

ORIGINAL

**IN THE DISTRICT COURT  
AT HASTINGS**

**CRI 2009-020-003185**

BETWEEN HAWKES BAY REGIONAL COUNCIL  
Informant  
AND MORTON ESTATE WINES LIMITED  
Defendant

Hearing: 17 March 2010

Appearances: J G Krebs for Informant  
M E J Macfarlane for Defendant

Sentencing: 17 March 2010

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**NOTES OF JUDGE C J THOMPSON ON SENTENCING**

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[1] Morton Estate Wines Limited has pleaded guilty to three charges laid under the Resource Management Act. Two of them relate to the taking of water during a period in which the Regional Council had imposed a water take ban. The other relates to the taking of water at a volume greater than was permitted by a resource consent which the company held.

[2] The company has, relevantly, two vineyards. One is known as the Matapiro property and the other as the Mangatahi property. Both have bores for irrigation and other purposes which draw water effectively, if not directly, from the Ngaruroro River.

[3] The scheme of things is that under each resource consent the company is required to cease taking water from the relevant bore when the flow in the Ngaruroro