

IN THE SUPREME COURT OF NEW ZEALAND

**SC 15/2008
[2008] NZSC 49**

BETWEEN NGAI TAHU PROPERTY LIMITED
 Applicant

AND CENTRAL PLAINS WATER TRUST
 First Respondent

AND CANTERBURY REGIONAL COUNCIL
 Second Respondent

Court: Blanchard, McGrath and Wilson JJ

Counsel: D J Goddard QC for Applicant
 M E Casey QC and R M Dunningham for First Respondent
 M C Dysart for Second Respondent

Judgment: 24 June 2008

JUDGMENT OF THE COURT

A The application for leave to appeal against the decision of the Court of Appeal in *Central Plains Water Trust v Ngai Tahu Properties Ltd* [2008] NZCA 71 is granted.

B The approved grounds are:

- (1) Is priority as between competing resource consent applications determined by which application is lodged first with the consent authority, or by which is first ready for notification, or by some other test?**

(2) Whatever the test, is priority lost by:

- (1) A decision of the consent authority under s 91 of the Resource Management Act 1991 to defer notification of the application pending application for additional consents?**
- (2) Delay while the applicant makes additional applications required by the consent authority under s 91?**
- (3) The grant of an application by another applicant relating to the same resource?**

C The Registrar is directed to arrange a fixture in October, or earlier if counsel are available.

Solicitors:

Anderson Lloyd, Christchurch for Applicant

Buddle Findlay, Christchurch for First Respondent

Canterbury Regional Council, Christchurch for Second Respondent