



Report 04.416
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File WP/03/02/03

Committee Rural Services and Wairarapa
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Decision - Appeal of Abatement Notice – I D Alexander

1. Purpose

To inform the Committee of the Court decision in this matter.

2. Background

On 10 February 2003, an abatement notice was served on the appellant requiring him to cease irrigating without consent from the Parkvale Stream, East Taratahi. No consent was held to irrigate and under the dry conditions at that time a water restriction was in place requiring all irrigation consents to cease.

Mr Alexander appealed the notice to the Environment Court and continued to irrigate throughout that summer, although there was no stay of the abatement notice in place.

The appeal was heard on 23 and 24 October 2003 by Judge Shepherd with defences raised that it was part of the Taratahi stock water race system, used “waste water” and that authority was held to irrigate.

3. Decision

Judge Shepherd’s decision was delivered on 25 May 2004 and is attached as Appendix 1.

The decision is an important one in that it confirms the approach taken by Council and its predecessor, the Wairarapa Catchment Board, in relation to jurisdiction applying to the use of water in stock water races. The decision is a clear one and has confirmed that the approach taken is the correct one.

Counsel for Mr Alexander has subsequently advised that an appeal has been lodged with the High Court. However, this has not been properly served and there is some doubt as to its validity.

3. Communications

The decision was subject to a press release with publicity given in several newspapers, reinforcing the need for consents for irrigation. No further publicity is proposed.

4. Recommendation

That the Committee receive the report and the decision and note their contents.

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