to the extent that the applicants were now challenging the PDP's restrictions on activities on the site, these could not be the subject of a challenge on a second appeal to this Court because these had not been challenged in the courts below. The application for leave to appeal was declined. The applicants were ordered to pay costs to the council and MTT for a standard application on a band A basis, with usual disbursements.

Decision date 29 June 2023 – Your Environment 07 July 2023
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Re MFC Development Ltd Partnership - [2023] NZEnvC 123

Keywords: public notification

This was a preliminary determination of whether statutory notification requirements had been satisfactorily discharged by Wellington City Council ("the council") in relation to public notification of a proposed land development in Wellington. The Court was to consider the proposal under s 87G of the RMA 1991, and several s 274 parties had sought a preliminary ruling on whether the public notice that had been issued by the council had adequately described the "location" of the proposed activity (as required by s 2AB and the prescribed form for the notice, being Form 12 of the Resource Management Forms, Fees, and Procedure) Regulations 2003).

The council had given a single street address of "110 Jervois Quay, Wellington Central". In considering whether this was adequate, the Court looked to other documentation, such as the notification decision report and the s 87G notice of motion, and associated affidavits. The street address given in the public notice was in fact a nominal *future* address for the development, and the Court was struck by the range of possible street addresses presently associated with this site (as it was located on a block bounded by Wakefield Street, Harris Street and Jervois Quay). The Court considered that using a single future address to describe the location was "somewhat of a lottery". Further, the Court noted that the other documentation consistently referred to the location by using additional descriptors such as "the former Michael Fowler Centre carpark" and the "temporary building occupied by the Royal New Zealand Ballet". The use of these descriptors to orientate the reader made sense given the complexity of the street addresses. The Court found that the council should have taken the same approach in the public notice, and it had not adequately described the location. This deficiency was also not remedied elsewhere in the notice, which had simply described the proposal as "Construction of a Central Area building within a listed Heritage Area". The Court also commented that "some caution" should perhaps be exercised when citing *future* addresses as this may cause problems for people using mapping tools like Google Maps or Apple Maps.

The Court acknowledged that re-notification was likely to have implications in terms of costs and time delays. However, it also took into account the possible prejudice to parties who might have submitted on the application but did not do so because the location description was deficient and they were not prompted to enquire further. The Court also addressed a submission by the council that re-notification would not offer much assistance because the purpose of notification was for "the council to receive further information relevant to the issues for determination on the substantive application" and in this case the issues already traversed in submissions and s 274 notices were wide-ranging. The Court countered that this Court had previously said that it was concerned to ensure that the notification purpose of enabling "adequate participation by persons who may be affected by a proposal" was maintained. The public notice did not meet the statutory requirements. The Court was unable to grant consent for a proposal that should have been, but was not, publicly notified. Costs were reserved.

Decision date 20 June 2023 _ Your Environment 10 July 2023

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Dewhirst v Canterbury Regional Council - [2023] NZEnvC 120

Keywords: prosecution; enforcement order; consent order; change in circumstance

This matter concerned an application to change an enforcement order that had been made as part of sentencing. In 2020, the applicants were sentenced for offences concerning unlawful works on a river bed (including disturbing the bed, erecting a structure (gravel bund) in the bed, excavating the bed in breach of consent conditions, unauthorised diverting of water, and damaging, destroying or removing flood control vegetation). Part of the sentence imposed included an enforcement order for remedial and enhancement works (see Canterbury Regional Council v Dewhirst [2020] NZDC 16469). Now, the applicants applied under s 321 of the RMA 1991 to amend the enforcement order. Canterbury Regional Council (“the council”) did not oppose this and had signed a joint memorandum in support of the application. The parties explained that the applicants had used their best endeavours, and incurred considerable cost, in applying for the authorisations needed for the remedial and enhancement works, as required by the order. However, for “reasons beyond the applicants’ control”, it had become apparent that it was not feasible to obtain these authorisations. The parties considered that the council was better placed to undertake some of the works, being

removal of sections of the bund, because of the existing authorisations it held. The council had now in fact undertaken those works, and the applicants had directly paid for those works in recognition that it was appropriate for the applicants to bear those costs. The council was now satisfied that the appropriate environmental outcome had been achieved. Further, the council considered that, due to the passage of time, the further works required by the order (being establishment of gravel groynes and interplanting of willows) were now unlikely to provide the environmental benefits first envisaged. Instead, it would be more appropriate to let natural processes continue to operate. The parties therefore sought that the order be amended to delete the requirements for both the removal works and further works, and to replace them with a new prohibition on any planting on the remnant of the bund. The parties also submitted that in view of the costs incurred by the applicants in endeavouring to obtain the necessary authorisations and then in paying for the bund removal, there would be no need to revisit the sentencing outcome because the sentencing purpose for which the order was originally made would still be achieved. The Court noted that s 321 conferred a broad discretion to amend an enforcement order. It was satisfied that granting the amendments sought was appropriate, noting the parties' agreement that the sentencing outcome and appropriate environmental outcomes would be met. It was satisfied that the situation had changed since the order was made. Pursuant to ss 321, 279(1) (6), 314 and 339(5), the Court made the amended orders, by consent.

Decision date 12 June 2023 - Your Environment 5 July 2023

(See previous reports in Newslink May and December 2019, November 2020 and March 2021 – RHL)

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Morrison v Dunedin City Council - [2023] NZEnvC 122

Keywords: consent order; subdivision

This consent order concerned an appeal against a decision of Dunedin City Council to decline an application for subdivision and land use consents that would create an additional lot for the establishment of a dwelling on the proposed site. The parties had filed a consent memorandum outlining their agreement to resolve the appeal, which involved updated consent conditions. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the resource consents were granted subject to the conditions agreed by the parties. By consent, there was no order as to costs.

Decision date 14 June 2023 - Your Environment 6 July 2023

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Norrish v Dunedin City Council - [2023] NZEnvC 116

Keywords: landscape protection; view; amenity values; forest indigenous

This appeal by a landowner challenged a decision of Dunedin City Council ("the council") to map a larger area of his property as "significant natural landscape" under the Second Generation Dunedin City District Plan ("2GP") than had previously been mapped as "landscape conservation area" under the operative district plan ("ODP").

The appellant, B Norrish ("N"), owned 80 ha of land around 7 km south of Waitati. The appeal was focused on the southern, steeper slopes of the site which consisted of tall pine plantations and lower-height indigenous vegetation. When the ODP was formed, certain ridges identified as having landscape values that merited protection were included in the Flagstaff–Mt Cargill Landscape Conservation Area ("the LCA"). In a 2002 appeal to this Court, N and the council had resolved their dispute over the LCA boundary by consenting to a boundary at the 420 m elevation contour line on N's property. More recently, the decisions version of the new 2GP had included a greater extent of N's property, being the part above the 300 m contour line, in the new Flagstaff–Mt Cargill Significant Natural Landscape ("the SNL"). N appealed the SNL decision and sought that the parts of his property between the 300 m and 420 m contour lines ("the contested area") be removed from the SNL. He submitted that the existing boundary at the 420 m line provided sufficient protection. Alternatively, he proposed that the SNL could instead include a lower slopes area in the north-western corner of the property.

The question for determination was whether the contested area sufficiently met the criteria of Policy 2.4.4.1 of the 2GP to merit inclusion in the SNL. In the 2002 appeal, the Court had found in

an interim decision that the LCA boundary could be placed anywhere between the 350 m and 420 m contours (which then led to the parties consenting to a 420 m boundary). The Court now considered that while it was not bound by those 2002 proceedings, natural justice required the council, having proposed a significantly different SNL boundary in the 2GP, to make a "robust case" for its current position given that its latest proposed 300 m contour boundary was below the 350 m minimum contour previously determined by the Court. The Court then considered Policy 2.4.4.1 of the 2GP, which set out the values against which landscapes were currently to be assessed for SNL status. The values had to be of "high significance" to warrant inclusion. The Court heard evidence as to differences in how SNLs under the 2GP were assessed compared with LCAs under the ODP, even though they were considered broadly equivalent classifications. After considering the current policy framework, the Court proceeded on the basis that the listed values could be assessed through visual amenity (s 7(c) RMA 1991) and quality of the environment (s 7(f)) perspectives.

After considering the evidence, including a site visit by the Court to observe viewing angles from State Highway 1 ("SH1"), the Court concluded that the contested area did not display the policy's listed values to an extent that justified inclusion in the SNL. In reaching this conclusion, the Court made several findings on particular values. With regard to indigenous vegetation cover, the Court found that this was not a visually relevant "natural science factor" as the most visually dominant vegetation was the taller non-indigenous pine plantation. It also considered the pine plantation to be a human-made landscape element. Given that this plantation was a significant element of the view from SH1, the Court did not agree that there was a significant relative dominance of "natural" landscape elements. Regarding the transient values of the presence of native birds and other fauna, the Court had heard no evidence quantifying the indigenous forest habitat or any data on fauna species or numbers, so it was not possible to assess the significance of these transient attributes.

In terms of aesthetic values, the Court found that the contested area did not share the high visual prominence of the ridgeline above the 420 m contour. Nor were these values memorable; the Court disagreed that they were memorable in the "context" of other nearby landscape features that were regarded as memorable because these other memorable parts were not in view when travelling on SH1 and therefore N's land did not form part of the "visual context" for those features. Regarding expressiveness, the Court noted that the vegetation cover obscured any view of the rocks underneath the slope, meaning there was no legibility demonstrating the formative processes of the landscape (ie volcanic activity). This factor alone would also not be sufficient justification for inclusion in the SNL. Regarding shared and recognised values, the Court was unpersuaded by the suggestion that the area was "sometimes" referred to as "the outer town belt of Dunedin". While it was part of the hills encircling Dunedin, Dunedin was not in view and those encircling hills were very broad. Finally, the fact that the contested area was not covered by a wāhi tūpuna overlay area demonstrated that the slopes were not significant to mana whenua, and again the "context" of nearby peaks being significant to mana whenua was not sufficient.

The Court concluded that it preferred N's alternative proposal covering the north-western corner of the property because, unlike the rest of the contested area, it was visually prominent from SH1. The appeal was upheld in part, and N's alternative proposal was accepted.

Decision date 6 June 2023 - Your Environment 26 June 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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Natural and Built Environment Bill (2022 No 186-2) passes third reading, 18/07/2023

This bill repeals and replaces the *Resource Management Act 1991*, working in tandem with the Spatial Planning Bill.

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Beehive: Legislation improving information sharing by councils passes third reading

The Local Government Official Information and Meetings Amendment Bill has passed its third reading today. The Bill makes important changes to how information is shared by councils under the Local Government Official Information and Meetings Act.

"The Bill will improve natural hazard information provided in land information memoranda, known as LIMs," Kieran McAnulty said.

"It is critical that New Zealanders have access to the best available natural hazard information when looking to buy a property. Buying a property can be the biggest investment people will ever make and should therefore be provided with the best information before they make a financial commitment.

"LIMs can at times be overly long and highly technical. This can make it difficult for people to read or understand. This Bill tackles these problems by ensuring that LIMs contain natural hazard information that is clear, concise, nationally more consistent, and easier for people to understand.

Please click on the link full statement - Media release

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Beehive: Government progressing on improving outcomes and equality for women in Aotearoa

Minister of Women Jan Tinetti has submitted New Zealand's latest report to the UN detailing the progress being made to improve outcomes, wellbeing, and equality for women in New Zealand.

"I want to recognise the work people are doing across the country and what they have achieved so far. This is progress that is benefiting women in New Zealand, and our country as a whole," Jan Tinetti said.

"We have made progress in women's educational attainment, labour force participation, and support for women to take on paid work, enabled through Te Mahere Whai Mahi Wāhine - the 2022 Women's Employment Action Plan, along with other great initiatives.

"The Action Plan is the first ever employment action plan for women in New Zealand and has a focus on wāhine Māori, Pacific women, young and older women, disabled women, women who are former refugees and recent migrants, and the Rainbow community.

"It provides a roadmap toward a better future for women's employment and educational pathways and looks at immediate and long-term actions that are needed to help disadvantaged women.

Among various other programmes, the report notes the work of New Zealand's first women's employment action plan and first women's health strategy, initiated in 2022.

"While we have more work to do together, the progress that we have detailed in the report is heartening. I look forward to the next steps that we are going to take to resolve inequities in this country and make it an even better place to live for everybody.

"In 2023, representation for women on public sector boards and committees is also the highest it's ever been, with wāhine now making up 53.1 percent of members. Māori and ethnic diversity and representation has also increased steadily since 2019, when data collection for ethnicities on boards began.

"We still have more work to do address inequities," Tinetti says. "There are women, particularly Māori, Pacific, migrant and pan-ethnic women, women with disabilities, and women from rainbow communities, facing discrimination."

Please click on the link for full statement - Media release

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Beehive: Foreign Minister meets with International Atomic Energy Agency (IAEA) Director General

Foreign Minister Nanaia Mahuta today met with Rafael Grossi, Director General of the International Atomic Energy Agency (IAEA) in Auckland.

"Aotearoa New Zealand has a proud and longstanding nuclear free policy, and are strong supporters of the IAEA's work, including promoting the non-proliferation of nuclear weapons," Nanaia Mahuta said.

"Our discussion covered a range of topics relating to the IAEA's work in nuclear safety, security and safeguards, including the role the agency plays in promoting the peaceful and safe use of nuclear energy.

"We also discussed at length its recent findings into the proposed Fukushima treated water release, noting its role as the international authority on nuclear safety matters.

"I reiterated New Zealand's full confidence in the IAEA's advice and commended their science-based approach. I also felt it was important to draw attention to the Pacific's traumatic experience with nuclear testing and asked directly that meaningful engagement continue with the Pacific region on the proposed release.

"New Zealand acutely understands the effects nuclear testing has had on our Pacific neighbours in the past, and we will continue to call for this matter to be dealt with through transparency and meaningful dialogue in particular with Pacific partners," Nanaia Mahuta said.

The Minister and the Director General also discussed the contribution the IAEA could make to efforts to address nuclear legacy issues in the Pacific, and to achieving a world without nuclear weapons. They also discussed the IAEA's ongoing work in Ukraine.

Please click on the link for full statement - Media release

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Beehive: Appointments made to Government Inquiry into North Island severe weather events response

Minister for Emergency Management Kieran McAnulty has announced further appointments to the Government Inquiry into the response to the 2023 North Island severe weather events.

"The members of the Inquiry, announced today, have broad knowledge and experience across a wide range of relevant areas including governance, primary sector and rural communities, emergency response and recovery, and iwi and Māori development."

Sir Jerry Mateparae, who was announced as chair the week before last, will be joined on the Inquiry by:

- John Ombler CNZM QSO, who has held numerous senior public service leadership roles including Deputy State Services Commissioner, Chief Executive of the Canterbury Earthquake Recovery Authority (CERA), and being one of the Controllers of the all-of-government response during the COVID-19 pandemic;
- Julie Greene, who is based in Hawke's Bay and brings over two decades of experience across the horticulture and rural sector within New Zealand, including senior leadership roles at Heinz Watties
- Rangimarie Hunia (Ngāti Whātua), who brings significant governance experience through her current roles as Director of Moana New Zealand, Chair of Te Ohu Kaimoana Trust and Chair of Ngā Pūkenga mo Te Tai Ohanga (Treasury). She has also been Chief Executive of Ngāti Whātua Ōrakei Whai Māia.

The Panel will be appointed for the duration of the Government Inquiry, which is due to be completed in March 2024.

"The Inquiry will look at how prepared local and central governments were to be able to respond to the severe weather events.

"The Government has committed $6.8 million to meet the costs of the Inquiry," Kieran McAnulty said.
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"Many agencies involved in the severe weather response are undertaking their own reviews, which will be more specific. The Government Inquiry will not seek to duplicate this work and will be informed by the findings of those reviews when making recommendations," Kieran McAnulty said.

Please click on the link for full statement - Media release

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Beehive: Win for Kiwi researchers through cooperation with Europe

New Zealand and the European Union's collaboration on research, science and innovation will mean greater access and opportunities for Kiwi researchers, Prime Minister Chris Hipkins and Minister of Research, Science and Innovation Ayesha Verrall announced.

The Prime Minister and the EU President Ursula von der Leyen witnessed New Zealand and the European Union signing the Horizon Europe Association agreement in Brussels overnight.

The agreement gives access for New Zealand researchers to Europe's largest ever science collaboration platform, and creates opportunities for New Zealand's interests and expertise to be demonstrated on the world stage," Chris Hipkins said.

"New Zealand scientists contribute massively not only at home but internationally. This will widen the scope and allow them to work more closely with their European counterparts on some of our most pressing problems such as climate change and energy.

"Association is the closest form of cooperation with the Horizon Europe research programme available to non-EU countries. It gives our scientists the opportunity to lead major research programmes in areas of global significance."

Please click on the link for full statement - Media release

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Wellington City Council makes deal to build sewage sludge treatment plant

RNZ reports that the Wellington City Council has signed a deal with McConnell Dowell Constructors Ltd and HEB Construction Ltd to build a sewage sludge treatment plant at Moa Point. The new plant is expected to cut carbon emissions from sewage treatment by up to 60 percent and will reduce the volume of sludge by up to 80 percent - the equivalent of 11 Olympic-sized swimming pools each year.

Read the full story here.

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Lakes in Rotorua close to bursting

RNZ reports that lakes in Rotorua are close to bursting, with lakes already reaching or braking through levels not seen since 1971's record flooding, and houses are being flooded. Phill Thomass, chair of the Rotorua Lakes Community Board said the situation is "a slow-moving disaster".

Read the full story here.

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Study shows trees can slow our bodies ageing process

Stuff reports that a new long-term study of more than 900 people from the U.S. shows that trees and green spaces could be associated with slower biological ageing. The study looked at the effect of green spaces on the ageing process of different populations and showed that people living closer to green spaces saw their epigenetics degrade more slowly.

Read the full story here.

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Hearing on proposed Oxford landfill and quarry underway

Stuff reports a much anticipated hearing on a proposed landfill and quarry near Oxford began on Monday, with 400 submissions received in response to resource consent applications from Woodstock Quarries Ltd. A panel of independent commissioners had been appointed jointly by the Waimakariri District Council and ECan to conduct the hearing process.
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Read the full story here.

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Single-use plastics ban now in effect

Stuff reports that as of July 1, 2023 the use of single-use plastic bags, disposable plastic cutlery, plates and bowls, plus fruit stickers that can't be composted at home will be banned in New Zealand. Single-use plastic straws will only be made available on request. Reusable bags can be bought at stores.

Read the full story here.

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Groundwater use has shifted the Earth's tilt

Stuff reports that a new study has revealed that the use of groundwater for drinking and irrigation is so rampant that it has shifted the tilt of the planet 31.5 inches eastward. The study found that between 1993 and 2010, humans removed a total of 2150 gigatons of groundwater - enough to fill 860 million Olympic swimming pools.

Read the full story here.

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Kāinga Ora seeking radical changes to Wellington's housing rules

RNZ reports that Kāinga Ora is seeking major changes to Wellington's housing rules, including allowing more development to occur on flood prone land, doing away with protections for character buildings, allowing buildings heights to increase by over 50 per cent and permitting more shade on neighbouring properties. The state housing agency has spent $800,000 on its submissions on the Wellington City Council's district plan in its push for changes.

Read the full story here.

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Landslides threaten new $880m motorway

Stuff reports that recent heavy rain has revealed landslide issues along the newly opened $800 million Pūhoi-to-Warkworth highway. Cracks have been discovered in concrete barriers, and an entire section may be moving under the highway that first opened one month ago.

Read the full story here.-

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Unexploded WWII ammunition discovered in Wellington Harbour

Stuff reports that volunteer divers found an unexploded fuze mechanism from WWII in Wellington Harbour and called the Defence Force explosive ordnance disposal team for disposal. The divers from Ghost Diving NZ were in the harbour cleaning up rubbish when it was found. It's the third unexploded device found in the capital's waters.

Read the full story here.

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Crown lawyers admit Govt breached Zero Carbon Act

Stuff reports that Crown lawyers have admitted to the High Court that the Government failed to follow its own climate law and breached the Zero Carbon Act when it made decisions about its Emissions Trading Scheme. Justice Matthew Palmer ordered the Government to reconsider the Climate Change Commission's advice and the ETS details.

Read the full story here.

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Scientists say world's hottest day ever won't keep title for long

Stuff reports that according to scientists at the World Meteorological Organization, last Friday was the hottest day ever recorded on Earth, but they warn the record won't stand for long as El Niño is
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just beginning. As El Niño powers up over the next several months, temperatures are expected rise even higher in 2024.

Read the full story here.

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