

Monday 11 September 2006



## ***Central Plains Water Trust to appeal Environment Court decision***

Today Central Plains Water Trust (CPWT) lodged an appeal against a recent Environment Court decision that gave Ngai Tahu Property Limited priority over 2.7 cubic metres per second of 'A' permit water from the Waimakariri River.

Commenting on the reasons for the appeal, CPWT Chairman Doug Marsh said, "our legal advice is the judge made an error in law by saying that the Trust's 2001 application for water take consents did not give us priority to water in the Waimakariri.

"Environment Canterbury stated in 2001 that our application was notifiable, and case law to date has said that becoming notifiable gives an applicant priority – or first in the queue. In this instance the judge has stated that because CPWT needed to apply for other consents, the scheme was only notifiable in a technical sense and not a practical one – so in his opinion it did not have priority. This decision effectively recognises two different stages of notifiability which have not previously been identified in case law."

"Our appeal will be of huge interest to any other applicant seeking to undertake a large scale project where they need certainty of water rights or other consents. The Trust believes as a matter of principle we need to appeal the decision – we lodged our application first, we were told we had priority to the water and now the ground rules seem to have changed.

"We are prepared to fight for this water. Including this water from the Waimakariri River in our scheme is in the best interests of Canterbury. Our vision is to incorporate recreational facilities that cater for a wide range of activities into the proposed scheme's ultimate design and operation. The resource consents will be held by Central Plains Water Trust to ensure that the water rights remain in community ownership, rather than commercial ownership, for long term community benefit.

"Our scheme is unique because of the proposed storage reservoir. It acts like a water bank that farmers can draw upon to irrigate drought-prone farmland in the middle of summer when river flows may be restricted. It is the best use of the limited resource.

"We are continuing to work closely with the local runanga and we are committed to the overall relationship with Ngai Tahu both at a commercial and cultural level.

"If the High Court upholds the Environment Court decision our scheme is still viable, but it would have an impact by increasing the size of the water storage reservoir, which may affect the overall cost of the scheme. So appealing the decision is an important step and we are confident of a positive outcome from the High Court," says Doug Marsh.

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For further information:

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