

## **Notice of an Appeal 14 April 2023**

Timaru and Waimakariri District Councils have filed an appeal in the Court of Appeal against the High Court decision declining to grant declarations about property rights.

Timaru, Waimakariri and Whangarei District Councils had asked the High Court for declarations on the rights and interests that property ownership entails.

While the declarations were refused, the High Court judgement confirmed the Government's Three Waters plan is expropriating councils' Three Water assets and that the decision to pay compensation rests with Parliament.

Timaru District Mayor Nigel Bowen said that there were some errors in the judgement that merit further scrutiny.

"We were pleased with the clarification that the Government's Three Waters plan was clearly expropriation of assets without compensation, and it significantly downgrades communities' ability to influence the core services that generations of them had built," he said.

"However, we feel that there were a number of errors of law that we believe are worth considering further.

"We do not agree that the declarations sought were too general and did not reflect local government ownership rights in respect of infrastructure assets, and do not support the assertion that the declarations infringed the principles of non-interference in the legislative process.

"Unlike other centralisation plans such as Te Whatu Ora and Te Pukenga, these are not central government assets.

"Between our councils there are more than a billion dollars' worth of community assets being expropriated without compensation, so we feel it's our duty for all New Zealanders to ensure that basic property rights aren't undermined.

"As owners of this critical infrastructure, on behalf of our communities, we are now demanding that any future changes to three waters policy settings respect these basic rights in a property-owning democracy.

"We have real concerns that once a precedent is set through three waters, any and every other community asset is up for grabs."