Newslink Case-notes for December 2023 prepared 20 November 2023.

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Legal Case-notes December 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".

The Case-book Editor Roger Low can be contacted through the Survey & Spatial NZ National Office, or by e-mail, Roger Low<rlow@lowcom.co.nz>

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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:

- An unsuccessful application for judicial review, of a decision of Kapiti Coast District Council not to publicly notify an application for subdivision and development of a property at Paraparaumu;
- A consent order settling an appeal against provisions of the proposed Thames-Coromandel District Plan. The provisions concerned access from a property north of Whitianga to SH25;
- A consent order settling an appeal against the decision of Opotiki District council to refuse consent to a subdivision;
- Hanan v QLDC; The decision of the Environment Court settling an appeal affecting potential development of two properties in a "landscape character area" near Arrowtown;
- Waterfall Park v QLDC; The decision of the Environment Court on another appeal in the Lake Hayes area involving development prospects, landscape character and visual amenity and ecology and water quality of Mill Creek;
- Barbican v AC – An unsuccessful appeal against the refusal of Auckland Council to grant consent to subdivision of a rural property on "highly productive" soils near Karaka on South Auckland.

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CASE NOTES DECEMBER 2023:

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Petersen v Kāpiti Coast District Council - [2023] NZHC 2994

Keywords: High Court; judicial review; public notification; persons affected; effect adverse

This application for judicial review challenged a decision of Kāpiti Coast District Council ("the council") not to publicly notify an application for a subdivision consent, and to provide limited notification but only to a group of affected parties that did not include the applicants. In 2022 the council received an application to subdivide and develop land in Paraparaumu into 135 dwellings and 165 car parks. The three applicants in these proceedings lived at varying distances from the site. The council decided not to publicly notify the application. In considering whether limited notification should take place, the council relied on a planner's report that visual, character and amenity effects of the proposal, and associated subdivision and earthworks, could potentially be "minor". The council therefore accepted the report's recommendation for limited notification on 16 nearby dwellings. Those 16 dwellings were situated closer to the site than the applicants' properties. Following this decision, the council published the application for consent on its website, but not the notification report. The council subsequently determined to grant consent. The applicants later obtained a copy of the decision and notification report from the council and then commenced these judicial review proceedings.

The applicants' first argument was that the council's notification decision was unlawful in the sense that it was not "perfected" because it was not communicated to the applicants as persons affected by it. They argued that it was incumbent on the council to communicate the decision to them as members of the public because it was members of the public whose rights of participation in the consent process were brought to an end by the decision. They further alleged that this effectively denied their right to seek judicial review in s 27(2) of the New Zealand Bill of Rights Act 1990 ("NZBORA"). The Court disagreed. Firstly, this proceeding itself was the applicants' exercise of their right to judicial review. Their complaint was at best temporal; if they had been made aware of the council's decision earlier, their only recourse would have been judicial review. Therefore, the alleged wrong made no meaningful difference to their position. Second, there was no legal obligation in the RMA 1991, the NZBORA or the decision in *Goulding v Chief Executive, Ministry of Fisheries* [2004] 3 NZLR 173 (CA) that required a consent authority to "bring home to all the world" its limited notification decisions. The Court noted that there would be no limit on the class of persons to whom the applicants contended the council had a duty to communicate its decision. Finally, a community member could not unilaterally impose obligations on a council in relation to the communication of notification decisions by simply advising the council of their interest in the outcome of the decision.

The applicants' second argument was that the limited notification decision was unlawful because it failed to comply with ss 95B and 95E of the RMA 1991. Under those provisions, persons (here, the applicants) would be "affected persons" if the effects on them were at least minor. Specifically, the applicants alleged that the conclusion in the planner's report that the proposal was considered to have "less than minor" adverse effects on transport had involved a material error of fact about the level of impact from increased traffic. The applicants cited two expert reports that had used the word "minor" to describe traffic effects, and a council officer's description that the proposal would "not ... have an effect ... that is more than minor". The applicants argued that it was impossible to reconcile this evidence with the council's final "less than minor" conclusion. However, the Court did not see any error in the council's approach. It was clear that the relevant statements were directed to two different threshold tests; under the RMA 1991, public notification was triggered by adverse effects that were "more than minor" (s 95A), while limited notification was triggered when the adverse effects on an identifiable person were "not less than minor" (s 95E). When read in this context, the statements in question were not inconsistent. The Court also stressed that it was the council that must make the evaluative assessment of the level of effects, not the experts. Indeed, the experts had also described the traffic effects as "likely to be imperceptible". Finally, the report writer's conclusion that there could be "minor" effects on the 16 other dwellings concerned visual, character and amenity effects; the writer did not consider there to be traffic effects reaching the threshold necessary to trigger limited notification on any party.

Finally, the Court found that even if there had been some error on the council's part, it would not have granted the relief sought by the applicants, being an order setting aside the subdivision consent. The Court was not persuaded that certain ecological evidence that the applicants would have called as part of the consenting process concerning indigenous lizards would have led to a materially different outcome. The application for judicial review was dismissed. The council and the consent holder were entitled to one measure of costs calculated on a 2B basis, plus disbursements.

Decision date 26 October 2023 Your Environment 03 November 2023

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Sieling v Thames-Coromandel District Council - [2023] NZEnvC 192

Keywords: consent order; road; traffic safety; pedestrian safety

This consent order concerned an appeal by P and K Sieling in relation to the proposed Thames-Coromandel District Plan ("PDP"). The appellants had been seeking a range of amendments to the PDP, including to make provision for the subdivision of their property north of Whitianga. Several aspects of the appeal had been resolved, but issues relating to access and safety on the intersection of Ohuka Farm Drive and State Highway 25 ("SH 25") remained outstanding. The parties had now filed a consent memorandum setting out their agreement to resolve these issues. The relief agreed by the parties included particular designs for the proposed access to the relevant structure plan area, including the addition of a pedestrian accessway. New Zealand Transport Agency - Waka Kotahi was a s 274 party and had agreed that the appellants had provided sufficient information to support this access. This would provide safe and efficient access into and
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egress from the structure plan area and did not compromise the safe and efficient operation of SH 25. Pursuant to s 279(1)(b) of the RMA 1991 the Court ordered, by consent, that the PDP be amended as agreed by the parties. There was no order as to costs.

Decision date 7 September 2023 – Your Environment 27 September 2023

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Stilwell v Ōpōtiki District Council - [2023] NZEnvC 198

Keywords: consent order; subdivision

This consent order concerned an appeal against a decision of Ōpōtiki District Council ("the council") to decline resource consent for a subdivision at Harbour Road, Ōpōtiki District. The council had concerns about visual amenity, landscape and character, use of highly productive land, and precedent-setting potential. The parties had filed a consent memorandum setting out their agreement to resolve the appeal, which involved a revised subdivision proposal, new landscape plan and revised conditions. Pursuant to s 279(1)(b) of the RMA 1991 the Court directed, by consent, that resource consent for the revised proposal was to be granted. There was no order as to costs.

Decision date 18 September 2023 – Your Environment 6 October 2023

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Hanan v Queenstown Lakes District Council - [2023] NZEnvC 200

Keywords: district plan proposed; zoning; rural residential; subdivision; amenity values; landscape protection

These two appeals concerned the zoning of two separate properties, referred to as the "Banco" and "BHT" properties, under the proposed Queenstown Lakes District Plan ("PDP"). Both sites, of 6.5 ha and 8.4 ha respectively, were on the western side of McDonnell Road, Arrowtown. The sites were initially proposed to be zoned Wakatipu Basin Rural Amenity Zone ("WBRAZ"), but Queenstown Lakes District Council ("the council") had decided that they should be zoned as "Precinct", a sub-zone of the WBRAZ that was more permissive of development. One appellant, representing the local Hanan family, was opposed to the Precinct zoning and sought that the WBRAZ be reinstated for both sites. The owner of the Banco site sought that Precinct zoning be retained but modified to include a bespoke discretionary activity classification for subdivision that complied with a minimum lot size standard of 4000 m^2 (which would be in addition to the Precinct's restricted discretionary rule for subdivision that complied with a dual 6000 m^2minimum/1 ha average standard). The owner of the BHT site sought that Precinct zoning be confirmed.

A key issue was the landscape character unit ("LCU") capacity rating for the sites. Both sites were located within LCU 24, with the decisions version of the PDP ascribing a "high" development capacity rating. The landscape experts differed materially in their opinions of the appropriate rating for the LCU (with recommendations ranging from "low" to "high") and also in their opinions of the appropriate rating for the specific sites. All experts essentially agreed that the nearby Arrowtown Lifestyle Retirement Village, which had been approved under special housing legislation that bypassed usual RMA 1991 processes, was an anomalous feature. However, there was disagreement as to how this affected the LCU. This included disagreement as to whether it should be excluded in the analysis of landscape capacity given its genesis by special legislation. If it was to be taken into account, there was also disagreement as to whether the Retirement Village had changed the landscape to the extent that rural values had been eroded and there was now "high" development capacity. However, the Court concluded that LCU 24 remained an important greenbelt for urban containment purposes. While the Retirement Village had compromised containment and greenbelt attributes, that did not provide a legitimate platform for further urban creep. On the contrary, it made careful planning treatment of the neighbouring BHT site more important. The Court agreed that there should be adjustments to the LCU narrative that still acknowledged the urbanising effects of the Retirement Village, but not to the degree originally stated.

The Court concluded that LCU 24 had "moderate" landscape capacity, but the two specific sites had "moderate-high". That site-specific rating favoured the choice of Precinct over WBRAZ zoning for each site. However, bespoke modifications were needed for each site to protect the greenbelt role of LCU 24 and hence maintain or enhance its landscape character and visual amenity values.

The Court approved a policy to “avoid a linear pattern of built development where that may contribute to a perception of urban sprawl along McDonnell Road”.

For the Banco site, the owner’s proposed bespoke 4000 m^2minimum lot size had relied on an opinion that there was “high” landscape capacity. Given the Court’s findings of a lesser capacity, that proposal would allow excessive development and the Court therefore found that the usual Precinct standards were appropriate. Further, given that the Banco site was positioned between the urban edge of Arrowtown and the developing Hills Resort, it was desirable to avoid any impression of incremental development creep. Therefore, there needed to be a signal in relevant policies and assessment matters to avoid linearity in the form of built development where that may contribute to a perception of urban sprawl.

For the BHT site, the most significant risk was the interface with the adjacent Retirement Village. The Court approved a policy to maintain an open space buffer and the visual legibility of the boundary. Additionally, the usual 10m internal boundary setback was unsuitable as it would not leave sufficient open space. However, replacing that with a 75 m setback would also not be suitable as it could still reinforce linearity in the overall development pattern The more appropriate boundary treatment was a splayed setback, starting at 75 m and reducing progressively to 25 m. Additionally, bespoke provisions were required to ensure that vehicle access was not from McDonnell Road, but from the rear of the site.

Precinct zoning was confirmed for both sites, subject to modifications. The appeals were allowed in part. The council was directed to provide updated provisions for approval.

Decision date 18 September 2023 – Your Environment 9 October 2023

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Waterfall Park Developments Ltd v Queenstown Lakes District Council - [2023] NZEnvC 207

Keywords: district plan proposed; zoning; rural residential; subdivision; amenity values; landscape protection

This appeal concerned zoning of the appellant’s property under the proposed Queenstown Lakes District Plan (“PDP”). The land in question was 45.9 ha of land at Arrowtown Lake Hayes Road owned by Waterfall Park Developments Ltd (“WPDL”). There were three components to the relief sought by WPDL. The first was an extension to the mapped boundaries of the Arrowtown urban growth boundary towards and including part of the site. However, little expert evidence was offered to support how this would assist to achieve the relevant PDP objectives. The Court therefore declined to grant this aspect of the relief. The second component of relief sought was that the 3 ha of the site known as “Ayrburn Domain” be incorporated into the Waterfall Park Zone (“WPZ”), with certain structure plan restrictions. This aspect was uncontentious. The WPZ provided for a visitor and residential resort known as Waterfall Park, and it was acknowledged that Ayrburn Domain was a natural extension of the WPZ. The landscape and planning witnesses had agreed that the WPZ option was the most appropriate for achieving the relevant PDP objectives (rather than the status quo option of the Wakatipu Basin Rural Amenity Zone (“WBRAZ”)). The Court agreed that this was appropriate and granted this aspect of the relief.

The third and most contentious issue was the appropriate choice of zoning for the remaining 42.9 ha of the site known as “Ayrburn Farm”. WPDL sought to have “Precinct” sub-zoning, which entailed greater development potential than the main WBRAZ, but with modifications to ensure that rural living was sympathetic to the natural setting and had regard to location-specific opportunities and constraints (“Modified Precinct Option”). The alternatives were the status quo option of the WBRAZ as per the appealed decisions version of the PDP (“WBRAZ Option”) or potentially a variation of the WBRAZ to allow for some enhanced opportunity for rural living development within parts of Ayrburn Farm (“Modified WBRAZ Option”). Some planners differed significantly in their interpretation of the relevant framework and associated evaluations of the zoning options. The Court identified two key issues: first, the purpose of the WBRAZ (including the Precinct) to maintain or enhance the character and amenity values of the Wakatipu Basin, while providing for rural living and other activities; and second, given that the site was within the degraded Lake Hayes catchment, a PDP objective of maintaining or enhancing water quality, ecological quality, and recreation values. Unless a zoning outcome would at least ensure the maintenance of those values, the Court would find that zoning outcome inappropriate.

On the water quality and ecology issue, the Court found that the Modified Precinct Option would be likely to result in enhancements. The proposed structure plan would materially enhance the
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ecology and water quality of Mill Creek, and incentivise and encourage development of additional recreational trails. The WBRAZ Option would be less likely to result in such enhancements. However, the non-complying activity status for any subdivision under the WBRAZ Option would still enable development controls to maintain water quality, ecological quality, and recreational values. Additionally, even if WPDL was left with “no choice” but to use its land for farming as a permitted activity under the WBRAZ Option (which had the potential, for example, to increase nutrient losses) rather than housing development under its preferred Modified Precinct Option, the RMA 1991 restrictions on uses of riparian margins and the discharge of contaminants would still apply. Therefore, the WBRAZ Option, while inferior in terms of this water quality and ecology issue, would nevertheless assist to achieve the PDP’s intentions. The Court further found that a Modified WBRAZ Option could better achieve those PDP intentions than the (unmodified) WBRAZ Option.

On landscape and visual amenity, there was considerable disagreement between the experts. The Court largely agreed with one expert that the Modified Precinct Option would enable development that would not maintain the landscape character and visual amenity values of the Basin and the particular landscape character unit (“LCU”), which had a “low” landscape capacity rating. Specifically, allowing rural living development to spill across the ephemeral stream valley in clear view of the Countryside Trail would reduce the open pastoral character of the foreground in upper Trail views, even if additional setbacks were implemented. WPDL’s proposed new objective that rural living be “sympathetic to the natural setting” and have “regard to location-specific opportunities and constraints” would fundamentally compromise the intentions of the main WBRAZ (of which the Precinct was a part) to maintain landscape character and visual amenity values. However, the Court also recognised that a particular 2.75 ha pocket within this LCU had “moderate” rather than low landscape capacity, provided there was a structure plan in place. It found that the (unmodified) WBRAZ Option could create a risk of incremental landscape degradation as its simple regime could incentivise piecemeal development. The Court therefore concluded that a Modified WBRAZ Option could potentially be the most appropriate option. It outlined the elements that should be included in such a modified approach and directed WPDL to advise in 15 working days whether it wished to pursue that option, in which case the parties would have an opportunity to agree on the provisions. The appeal was declined in part and allowed in part, and final determination of the Ayrburn Farm zoning was reserved. Costs were reserved.

Decision date 22 September 2023 – Your Environment 12 October 2023

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Barbican Securities Limited v Auckland Council - [2023] NZEnvC 174

Keywords: subdivision; rural; farming; soil high value; objectives and policies

This appeal raised issues about the effect of a proposed subdivision on the productive potential of the subject rural land. Barbican Securities Ltd ("Barbican") had sought consent from Auckland Council ("the council") for a three-lot subdivision of land in the Karaka area that had a combination of Mixed Rural and Rural Coastal zoning. The total land size was around 63 ha, and the three proposed lots would comprise around 19, 23 and 21 ha. As these lots were below the minimum site size of 40 ha and minimum average site size of 50 ha in both zones, the subdivision required consent as a non-complying activity. The site was presently used for dairy grazing, and its soils were predominately LUC 2 and 3 soils, being prime soils under the Auckland Unitary Plan ("AUP") and "highly productive" under the National Policy Statement - Highly Productive Land ("NPS-HPL"). The council declined to grant consent on the grounds Barbican had not demonstrated how the subdivision would maintain the potential for the land to be used for a range of productive purposes. The council said that the subdivision would compromise its endeavours to sustainably manage the rural environment and the finite and versatile qualities of the prime soil resource. Barbican now appealed that decision. It submitted that it intended that the new smaller lots would be used for highly productive rural activities that would otherwise be too expensive and impractical to establish on a 63 ha site. While it had not yet confirmed uses for the new lots, examples of possible uses included horticulture and specialised farming. It was common ground that the effects of the activity were minor or less than minor such that the threshold test in s 104D(1)(a) was met. The application therefore fell to be considered in terms of the relevant s 104(1) matters.

Regarding effects, the key area of dispute was effects on rural productivity. The Court accepted that the subdivision was unlikely to occasion a change of use to lifestyle/residential purposes because at a size of 19 to 23 ha, the new lots would be significantly larger than the average lifestyle block in the area (being 4 ha). The Court reached this conclusion even though a related
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entity of Barbican held long-term aspirations for urban development of the site. The Court stressed that it had to make its assessment based on the application before it, not on any future application for a change in use which had not been applied for. However, the Court was not persuaded that horticulture or specialised farming would be the most likely use. The market value of the lots was likely to be above the core market identified for horticulture or specialised farming, based on previous sales data. Implementing horticultural crops also required extensive investigation and capital investment, and the Court found that any horticultural use would take approximately three years of prior planning and development. The Court also took into account that Barbican's related entity had future plans for urbanisation. The Court concluded that the most likely use in the short term was not horticultural or specialised farming but a continuation of the current use, namely dairy grazing. This meant the status quo was likely to prevail even if the subdivision went ahead.

Regarding the relevant planning provisions, the Court was satisfied that the proposal was consistent with the NPS-HPL. The NPS-HPL provided that territorial authorities must avoid the subdivision of highly productive land unless an exemption applied. One exemption was where "the proposed lots will retain the overall productive capacity of the subject land". The Court concluded that the proposal met this exemption in light of the Court's finding that the most likely effect of the subdivision would be retention of the status quo. However, the Court found that the proposal was contrary to those objectives and policies of the AUP which sought to avoid subdivision of highly productive land other than in specified circumstances. The AUP policy framework provided for subdivision in those circumstances where it was appropriate to enable the positive outcomes sought for the zone, but otherwise directed that it was to be avoided. The Court accepted Barbican's argument that both "enable" and "avoid" directions had been found by the courts to be strongly directive, and that a negative "avoid" direction should not, by default, be afforded greater weight than a positive "enable" direction. However, the Court cautioned that context was important. Here, where subdivision was sought below the minimum site size and minimum average site size for both zones, the onus was on the applicant to demonstrate that subdivision to a smaller lot size was needed to meet the policies of the zone. As the Court had determined that granting consent would make no difference to the rural productive capacity of the land, it was not persuaded that subdivision to a reduced lot size was required to "enable" rural production. The evidence also suggested that leasing was a viable alternative to subdivision for any purported horticultural use, which reinforced that rural production could be enabled while avoiding subdivision. The Court also found that granting consent would impact the integrity of the AUP as it ran contrary to the AUP's policy intent. Consent was to be refused, and the appeal was declined. Costs were reserved.

Decision date 14 August 2023 – Your Environment 6 September 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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New Zealand central bank needs to better understand climate change impact - governor

WELLINGTON, Nov 3 (Reuters) - New Zealand's central bank needs to improve its understanding of how climate change, the macroeconomy and monetary policy interact, Governor Adrian Orr said on Friday.

The impact of drought on the economy was well established and known to historically worsen recessions, he said in a speech.

"Understanding the work to be done to transition to net zero will give us a sense of the potential impact on employment and inflation in New Zealand," he said.

"Observing policy developments domestically and in other countries will help to develop our sense of how risks may affect the domestic economy."

The Reserve Bank of New Zealand is working on a number of responses to climate change including stress-testing for climate-related risks and providing guidance for regulated entities on how to manage risk.

"Tackling climate change is both an enormous challenge and an opportunity that we all have an obligation to respond to," Orr said. "It remains within our power to take the steps required to transition our economic and financial systems."

For the latest news visit Reuters.com

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MPI public health warning: shellfish biotoxin alert for Northland and East Cape

New Zealand Food Safety is advising the public not to collect or consume shellfish gathered from the Northland east coast because of paralytic shellfish toxins.

In addition, it has extended an existing shellfish biotoxin warning from Cape Kidnappers right up to East Cape.

"Routine tests on mussels from Houhora have shown levels of paralytic shellfish toxins over the safe limit," says New Zealand Food Safety deputy director-general Vincent Arbuckle.

The warning extends from Cape Karikari north to Kokota (the Sandspit), just south of Parengarenga Harbour.

The current warning in Hawkes Bay has now been extended to extend from Cape Kidnappers right up to East Cape. Levels of paralytic shellfish toxins are increasing and the latest results from Tolaga Bay mussels have risen dramatically and are now 11 times over the safe limit.

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

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MPI: New biosecurity protections for all Te Arawa lakes

New biosecurity protections against the spread of the freshwater gold clam come into effect for Te Arawa lakes at midday on Friday 10 November 2023, including special measures to protect Lake Ōkataina.

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

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Fonterra says it will be 30% greener in 7 years

Stuff reports that Fonterra has pledged that the co-op will be 30 per cent greener by 2030 by encouraging farmers to plant trees, introduce methane-cutting tools and treat cow pats. The company said the 30 per cent goal covers all agricultural greenhouse gases: methane, carbon dioxide and nitrous oxide.

Read the full story here.

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Miramar Peninsula is now predator-free after years of effort

Newshub reports that after years of work, including a large volunteer effort from 20,000 locals, Wellington's Miramar Peninsula is now predator-free. Predator Free Wellington project director James Willcocks said "It's been a long time coming, but today we are at zero". Phase two of the project will focus on Island Bay to the CBD.

Read the full story here.

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Gov't and five councils sign $556m Cyclone Gabrielle cost-sharing agreement

RNZ reports that five Hawke's Bay councils and the government have signed a $556 million cost-sharing agreement to pay for buying out flood-damaged homes, repairing roads and bridges and for increased flood protection following Cyclone Gabrielle. Community consultation was completed last month, with most found to be supportive of the deal.

Read the full story here.

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Southland District Council asks residents to conserve water

Stuff reports the Southland District Council is urging residents to conserve water ahead of summer to ease water shortage concerns at Riverton and Mossburn. Strategic water manager, Mike Bourke said conservation is needed to avoid more stringent water conservation later on, as aquifers had not recovered from last year's droughts.

Read the full story here.

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Waka Kotahi puts $305m of funding for emissions reducing initiatives on hold

RNZ reports that Waka Kotahi has put $305 million in funding for public transport, cycling and walking initiatives from its Transport Choices Programme on hold. The agency said "it needs a clear direction from the incoming government on its transport investment priorities" before proceeding with the carbon emissions reducing initiatives.

Read the full story here.

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Kāinga Ora: Auckland council flood buyouts will not include state homes

RNZ reports that Kāinga Ora has said Auckland Council has informed the agency that state homes will not be eligible for flood buyouts. Over 2000 state homes were damaged in the flooding. Kāinga Ora acting deputy chief executive for Auckland and Northland, Paul Commons said "We are continuing our assessment of those properties to determine whether steps can be taken to allow them to continue to be used for public housing".

Read the full story here.

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Auckland Council adopts 30-year high-density building plan

RNZ reports that Auckland Council has adopted a 30-year building plan that heavily features high-density building in suburbs, also known as brownfield development, which will reduce emissions and avoid high infrastructure costs. The plan was passed with 18 votes for and three against.

Read the full story here.

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New housing development in Napier deemed unsafe for habitation

Stuff reports that property owners at a new coastal housing development, Tangoio settlement, in Napier learned on Monday that the entire community has been deemed a provisional Category 3 area, which is considered unsafe for habitation. Hastings District Council granted resource consent for the community in April 2019, with construction was completed in 2022.

Read the full story here.

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Demolition of cyclone-damaged bridge at Waikare gorge begins

RNZ reports that the demolition of the bridge at Waikare gorge between Napier and Wairoa has begun and is expected to last five weeks, from 7am to 6pm Monday to Saturday. The bridge collapsed and was washed away during Cyclone Gabrielle. A temporary bailey bridge reconnecting State Highway 2 was opened to traffic in May.

Read the full story here.

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Commercial fishing vessels trawled over 6000kg of protected corals and sponges in last 12 months

Newshub reports it has obtained official data confirming that over 6000kg of protected corals and sponges were pulled up by commercial fishing vessels in last 12 months, despite assurances from the industry that most trawling happens "on soft sediments, sands and muds". The damage occurred mainly in two fishing zones: FMA 4, incorporating the Chatham Rise off Banks Peninsula and FMA 6, in the sub-Antarctic.

Read the full story here.

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Occupation on Karikari Peninsula ends as landowner agrees to hapū demands on sand dunes

RNZ reports that a four-week occupation on the Far North's Karikari Peninsula has come to an end after a landowner agreed to hapū demands to permanently protect sand dunes regarded as a wāhi tapu (sacred place). The landowner had been given permission by the Far North District Council to use a digger to widen an accessway through the dunes.

Read the full story here.

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Rāhui lifted at most Auckland beaches after sewage overflow

Newshub reports that Ngāti Whātua Ōrākei held a karakia at Ōkahu Bay on Thursday morning, lifting the rāhui that prevented fishing and swimming. The rāhui was the result of a sewage line collapse that poured millions of litres of sewage into the Waitematā Harbour on 28 September. SafeSwim's website shows most Auckland beaches now have a green flag.

Read the full story here.

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Wellington cycleway developers reprimanded after deaths of penguins

RNZ reports that the Department of Conservation (DOC) has issued a formal warning to developers of the Wellington-Petone cycleway over the deaths of several little blue penguins, or kororā. The DOC investigation found the deaths were not intentional or malicious, but were the result of required site checks that were not completed.

Read the full story here.

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Auckland could have congestion charge by 2026

Stuff reports that motorists in Auckland could be paying congestion charges from 2026 under a new timeline being pursued by Auckland council and its agency Auckland Transport. Motorists could be charged $3.50 at peak times to drive into the city centre.

Read the full story here.

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West Coast Regional Council backs locally generated hydroelectricity

Radio New Zealand reports that West Coast Regional Council is calling for the Government to back locally generated hydroelectricity. The council has submitted on the Government's discussion documents - Advancing New Zealand's Energy Transition - on its local power needs.

Read the full story here.

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