

**SUBMISSION ON PROPOSED CHANGE 63**

**To:** Tasman District Council

Name of submitter: Robert Alan Lane & Anissa Jean Bain as executors of the estate of DW  
Carson

1. This is a submission on Proposed Plan Change 63.
2. We cannot gain an advantage in trade competition through this submission.
3. Our submission is:

We support Proposed Plan Change 63 as we consider that the extension of time created by it will allow for a better decision to ultimately be made about the appropriate management of water resources in the Waimea district.

4. We seek the following decision from the local authority:



We want Proposed Plan Change 63 to be approved.

5. We do not wish to be heard in support of our submission.

.....  
A M Halloran  
Counsel for the Submitter

21/10/2016  
.....

Date

**Address for service of submitter**

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**Pam Meadows**

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**From:** Ursula O'Donohue <ursula@jsewers.co.nz>  
**Sent:** Wednesday, 19 October 2016 3:15 p.m.  
**To:** Tasmanmp  
**Cc:** Pierre Gargiulo  
**Subject:** Submission on Proposed Plan Change 63  
**Attachments:** Submission on Tasman Resource Management Plan 19.10.16.pdf

Please see attached.

Regards,

Ursula

**Ursula O'Donohue**

**Finance & Administration Manager**

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**Submission on Tasman Resource Management Plan:**

**Proposed Plan Change 63: Waimea Water Management Transition**

**On Behalf of:**

- **J S Ewers Limited (JSEL)**
- **Blackbyre Horticulture Limited (BBH)**
- **Phimai Holdings Limited (PHL)**

JSEL, BBH and PHL in general support the proposed Plan changes on the Waimea Water Transition Management. 

However as notified in the Proposed Plan Change 63, the extension of dates by two years we believe will be the minimum time required to extend the transitional water allocation restriction dates. This is due to the ongoing discussion on agreeing the most appropriate funding model for the Waimea Community Dam which we believe the Council continues to have a strong obligation to allow sufficient time and resource to make a workable solution for all stakeholders.

Further, all three companies covered by this submission have associated lessors and lessees who continue to require sufficient time to provide further input as to the ownership and funding models for the Dam. The likely investment is significant for many commercial land owners on the plains and appropriate time needs to be allowed for the raising of the capital required by these stakeholders after a final decision on the funding model is confirmed. In conjunction with this there would be lengthy and complex negotiations required between lessors and lessees as to long term land lease agreements to enable an appropriate return on investment.

Settlers Crossing Vineyard Ltd  
c/- Brett Daniell-Smith  
547 Rocks Road  
Nelson 7010

17 October 2016

Tasman District Council  
Private Bag 4  
Richmond  
**Tasman 7050**

Attention : Environmental Policy Team

Email: [tasmanrmp@tasman.govt.nz](mailto:tasmanrmp@tasman.govt.nz)

**PROPOSED PLAN CHANGES – TASMAN RESOURCE MANAGEMENT PLAN  
CHANGES 63 AND 64**

Please find enclosed my submission.

Please note that I wish to be heard in support of my submission, and my address for service is c/- Daniell-Smith & Co, 317 Hardy Street, Nelson.

Yours faithfully



**B J A Daniell-Smith**

## PROPOSED PLAN CHANGE 63

### WAIMEA WATER TRANSITION MANAGEMENT EVALUATION REPORT DATED 24 SEPTEMBER 2016

#### SUBMISSION 1

In your introduction you have undertaken a precis of Section 32 of the Resource Management Act 1991.

Section 32(1)(b)(i) reads:

- (i) *identifying other reasonable practicable options for achieving the objectives; and*
- (ii) *assessing the efficiency and effectiveness of the provisions in achieving their objectives; and*
- (iii) *summarising the reasons for deciding on the provisions.*

Your introduction then moves to Section 32(2) of the Act, which reads:

*"An assessment under subsection (1)(b)(ii) must:*

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for .....*

Your introduction, however, reads:

*"Identifying and assessing the efficiency and effectiveness of the proposal, achieving its objectives, including the benefits and costs of the effects of implementing the proposal, including opportunities for provision or reduction in economic growth and employment."*

#### SUBMISSION 2

You have in my view clearly and perhaps deliberately omitted the word "other" from the first part of the Introduction and have accordingly misquoted the Resource Management Act, Section 32, by using the word the, thus limiting its ambit.

#### SUBMISSION 3

My third submission relates generally to the way in which the Issues and Objectives of the change have been expressed. I consider myself to be a person of at least average intelligence, and yet I am completely unable to understand the Objectives because of the language used.

Section 32(1)(c) of the Resource Management Act indicates that a summary of reasons for deciding on the provisions shall contain the level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

This is a project of considerable scale and significance and therefore it is my view that the Issues and Objectives should be expressed in a way which are easily understood by the lay person.

#### **SUBMISSION 4**

My fourth submission is that there seems to be no definition of what an "affiliated person" is. I am a landowner who could be significantly affected by the proposal and yet I am unaware of who is an affiliated permit holder and who is not. What is an affiliated person? I would ask for clarification on this point in due course.

(1)

#### **SUBMISSION 5**

It appears that the purpose of the Tasman Resource Management Plan Change No.63 is to provide you with further breathing space and to enable you to comply with the statutory requirements of the Act, but paragraph 3 goes on to say:

*This enables the result of either a funded Dam or no Dam to be arrived within that additional time, before permit renewals are decided accordingly."*

I am not sure what that statement means, but Section 32(1)(b)(i) also requires you to identify other reasonably practicable options, whereas that sentence in isolation would suggest that the Council is focused only on a Dam or no Dam.

I would like further clarification on that aspect please.

#### **SUBMISSION 6**

As a ratepayer I feel that any explanation for what is proposed should be expressed in easy to read language so that affected parties may properly be informed of how the Plan Change will affect them.

#### **SUBMISSION 7**

I have sought input from other affected persons, as to whether they appreciate and understand the proposed changes, and can indicate that they are as equally confused by the language used as I am.

A simplified document covering the above points would be greatly appreciated.

**B J A Daniell-Smith**  
**Submitter**