

622 Change 63: Waimea Water Management Transition

Evaluation Overview

Change 63 was notified on 24 September 2016, and is a small rather technical change to an already complex regime for Waimea water management.

The Waimea water management regime was set up by previous changes to the Tasman Resource Management Plan.

There is a complex history and context to the change, although the amendments are straightforward.

It is recommended the Plan Change be retained without amendment.

Submissions Dealt with in this Report

C63.3950.1	Carson, D W Estate (R Lane & A Bain)	C63 GEN	Retain Change 63.
C63.4135.1	Ewers, J S; Blackbryre Horticulture & Phimai Holdings	C63 GEN	Retain Change 63.
C63.4136.1	Settlers Crossing Vineyard Ltd	C63 GEN	Define "affiliated person".

Evaluation and Recommendations 622.1

A. Evaluation

1.0 Introduction

Change 63 was notified on 24 September 2016, and is a small rather technical change to an already complex regime for Waimea water management. The change amended dates in the policies and rules in Part 5 Water for dealing with the transition for water allocation management, either in the event of the Waimea Community Dam (WCD) or not, and with the WCD, whether there was progress in its construction, and once it commenced operation. The Waimea water management regime was set up by previous changes to the Tasman Resource Management Plan – Changes 45 – 48 (notified 27 April 2013; operative 19 September 2015); and Changes 54 – 56 (notified September 2015; operative 24 September 2016). Change 63 extended by two years the dates, to enable agreement on funding for the WCD and so the provision of water supply agreements for renewing water permits that are affiliated to the WCD, before the date (now 1 November 2018), after which the "no WCD" restrictions on permit exercise would be triggered.

Thus there is a complex history and context to the change, although the amendments are straightforward.

2.0 Issues

Three submissions were received on Change 63; two supported without condition. There were no further submissions. The third submission (4136) did not oppose the Change, and as a decision on the change, only it requested that the term "affiliated person" be defined. The expression "affiliated to" is already defined in the TRMP by amendments in Change 54 (in section 2.2). Submission 4136 also raised several questions about the Change's section 32 evaluation report.

This report for completeness addresses the questions put by submitter 4136 as a series of "submissions". The submitter requests to be heard on these points, and even though these points do not affect the Change, it is appropriate to report on matters raised within the submission made.

In the first two points in submission 4136 the submitter takes issue with the correctness of the s 32 report's description in its introduction, of the provisions of s 32, in leaving out one word from the law. The report text is a collation of the requirements of section 32, and not a quotation. The omission of the word "other" does not change the integrity of meaning of this collation that aptly describes the set of requirements.

The third point made in the submission is about the understandability of the s.32 report text about the

issues behind the Change, and the Change's purpose. I do not accept the validity of this criticism. The text of the report gives a succinct statement of the purpose of the Change; there is adequate context given to enable anyone unfamiliar with the situation, enough prompts to actually read the TRMP to understand further the context for the change. The scale and significance of the change is not such that the report need say much more; as the preceding changes have well dealt with the rationale for the Waimea water management provisions already in the TRMP.

The fourth point is a legally valid submission request, and as explained above is already provided for in the TRMP (the meaning of "affiliated").

The fifth point suggests that the options for Change 63 should cover others besides those assessed in the report, but does not suggest any. Because the scope of purpose of the Change is quite specific, it is not appropriate to range over options well outside its scope.

The last points repeat the assertion that the report is difficult to understand. I reject this criticism. The report is short and focussed on the change, as is required by law. For the other supporting submitters on the change, there is no such expression of confusion. Some care taken in looking at the TRMP as it was made reference to in the Change and the report, would have provided the submitter with answers as to the rationale and effect of the wider management provisions, as context, without further difficulty.

B. Staff Recommendations

The Plan Change be retained without amendment.

C. Reasons

The change is appropriate.

D. Plan Amendments

Topic : C62 GEN

No Plan amendments.

F. Submission Recommendations

C63.3950.1	Carson, D W Estate (R Lane & A Bain)	Allow
C63.4135.1	Ewers, J S; Blackbryre Horticulture & Phimai Holdings	Allow
C63.4136.1	Settlers Crossing Vineyard Ltd	Allow