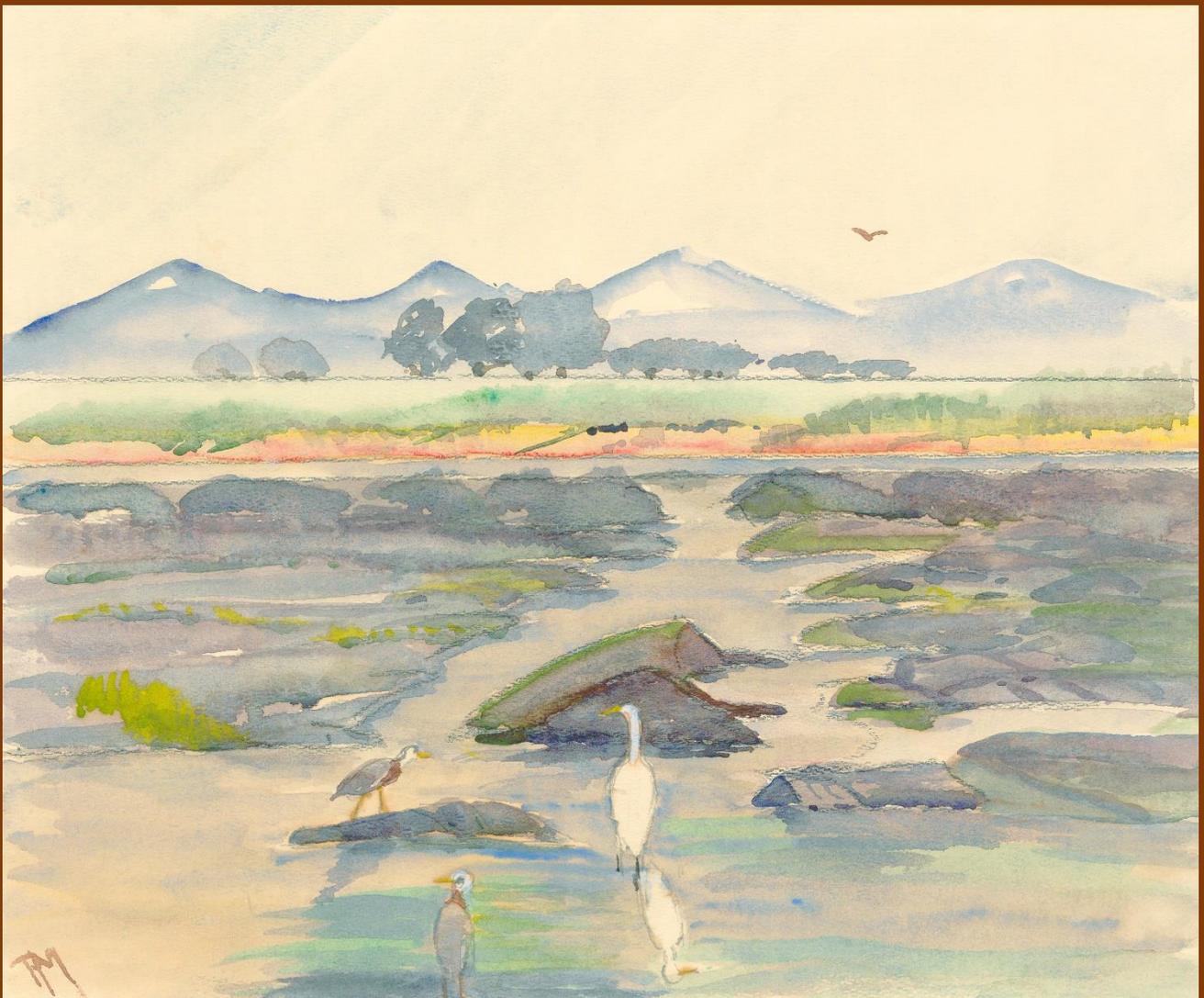
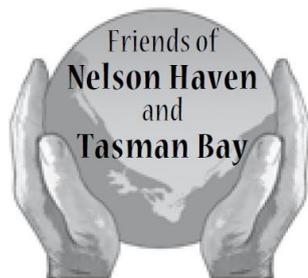


The story  
of the  
**Friends of  
Nelson Haven  
& Tasman Bay**  
Part 2 – 2007 to 2016



**The story  
of the  
Friends of  
Nelson Haven  
& Tasman Bay  
Part 2 – 2007 to 2016**

By Michael North



First published 2017 by Friends of Nelson Haven & Tasman Bay Inc.  
PO Box 365, Nelson 7040, New Zealand  
em@nelsonhaven.org.nz · www.nelsonhaven.org.nz

© Friends of Nelson Haven & Tasman Bay Inc.

All rights reserved. With the exception of fair dealing for purposes of research or private study, or criticism or review, no part of this publication may be reproduced, stored or transmitted in any form or by any means, without prior permission in writing from the copyright holders. Copying for general distribution, for advertising or promotional purposes, for creating new collective works for resale, is prohibited. Special requests should be addressed to the copyright holders.

ISBN 978-0-473-40532-8

### Acknowledgements

Gwen Struik struck upon the idea of having a ten year update of 'The Story of the Friends of Nelson Haven' (that was published in 2007) as a way of further promoting the group with an updated history. I took little persuading as I knew that continuing the story of the Friends would be a very interesting undertaking, and so it proved. Interviews or brief discussions were held with Gwen, Steffan Browning, Rob Schuckard and Doug Craig. Various versions of the draft were improved by Rob, Doug, and Gwen, as well as by Gillian Pollock, Margot Syms and Helen Campbell for which I am grateful.

The project was part funded by a grant from the Network Tasman Trust.

*Michael North, Nelson, July 2017*



*Front Cover picture: Delaware Bay (1960's – Original size 440 x 370 mm available from Friends of Nelson Haven & Tasman Bay) by Perrine Moncrieff (1893 – 1979), granddaughter of British painter John Millais.*

Perrine Moncrieff was a foundation member of Friends of Nelson Haven (1973) and active committee member (1973 – 1979); foundation member of the Native Bird Protection Society (1923) which became Royal Forest and Bird Protection Society; foundation member of the Australasian Ornithological Society, writing the first popular book on New Zealand birds (1925); purchased and gave

Haulashore Island to the people of Nelson; purchased 500 acres opposite Adele Island and made it into a private scenic reserve (1936); inspired and named Abel Tasman National Park (1945).

*Back Cover picture: Abel Tasman Coast © Peter Syms*

Layout by Margot Syms. Printed by Speedy Print.

*“We are one brief generation in the long march of time; the future is not ours to erase. So where knowledge is limited, we will remember all those who will walk after us, and err on the side of caution.”*

- from: the David Suzuki Foundation’s Declaration of Interdependence.

This booklet is dedicated to these eco warriors who passed away in the last decade:

Tony West

Danny Boulton

Warwick Heal



## **Table of Contents**

1.	Introduction .....	2
2.	Resource Management Setting .....	3
3.	Marine Environment- inadequate ecosystem understanding .....	4
4.	Marlborough Sounds Aquaculture .....	5
4.1	Mediation, Appeals and Court Outcomes .....	6
	Admiralty Bay Dolphins .....	6
	King Shag Study.....	7
	The New Zealand King Salmon (NZKS) case .....	8
4.2	Aquaculture Gold rush .....	9
	Legal precedence set by the NZKS case .....	9
	Spatial Planning.....	9
5.	Nelson & Tasman Bays .....	10
5.1	Planning .....	11
	Landscapes and Natural Areas.....	11
5.2	Eco Forums .....	12
5.3	Port Nelson .....	13
5.4	Wastewater & Stormwater Issues.....	14
5.5	Coastal Subdivision .....	14
5.6	Boulder Bank .....	15
5.7	Oil Exploration .....	15
5.8	Aquaculture .....	16
5.9	Golden Bay aquaculture .....	17
5.10	Cycle Trails.....	17
5.11	Education .....	18
6.	Committees .....	18
7.	Final Comments.....	19
	Appendix A: Abbreviations.....	20
	Appendix B: Matters Addressed.....	21



## **1. Introduction**

Friends of Nelson Haven and Tasman Bay Inc. (Friends) is an environmental watchdog group that has been active for 44 years since its establishment in 1973. It is arguably the longest running local group of its kind in the country. Its major aim is to protect the ecological integrity of the coastal marine area of Tasman Bay, Golden Bay and the Marlborough Sounds by means of research, and by submitting on coastal plans and policies, and on consent applications that affect the coastal marine area.

Friends' history up until 2006 has been recorded in the earlier companion volume 'The Story of the Friends of Nelson Haven & Tasman Bay' (hereafter 'the Story') published in 2007. This current volume presents a ten-year update on activities up to early 2017. Since the last publication, Friends has continued to submit on consent applications, sometimes culminating in case law around sustainable management in the Coastal Marine Area. It has fought aquaculture over-development in the Coastal Marine Area of the top of South Island particularly in the Marlborough Sounds, kept involved with Port Nelson pollution issues, and participated in the process of identifying significant landscapes and natural areas in Tasman District.

Friends plays an active role in forums to do with the management of Waimea Inlet, and the development of coastal biodiversity action plans for the Nelson City Council (NCC) area. It routinely submits on the three Top of the South unitary councils' annual and long-term plans and resource management (district) plans.

With a continual stream of potentially environmentally damaging developments within the public marine space and coastal margins, much work that Friends undertakes is reactive, although not always in opposition. Friends' submissions are well researched and underpinned with good science and always stress a precautionary approach. Strength has come by acting collaboratively or in parallel with other organisations such as Royal Forest and Bird Protection Society (Forest and Bird), Sustain Our Sounds, Kenepuru Central Sounds Residents Association, Friends of Golden Bay, and Guardians of the Sounds. Unfortunately, in recent years the Department of Conservation's (DoC) advocacy role has been curtailed by political decisions and cuts to their funding, putting greater demands on volunteer groups such as Friends to advocate for sustainable management of the coastal marine environment.



## **2. Resource Management Setting**

The purpose of the Resource Management Act (RMA) is to promote the sustainable management of natural and physical resources. The RMA combined with the New Zealand Coastal Policy Statement 2010 (NZCPS) are the cornerstone for defining certain environmental bottom lines and sustainable limits for managing our coastal environment.

The shift in political climate over the last decade has made the work of environmental watchdogs ever more challenging, with a raft of recent legislative changes that have made citizen participation in natural resource decisions increasingly difficult.

2004 saw the passing of the RMA Amendment Act (No.2) and the Aquaculture Reforms (Repeals and Transitional Provisions) Act. Subsequently the following Acts came into force during the decade 2006-2016 that had significant bearing on coastal and inshore developments, and consequently on the scope and practice of the Friends' coastal watchdog tasks:

- Resource Management (Simplifying and Streamlining) Amendment Act (2009)
- New Zealand Coastal Policy Statement (2010) superseding the NZCPS of 1994
- Environmental Protection Authority Act (2011)
- Aquaculture Amendment Act (2011)
- Resource Management Amendment Act (2013)

Most of the changes have had the effect of facilitating development in the coastal marine area. However, provisions in the NZ Coastal Policy Statement have resulted in some tightened coastal protections, particularly around landscape. A further positive development in law came to pass with the 2014 Supreme Court judgement on the NZ King Salmon case (see below) that redefined the core purpose of sustainable management in the context of the RMA. Subsequently, the government proposed in 2016 to add "economic development" to the RMA's stated purposes alongside existing ecological and heritage protections – a suggestion that Sir Geoffrey Palmer labelled a 'constitutional outrage'. Opposition to this fundamental change in the purpose of the Act has so far been successful, with the government failing to get sufficient numbers in parliament to proceed. In response, in early 2017 the government proposed introducing special measures that allow developers to bypass the RMA altogether (see below).



### **3. Marine Environment- inadequate ecosystem understanding**

Much of the Friends' work is concerned with resource consents in the coastal marine space, centring around the cumulative environmental impacts on the marine environment. Council approvals are often given with insufficient robust ecological understanding, because the science is simply not available, too expensive or not accessible to the wider public. The challenge to researchers has been in meeting the high costs and technical difficulties of undertaking good science in marine environments, and the low preliminary baselines of knowledge that we are starting from when compared to terrestrial environments. For these reasons Friends has always championed the precautionary principle in the approval of developments where there is obvious scientific uncertainty, and in what is increasingly apparent to be highly sensitive environments.

Friends has contributed significantly to this scientific knowledge base by securing agreements with businesses as a result of mediation or resource consent appeals. This has funded research in areas as diverse as dusky dolphin and king shag ecology, and seabird and other conspicuous marine fauna surveys.

It is disappointing that central government has not ensured that the aquaculture industry fund good and transparently independent science in this area. In this sense, Friends would fully support a Parliamentary Commission for Science to forge a new relationship between scientists, policy makers and the public. This would ensure that our science is never silenced<sup>1</sup>.

The limited nature of government-funded research by crown research institutes to date is also of concern, considering the benefits to the economy of having a truly ecologically sustainable aquaculture industry. It is pleasing to note however that the National Institute of Water and Atmosphere Research (NIWA) has begun studying Tasman/Golden Bays using the Atlantis Ecosystem Model, and that a multidisciplinary Sustainable Seas Challenge, with Cawthron Institute participation, is also studying this area in order to enable informed sustainable management decisions around marine resource use.

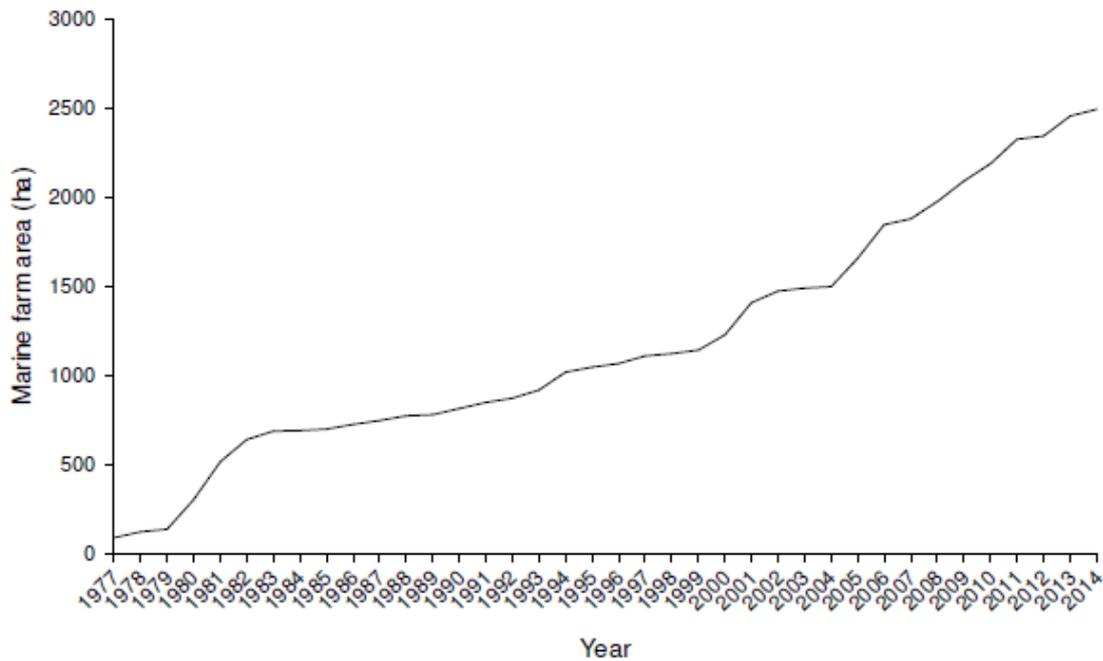
---

<sup>1</sup> Hendy, S. 2016. Silencing Science. BWB – Texts series.



## 4. Marlborough Sounds Aquaculture

Aquaculture began in the Sounds as early as 1969, with a rapid leap in area granted by Marlborough District Council (MDC) to c 700ha over 1979-1982 and a steadier increase to c 1200ha by 1999. In the following 15 years the rate increased sharply, with the ‘granted’ area doubling to c 2400ha by 2014 (Fig 1). In 2016, there are 585 marine farms covering about 3000 ha.



Cumulative area (ha) of Pelorus Sound marine farms with a status of “granted” by Marlborough District Council, 1977-2014.

Figure 1. from “The history of benthic change in Pelorus Sound (Te Hoiere), Marlborough.” Prepared for MDC, February 2015 by Sean Handley, National Institute of Water & Atmospheric Research Ltd, NIWA, 217 Akersten Street, Port Nelson.

Most of the area where aquaculture is allowed lies within designated zones in Pelorus Sound, Port Underwood and Admiralty Bay with minor areas in Queen Charlotte Sound, and in the vicinity of d’Urville Island. The ever-increasing growth in the last decade has taken place in the context of two major aquaculture acts and two revisions of the RMA.



## 4.1 Mediation, Appeals and Court Outcomes

With no paid staff and a membership of around 100, Friends is constantly challenged to deal with the aquaculture industry's desire for expansion and growth within a finite coastal environment. The Government is determined to grow aquaculture to a \$1 billion a year by 2025. Unfortunately, the science in support of the sustainability of this proposal is lacking. New Zealand's marine habitats, the communities of marine life within them, the processes that drive marine ecosystems, the full extent of threats to marine biodiversity from human activities and broader environmental changes are still poorly understood. Therefore Friends endeavours to ensure precautionary environmental bottom lines are respected in aquaculture development in the Sounds.

Friends has continued with its submissions, appeals and mediations around a number of proposed marine farm developments discussed toward the end of 'the Story', and has become involved in many more recent applications. Friends gets involved in cases where landscape and ecological values are high, where development threatens ecosystem disruption, and where there is an opportunity to establish important legal precedence. The more prominent cases are outlined below with two of these having significant outcomes for understanding aspects of Marlborough Sounds ecology.

Friends' key arguments around the sustainability of aquaculture, its cumulative effects and impacts on the long-term functioning of the Sounds ecosystem have only slowly emerged at the forefront of hearings and court decisions. So far, the Environment Court has struggled to establish the cumulative effect of mussel farming in the Sounds. However, in a recent application for yet another farm in Beatrix Bay<sup>2</sup>, the court established that there was a reduction of the habitat for flatfish and other benthic fish species as a result of the introduction of mussel farms. The court also established it is likely that the changes in substrate underneath mussel farms are physically, chemically and ecologically different from the original seafloor. The court also identified that it is very likely that the fish assemblages have changed, but that there was insufficient information to establish the extent of change.

### ***Admiralty Bay Dolphins***

Friends' optimism around setting legal precedence around mid-bay farms noted in 'the Story' was short-lived with mid-bay aquaculture (beyond 200m from the

---

<sup>2</sup> Decision No. [2016] NZEnvC 81 – par 85-86.



shoreline) continuing to affect Admiralty Bay. This meant that Friends was back in the Environment Court during 2008/09 with Admiralty Bay Consortium and Marlborough Aquaculture continuing to pursue increased space in this Bay, both inshore and mid-bay. The Department of Conservation eventually decided to engage (being a section 274 party to the Friends' appeal) around its concerns for dusky dolphins. Five years of research on dusky dolphins within Admiralty Bay by Professor Bernd Wursig of the University of Texas was published in 2004. It raised serious concerns about the impact of marine farming on the dolphins' use of the Sounds for feeding. Marine farms can affect dolphin foraging in the coastal environment, yet this issue had been largely omitted from aquaculture management models to date. An Environment Court hearing on dusky dolphin issues took place in 2006 and another on all other issues in 2009. The outcome was a three-year dusky dolphin study funded by Admiralty Bay Consortium, which eventually began in 2011 after a protracted delay. The results of this study show that the dolphins use the bay for at least eight months of the year. A further Environment Court hearing took place in early 2016, with DoC, MDC and Friends making a strong case against granting of the applications. The applications were declined in mid 2016 due to potential impacts on dusky dolphin and king shag, drawing to a successful end a 15 year-long case.

### ***King Shag Study***

The resolution with Red Sky Trust (Oldhams) covered in 'the Story' for their mussel farm included \$20,000 of funding for a desktop study into the conservation management requirements of king shag of which only 839 birds exist, all within a limited area of the Marlborough Sounds. In 2011 Friends commissioned a Dutch shag ecologist, Dr. Mennobart R. van Eerden<sup>3</sup>, to do a literature review of king shag biology including an assessment and discussion of other shag species, especially for those aspects of king shag biology that are poorly known. This information should form the core of a better conservation management plan for the species. Further work is planned that will provide valuable information to DoC in its management of this nationally threatened species, and help raise its profile. Uncertainty about the effect of aquaculture is unacceptable for a species of this threat status, and current stable numbers cannot be taken as an index of environmental health nor used as vindication for further development.

Further king shag research was subsequently required as a result of the application for a Plan Change by New Zealand King Salmon to expand its operation (see below). The Board of Inquiry required a king shag management plan including a

---

<sup>3</sup> Chair of IUCN - Wetlands International Cormorant Research Group



baseline of the number of shags that are in the Marlborough Sounds. Friends is still using the available funding to increase the knowledge of the prey species it depends on. Friends believes that such research should have been undertaken well before decisions were made on developments that potentially threaten its existence.

### ***The New Zealand King Salmon (NZKS) case***

In 2010 New Zealand King Salmon (NZKS) applied for more space through the conversion of existing mussel farms to salmon. With the passage of aquaculture reform in 2011 and the establishment of the Environmental Protection Authority (EPA), the legislative changes potentially made farm establishment easier than before. Government decided that their proposals were of national significance, bypassing the normal council hearing/Environment Court process, with the entire process fast-tracked in 9 months under the new EPA legislation.

NZKS identified the most productive areas to be within the aquaculture prohibited zones of the Sounds. Their proposal was for eight new salmon farms and one conversion of a mussel farm to salmon, with a proposed upper limit of 30,000 tonnes of salmon. The nitrogen waste into the water column from such a volume of salmon was established to be the equivalent present in the untreated sewage of 420,000 people, more than three times the population of Marlborough, Nelson and Tasman.

Sustain Our Sounds (SOS) quickly formed to fight these proposals. Friends also ran its own case in tandem to spread the effort. The Environmental Defence Society (EDS) participated as they could see the potential for important legal precedence being set by this case. MDC joined the opposition as they could see the potential of 20 years of work on the Sounds Plan being swept aside with eight of the proposed farms located outside areas zoned for aquaculture. The Board of Inquiry set up by the EPA approved four of the farms.

In 2013, SOS and EDS challenged this decision in the High Court and then in 2014 in the Supreme Court. Either singly or between them they argued, among other things, that the RMA and the New Zealand Coastal Policy Statement contained environmental bottom lines and that the overall broad judgement approach should not over-ride these. SOS opposed all four farms, and EDS one of them on outstanding landscape grounds.

The outcome was the granting of three of the farms, but not the fourth opposed by EDS, on landscape grounds. More importantly though, the decision has strengthened case law regarding interpretation of the Resource Management Act, and



the New Zealand Coastal Policy Statement 2010 on the protection of Outstanding Natural Landscapes and Features. The Supreme Court ruled for the first time that decisions under the RMA are not to be arrived at by an overall broad judgement at the expense of environmental bottom lines. This precedent has fundamental implications around how councils and the courts are to interpret the RMA from this point on.

## 4.2 Aquaculture Gold rush

As a result of the 2011 Aquaculture Amendment Act and perhaps in anticipation of the Review of Marlborough's Regional Policy Statement and Resource Management Plan, a flurry of expansions and new farms were applied for. This Act has (as intended) created incentives for the aquaculture industry to push for more space. By 2013 aquaculture in the Sounds had largely occupied the ribbon zone (within 200m of the shore) of Pelorus Sound and associated bays. Inshore farm extension applications have pushed relentlessly out of the discretionary zone into the 200m+ offshore non-complying zone, with MDC increasingly disposed to grant consents in such areas. In 2013 for example MDC approved two extensions in Beatrix Bay out to 350m and 450m offshore respectively.

### ***Legal precedence set by the NZKS case***

In 2013 MDC approved a conversion of a 12 hectare mussel farm to salmon by KPF Investments at the mouth of Port Ligar (Danger Point), which was appealed by Pelorus Wildlife (with support from Friends). The Environment Court granted the appeal on a number of issues, including landscape. This case is notable for being one of the first to be heard since the NZ King Salmon Supreme Court decision, which led the Environment Court to reject this application in their decision.

Another example is where Commissioner Kenderdine (former Environment Court judge) refused an application by RJ Davidson Family Trust for a new mussel farm in Beatrix Bay, with part of her decision relying on the earlier precedent-setting Supreme Court case.

### ***Spatial Planning***

Development and consent granting as a discretionary activity favours ad hoc decision making by the council, with no apparent long-term vision. Large areas of



Pelorus Sound are now industrialised public marine space, the trade-off for maximising jobs and economic activity (at least in the short term) at the expense of the public commons and risk to the ecological integrity of the Sounds. Where the line should be drawn on the appropriate level of development and in what locations is always going to be highly contentious, but as far as sustainable management is concerned it has gone too far too fast. There is little acknowledgement that the inshore marine area is a finite resource, both in respect of landscape integrity and ecological carrying capacity to sustain aquaculture. The frameworks established by central and local government for delivering these outcomes seem set up to invite continual and drawn out litigation, and if environmental NGOs do not participate, there is considerable risk of further environmental degradation.

There seems to have been no appetite amongst authorities to establish a once and for all spatial plan for the Sounds. This seems to be central government's position with the August 2015 announcement that a National Policy Statement for Aquaculture is under preparation – as if the 2011 Aquaculture Reform Act were not enough to open the floodgates. However by February 2017 it was clear that the government was taking a very different tack. Unable to change core principles of the RMA to facilitate development due to lack of numbers in the House, they initiated a special process that allows MPI to make regulations that bypass normal RMA processes with minimal public scrutiny. In the first instance this is to facilitate New Zealand King Salmon's (NZKS) expansion in the Marlborough Sounds that was somewhat curtailed by the courts. The normally understated Environmental Defence Society commented that 'by over-riding normal legal process in favour of an individual company, New Zealand is looking like a banana republic'. It could mean trumping any legal arguments won by EDS and SOS in the NZKS case.

## **5. Nelson & Tasman Bays**

Work in Tasman Bay and Golden Bay comprises a huge range of issues that fall into a number of themes and these are headlined below. Unlike the Sounds, aquaculture is not the outstanding development pressure, with earlier successes seeing off wholesale inshore aquaculture development (see 'the Story'). Much of the work that Friends has undertaken in Tasman Bay has a low profile compared to their often highly public aquaculture efforts in Marlborough.



## 5.1 Planning

Much work has gone into contributing to or submitting on council policies and processes, and participating in working parties that impact on Tasman Bay. In two major areas of RMA legislation, it has been Tasman District Council (TDC) that has been a particular focus of interest.

### ***Landscapes and Natural Areas***

Top of the South councils have continued to develop their Resource Management Plans in areas that they have had the responsibility to address since the inception of the RMA in 1991. Friends has been party to appeals on Significant Natural Area (SNA) and Outstanding Natural Features and Landscapes (ONFL) processes and designations in Tasman District but not in Nelson City or Marlborough District as it did not originally submit on these issues in the first generation of Resource Management Plans. The identification of SNAs and ONFLs with appropriate protections is a requirement under the Act, with now extensive precedence through court rulings on how these should be identified and on suitable levels of protection in district plans. Further, since 2010 councils have been required to give effect to the revised New Zealand Coastal Policy Statement, which includes protection obligations around coastal landscapes.

To recap on ‘the Story’, in 1996 TDC identified coastal Landscape Priority Areas in their proposed Tasman Resource Management Plan (TRMP), as a response to landscape legislation within the RMA, only to withdraw them after public submissions. Friends appealed, the only group to do so, with TDC committing in 2002 to undertake further study to identify coastal landscapes of outstanding value. In 2005 TDC began complying with the Environment Court order resulting from the Friends’ appeal, with the commissioning and release of the Boffa Miskell report ‘Coastal Landscapes of Outstanding Character’. Community consultation followed but the council decided to put it aside as a reference document only. After failed mediation (as the appeal was still alive), the issue went to the Environment Court once again, with Friends having prepared extensive landscape evidence (the Kidson Landscape report of 2007). Forest and Bird, DoC and Friends of Golden Bay joined the appeal. The result of the 2008 court decision was the signing of an agreement between the parties for TDC to identify and protect important landscapes, and the withdrawal of Friends’ appeals. In 2011 a process was established to achieve this: A collaborative process leading to the identification of Outstanding Natural Features and Landscapes (ONFLs) in Golden Bay ran for five years involving the Friends, Forest and Bird,



Federated Farmers, iwi and local landowners. This council-initiated process was seen as a trial to determine whether better process and outcomes could be achieved in this way around landscape designations. After 31 meetings, agreement was reached on recommendations to Council. Public input on these recommendations was invited in mid 2016, a step on the long road to incorporation in the district plan. It is unfortunate that the significant costs and exhaustive timeframe that this took means that this process is unlikely to be repeated for other communities around Tasman District. The process and timeframe for landscape designations within the remaining area of Tasman District has not yet been released.

Designation of Significant Natural Areas (SNAs) within TDC is now well underway, but it took 11 years after withdrawing most SNAs from the proposed TRMP in 1996, because of community backlash, to the signing of an agreement to have SNAs identified. Friends appealed the initial delisting, and by the early 2000s was in mediation with TDC along with other parties. This eventually had a successful outcome: in 2007 TDC signed a Memorandum of Understanding with Friends and other parties including the Department of Conservation, Federated Farmers and Forest and Bird around vegetation clearance rules and the identification of SNAs. This agreement saw the insertion of stronger rules around the clearance of freshwater wetlands, frost-flat shrub lands, karst vegetation and alluvial forest, additional to the general vegetation rules already in place. It also saw the initiation in 2008 of a district-wide survey of SNAs, whose designation comes with no specific plan rules, and where access to property surveys is by voluntary consent of landowners.

## 5.2 Eco Forums

Collaborative forums are increasingly being used to further environmental protection and sustainable natural resource use objectives by including a wide range of stakeholders in community information sharing and decision-making processes. A key one for Friends has been the recent TDC ONFL process (see above). Friends is a member of two other very different forums, the Nelson Biodiversity Forum and the Waimea Inlet Forum.

The Nelson Biodiversity Forum is an NCC-organised group that meets every three months as an information sharing exchange, and promulgator of non-statutory biodiversity action plans for the statutory NCC area. It includes 30 groups as diverse as Federated Farmers, National Institute of Water and Atmospheric Research (NIWA), Cawthron Institute, forestry and aquaculture industries, Forest and Bird and the council itself. It offers Friends the opportunity to be better informed on



developments of policy and practice within local government, NIWA and industry, and to contribute to discussions and input on group submissions on subjects as diverse as national climate change policy and council budgets for biodiversity. It has contributed to ensuring the successful approval of an ambitious and ongoing NCC conservation budget 'Nelson Nature'.

The Waimea Inlet Forum came about due to ongoing development pressures on the inlet. The threat of a huge multi-sport development proposal in the Rabbit Island/Moturoa Inlet area around 2008/09 did not take off, but helped galvanize thinking around the need for some integrated management plan for this estuary of international importance for shorebirds. Both NCC and TDC supported in principle the formation of a community initiated Waimea Inlet Forum, but except for some initial staff time no funds have been committed to it. Friends' members have been participants from the beginning. The Waimea Inlet Charter was launched in 2010, endorsed by councils, community groups and individuals. It sets forth a vision for the inlet but carries no statutory weight. The Waimea Inlet Forum meets regularly and undertakes extensive restoration plantings around the margins of the inlet and barrier islands, and regularly submits on issues affecting the inlet. Pest trapping to protect banded rail has also recently been rolled out along the Waimea Inlet margins after a successful funding application to DoC's Community Conservation Fund, building on the pioneering trapping work done by Willie Cook at the Waimea Delta. The Forum has helped galvanize an increasingly co-ordinated and collaborative approach between councils, the Tasman Environmental Trust (TET), DoC and the community.

Tasman District Council also holds a Biodiversity Forum twice a year with Friends' committee members regularly attending as individuals (there is no membership structure). This is open to all and includes talks by a variety of professionals reporting on their environmental work and by individuals who report on their private or community work or that of the NGO they belong to. It is an opportunity for an exchange of information and for education about successful and new techniques.

### 5.3 Port Nelson

Friends has long participated in the Port Nelson Environment Consultative Committee. The port is one of the country's largest for the export of pine logs and fish. The use of the methyl bromide timber fumigant is one of the most contentious issues that Friends has dealt with at the port, but during the last decade its use has become more tightly controlled by NCC and the Environmental Risk Management



Authority (ERMA). Other concerns have been around the potential toxic contaminant levels of dredged material close to the port, and the implications for the ecology in the areas where it is dumped further out in Tasman Bay. Cawthron now monitors these areas, and there is a multi-million dollar containment plan for the Calwell slipway area due to high concentrations of tributyl tin, copper and other toxins. The 42,000m<sup>3</sup> of proposed dredging material is to be incorporated with cement and used as ‘mudcrete’ infill, with Friends concerned with long-term leaching and dispersal using a method with only a fifteen year history. Friends has also submitted suggestions for monitoring shellfish and fish in the Haven.

## 5.4 Wastewater & Stormwater Issues

Waste issues have continued to arise around Nelson, with Friends making representations on minimising impacts from the Corder Park pipeline and Neale Park pumping station renewals. Friends has contributed to the discussion of options for the removal of sewage sludge from the Wakapuaka Ponds and on the Monaco to Bell Island pipeline. They have also been consulted on stormwater and sewage discharges into Waimea Estuary and on emergency discharges to Nelson Haven and Tasman Bay.

## 5.5 Coastal Subdivision

Coastal development issues regularly arise around the Bays, some of which concern the Friends enough to seek better environmental outcomes. A number of these are highlighted here.

Coastal subdivisions have been proposed around the margins of Waimea and Moutere Inlets in the absence of any integrated plans for these estuaries, nor policies on such developments in the context of sea-level rise. The Friends supported Forest and Bird in their opposition to one on Best Island, but the council approved it, with objectors deciding not to appeal.

A sub-division proposal by Carter Holt Harvey HBU LTD on land historically used as a domain at Kina Peninsula was rejected by the Council and subsequently the Environment Court. Friends, an initial submitter, supported the Council’s decision at the Environment Court on issues such as outstanding natural features and landscape, and effects on wildlife, and were awarded costs for its expert witnesses. TDC eventually purchased the eleven hectares of land, as a public reserve. A later (non-



RMA) process by TDC granted five 1000 m<sup>2</sup> long-term leases for private boat-sheds, which was also opposed by Friends. Another coastal sub-division at Mapua was opposed but approved by council.

## 5.6 Boulder Bank

The Boulder Bank has long been an area of interest and concern to the Friends since the early 70s. The Boulder Bank Scenic Reserve is of international importance as a very rare example of a boulder spit formed by longshore drift. The threat of an access road along the existing track on the crest of the bank from the Glen to the Cawthron Institute Aquaculture Centre saw Friends support Forest and Bird, along with Friends of the Glen, in opposition. Friends was able to provide strong historical context to preservation of the Boulder Bank. Cawthron eventually withdrew its Environment Court appeal against the council's declining of their application, as they were able to negotiate access across adjoining farmland and taking title of the new road.

In 2009, an elegant book on the Bank was published, written by Karen Warren, called 'Rolling Stones'. Then in 2013, the New Zealand Historic Places Trust registered part of it as the 'Nelson Boulder Bank Historic Area'.

## 5.7 Oil Exploration

In 2009 MDC granted consent to Australian Worldwide Exploration Ltd (AWE) for exploratory oil drilling in eastern Tasman Bay near Rangitoto/d'Urville Island. Friends appealed this decision on a number of grounds including a lack of substance in the environmental report, and its weak assessment of environmental effects in case of an oil spill. The outcomes of mediation were twofold: a jointly developed minimum standard was agreed on the level of information required to be included in future applications for inshore oil and gas exploration. Applied Ecology Solutions from Australia, with expertise in marine oil exploration and marine ecology, was commissioned to compile a standard framework for an Assessment of Environmental Effects (AEE) when inshore drilling applications are made. The document identifies where these best practice processes fit within the statutory planning process in New Zealand. The standard was agreed to by all parties and adopted by AWE, and was more rigorous than that which the council had originally required from the applicant.



This framework has been formally presented to the other two territorial authorities with responsibilities for Tasman Bay. AWE has stated that preliminary results indicate insufficient oil was found. The second outcome from the mediation process was AWE-provided funding for baseline surveys on the distribution of fish, seabirds and sea mammals in Golden Bay and Tasman Bay. Boat and aerial surveys were undertaken over several days in the summer of 2010/11 by NIWA. Additional funding was secured from Wakatu Inc. (see below) to further this work. Three reports have been published so far of these surveys and three internal reports have been produced. A final survey was done in February 2017 and an overall paper of the distribution of seabirds and mammals of Tasman and Golden Bay will be produced.

It is extraordinary that regulatory standards around oil and gas exploration in inshore waters remain so lax, and that the country is so woefully unprepared for a major spill. In such an event, capping and relief well technology will have to be shipped in from the USA and Singapore by sea, taking several weeks to many months, depending on the gear required. Of serious concern is that areas just outside Tasman Bay's twelve mile limit have been designated by Government for oil exploration. Any applications will be processed by the EPA, with limited local input.

## 5.8 Aquaculture

The case of Wakatu Incorporated's huge mussel farm proposal just south-west of d'Urville Island in eastern Tasman Bay is introduced in 'the Story'. As recorded above, funding of an important ecological study was one of the outcomes of Friends' involvement. An original application in 2000 for two (770 ha and 825 ha) farms was partly granted by MDC with the approval of the smaller one. This was appealed by Friends. Wakatu wanted to install two 200m trial lines before the appeal was heard and Friends negotiated that in return Wakatu would do a twelve month survey of baseline ecological data for Tasman Bay, the results of which could be used during the appeal. Wakatu was also required to have a marine farming permit from MAF (now Ministry for Primary Industries). They applied in 2003 and there were many submissions particularly from the fishing industry who opposed it. The application was declined in 2007 but they reapplied in 2008 and it was granted in 2010. Wakatu did not install the trial lines nor do the survey and continued to ask the Environment Court for adjournments of the appeal. Subsequent negotiations between Wakatu and Friends reduced the size of the mussel farm to 450ha, secured funds for research on the ecological impacts of the farm, and obtained funding to support an existing research programme funded by the AWE oil company for gathering baseline



ecological data for offshore Tasman and Golden Bays (see above). This additional funding secured from Wakatu Inc. has allowed for subsequent surveys in the following years up to 2017 to build on this earlier data. The six years of data reveal clustering of areas of high biodiversity that are repeated in the same way year by year. The farm will be submerged 10 metres underwater to avoid wave action. What remains uncertain are the potential impacts of mussel filtering on the biomass of fish eggs and larvae entering the Sounds via French Pass.

## 5.9 Golden Bay aquaculture

The long-running Tasman Aquaculture Inquiry with which Friends was prominently involved is covered in the earlier 'Story'. Subsequently, consent orders for ten offshore marine farms were signed off in late 2006 with conditions that included bonds to pay for clean-ups if the farms are abandoned. However this did not seal the peace between aquaculture and fishing interests, with enquiries and reports ensuing. In February 2008 the Fisheries Minister Jim Anderton granted 108 hectares for new aquaculture space but declined a further 2001 hectares because of the effects on fisheries resources and commercial scallops and snapper fishing. Court cases followed through to the Court of Appeal where in 2013, aquaculture and scallop fishers' appeals were all dismissed. It was not until June 2015 that the Primary Industries Minister Nathan Guy approved 2100 hectares mainly in Golden Bay with some in western Tasman Bay and mostly 8-9 km offshore. The Challenger Scallop Enhancement Company, which holds licences over some of the area, is considering seeking a Judicial Review.

## 5.10 Cycle Trails

Friends objected to an application for a cycle trail along the Motupipi Spit and across the mouth of Motupipi Estuary in Golden Bay, largely on the grounds that it has been recognised by the Kidson Report as an Outstanding Natural Feature. Allowing for the development of infrastructure out in the estuary seems entirely inappropriate for such a designation. It has not eventuated largely due to opposition by local iwi.

Along with other parties Friends also had serious misgivings about the location of the Richmond to Mapua section of the regional cycle trail through the Pearl Creek



area due to potential disturbance to bittern, and to nesting banded rail close to the proposed route. They made their views known along with other local environmental groups and ecologists. Adjustments were made to the trail to try to help reduce the disturbance with screens and re-routing, but overall it is felt that the adverse effects have not been alleviated.

## 5.11 Education

With their wealth of environmental experience and long history, Friends is well placed to enhance the public's appreciation and understanding of the environment. No doubt more would be done if they were not so often tied up with important issues that keep arising, but they have made some considerable efforts. This publication and its earlier volume have as much to do with raising important local coastal environmental issues, as promoting the group itself. Their website provides much background information on this subject that Friends has contended with. Four committee members gave invited talks to the NMIT Aquaculture students about marine biodiversity. Other opportunities arise unexpectedly. For example, the destruction of intertidal estuarine habitat by Tasman School's 'Muddy Buddy' run offered the opportunity for Friends to highlight the critical importance of estuaries to the health of our inshore waters, which resulted in the school making a study of their coastal area. Friends has organised public talks on our coastal area by scientists from Cawthron and NIWA, as well as about king shag and coastal conservation. Friends sponsor a science prize on marine conservation at the annual Cawthron Science Fair.

## 6. Committees

Further to those discussed above, groups that Friends sits on (or have sat on) over the last decade are the Top of the South Marine Biosecurity Partnership, Nelson Airport Noise Committee, Ministry of Fisheries Liaison Committee, Monaco Residents Association, Nelson Regional Sewage Business Unit and Nelson Regional Stormwater Liaison Group.



## **7. Final Comments**

Achievements in environmental protection are only as enduring as the next assault. Environmental loss is more usually permanent. In the face of these prospects, it is all the more remarkable that groups such as Friends continue to soldier on despite constant new development proposals.

It is notable that for all the Friends' work in prominent legal cases over recent decades, and all the gains they have made in environmental protection, and in helping to establish important case law, they are so little known or acknowledged. Internet searches result in barely a mention, including from other environmental NGOs. Recognition usually comes by way of 'out of the blue' offers to represent them legally or in some other professional capacity, or as a casual personal remark of thanks in passing at a meeting.

It is hoped that this updated history will be seen as a celebration of their continued tenacity and hope.



## **APPENDIX A**

### **Abbreviations**

AMA	Aquaculture Management Area
AWE	Australian Worldwide Exploration
DoC	Department of Conservation
EDS	Environmental Defence Society
EEZ	Exclusive Economic Zone
EPA	Environmental Protection Authority
ERMA	Environmental Risk Management Authority
Friends	Friends of Nelson Haven and Tasman Bay Inc
IUCN	International Union for Conservation of Nature
MAF	Ministry of Agriculture and Forestry
MDC	Marlborough District Council
MPI	Ministry for Primary Industries
NCC	Nelson City Council
NIWA	National Institute of Water and Atmospheric Research
NMIT	Nelson Marlborough Institute of Technology
NZCPS	New Zealand Coastal Policy Statement
NZEnvC, EC	New Zealand Environment Court
NZKS	New Zealand King Salmon
ONFL	Outstanding Natural Features and Landscapes
RMA	Resource Management Act
SNA	Significant Natural Area
SOS	Sustain Our Sounds
TDC	Tasman District Council
TRMP	Tasman Resource Management Plan



## **APPENDIX B**

### **Matters Addressed**

This publication discusses the main areas of work undertaken by Friends, but there are many others that have been addressed, and so a list is provided below to highlight these. The listings below are a selection from a much larger and detailed tally of activities itemised within each annual report.

Annual dates below relate to issues covered in that year's August annual report.

#### **2007**

---

- Port Nelson issues- methyl bromide, dredging, noise, sea-squirt
- TDC Landscape Priority Areas/Outstanding Natural Landscapes
- TDC Significant Natural Areas memorandum
- Waimea Inlet Management Plan
- Marlborough Sounds Aquaculture- Admiralty Bay dolphins, Port Gore renewals
- Tasman Bay aquaculture- Wakatu Inc negotiations
- MDC Sounds Plan & Wairau-Awatere Plan negotiated/signed off
- Sounds ferry wake negotiations
- Submissions- Abel Tasman NP management plan; Boulder Bank Rd proposal; NZ Coastal Policy Statement 1994 review; Ministry of Fisheries allocating between commercial, recreational and customary; TDC Annual Plan; Nelson-Tasman Sustainable Tourism Plan

#### **2008**

---

- TDC Landscape Priority Areas appeal, Kidson Report
- Western Golden Bay Strategic Planning Project
- Waimea Inlet Workshop
- Support for Waimea Inlet Management Plan
- Appropriate development Tarakohe/Tata Beach/Ligar Bay/Pohara area
- TDC variation Eastern Golden Bay policies and rural landscape objectives
- Best Island motel complex
- Boulder Bank road hearing
- Port Nelson- methyl bromide
- Tasman Bay aquaculture- Wakatu Inc
- Sounds Aquaculture- Admiralty Bay prep for EC, Port Gore expansion
- Port noise at Picton and Havelock
- Submissions- NCC Draft Esplanade & Foreshore Reserves Management Plan; NCC draft Annual Plan; Proposed NZ Coastal Policy Statement 2008

#### **2009**

---

- Waimea Inlet proposed multisport venue
- Wakatu Centre for Seafood and Aquaculture at The Glen
- Port Nelson- dredgings toxicity
- Nelson Biodiversity Forum- Coastal & Marine Biodiversity Action Plan
- Best Island hotel complex



- Wainui Bay aquaculture renewals
- Sounds aquaculture- Admiralty Bay hearing, Forsyth Bay 'double parked' application, Port Gore lease; designation of Aquaculture Management Areas (AMAs)
- Picton methyl-bromide
- Sounds ferry wake- speed trials

## 2010

---

- Port Nelson- nuclear shipments, methyl-bromide, wharf extension, marine biosecurity, dredgings monitoring, 'Oil Response Team'
- TDC stalling on Landscape Priority Areas/Outstanding Natural Features & Landscapes
- NCC/TDC Waimea Inlet Forum
- Motueka Sandspit dog access
- Mariri Causeway hearings
- Mapua coastal subdivision hearing
- TDC Dominion Flats acquisition
- Tukurua non-notified consent on coastal dwellings
- Tasman Bay oil exploration hearing (MDC)
- Commissioning of report on assessment of environmental effects with regard to drilling in coastal waters
- Tasman Bay aquaculture- Wakatu Inc EC pre-hearings, line trials
- Sounds aquaculture- Forsyth Bay king shag research funding; Port Gore renewals; Crail Bay salmon
- Picton methyl-bromide
- MDC Sounds Plan aquaculture variations
- Submissions- methyl bromide use at Port Nelson to ERMA; NCC draft annual plan; TDC draft annual plan; RMA changes; Aquaculture Technical Advisor Group report

## 2011

---

- Tasman Bay oil exploration mediation
- Sounds aquaculture- King shag study; King Salmon Waihinu Bay application; Port Gore natural character
- TDC stalling on ONFLs: Golden Bay working group mooted
- Muddy Buddy (Tasman School) estuarine mud game
- Submissions- Waimea Inlet margin building extension, Kina Peninsula subdivision, Wharf Rd Motueka walkway/reclamation

## 2012

---

- TDC Outstanding Natural Features and Landscapes (ONFLs) Golden Bay working group
- Cycle Trail route at Pearl Creek
- Tasman Bay oil exploration & funding of Tasman/Golden Bay aerial & boat surveys for sea life
- Sounds aquaculture- King Salmon application to EPA for 9 farms; Pukatea application; Admiralty Bay extension; Waitata Reach application; Port Gore renewals; Port Ligar conversion to salmon; Beatrix Bay application/conversion



- Integrated Management of Marlborough Sounds consultative process
- Submissions- Abel Tasman Foreshore Scenic Reserve Management Plan; Ruby Bay seawall; TDC & NCC Long Term Plans; EPA Bill
- Consultations/Submissions- Nelson fisheries outfall discharge permit; NCC sewage emergency discharge consent; NCC arterial traffic study; Regional Sewage Trust strategic plan

## **2013**

---

- Atawhai rising sewage main
- Wakapuaka sewage pond desludging
- Port Nelson- Calwell slipway toxic sediment removal/decontamination
- TDC ONFL Golden Bay working group
- Coastal Cycle Trails and bird disturbance
- Ruby Bay seawall hearing
- NCC LTP hearing
- Sounds aquaculture- EPA hearing and High Court appeals on King Salmons application for 9 farms; Beatrix Bay application; Waitata Reach conversion; Beatrix Bay conversion; Port Ligar conversion
- Tasman Bay aquaculture- Wakatu Inc settlement
- Submissions- Historic Site status for the Boulder Bank; Paremata Flats restoration plan; TDC draft annual plan; EEZ Bill, RMA changes
- Consultations-NCC Compliance and Monitoring Group concerning accidental discharge of untreated waste water

## **2014**

---

- Nelson Biodiversity Forum working group to create a working plan to address the ecological deterioration of Tasman Bay
- Paremata Flats management
- Wakapuaka sewage ponds desludging
- Port Nelson- Calwell slipway toxic sediment removal
- Monaco-Bell Island sewage pipeline
- Atawhai rising sewage main/pump station consent
- TDC ONFL Golden Bay working group
- Kina Peninsula Baigent Reserve boatsheds
- Sounds aquaculture- King Salmon synchronisation of farm conditions with submissions on Clay Point and Crail Bay consent memorandum; Port Ligar conversion; Beatrix Bay application appealed and lost; several applications beside ONLs at Port Gore, Waitata Bay and Yellow Cliff
- Submissions- NCC draft annual plan, NCC draft navigation and mooring bylaws, draft open space (and dog) strategy 2015-25
- Presentations to NMIT Aquaculture students on marine biodiversity

## **2015**

---

- NCC Submissions: Long Term Plan including support for 'Nelson Nature', NCC Draft Annual Plan, NCC Reserves bylaws



- TDC Submissions: Draft Annual Plan, Long Term Plan, Draft Dog bylaw, District wide river works and riparian weed spraying, Tasman erosion and sediment control guidelines, Motueka waste water treatment plant
- NCC Biodiversity Forum including developing the 'Nelson Nature' concept
- Corder Park waste water pumping station & Atawhai rising main leak
- Wakapuaka sewage ponds desludging
- TDC ONFL Golden Bay working group
- Waimea Community Dam (Lee Valley) submission
- Kina Peninsula Baigent Reserve boatsheds
- Sounds Aquaculture submissions/appeals: Beatrix Bay new farm and s274 to appeal, Port Gore renewal, Blow Hole Point new farm, Waitata Bay new farm, Admiralty Bay expansion, Tawhitinui Reach expansion, Beatrix Bay expansion appeal lost, Waitata-Waihinau area expansion, King Salmon mediation Crail Bay & Te Pangu Bay, KPF Port Ligar conversion appeal, Waihinau Bay compliance

## 2016

---

- Sounds Aquaculture submissions/appeals: Admiralty Bay EC appeal; submissions on new applications in Admiralty Bay (Deep Bay), Port Gore, Waitata Reach, Tawhitinui Reach, Beatrix Bay; mediation on moving salmon cages
- Submission Marlborough Environment Plan, consultation
- TDC Golden Bay ONFL process
- Submissions on: Wainui Spat Group private plan change, Progressive Enterprises private plan change, Rabbit Island/Moturoa Management Plan, resource consent applications for Nelson Regional Sewage Business Unit discharges, Inch jetty at Riwaka, Thompson rock walling Nelson Haven, Talley Group discharges and TDC Engineering (Global River Works) riparian spraying
- NCC Regional Policy Statement and Resource Management Plan submissions
- NCC Landscape/Natural Character consultation
- NCC wastewater consultations – Corder Park, Neal Park, the Wood, Atawhai
- National Environmental Standards for Plantation Forestry submission



## Friends of Nelson Haven & Tasman Bay Membership Application

### Annual Subscription: -

Single member \$12

Family \$15

Single unwaged \$5

Family unwaged \$8

Group membership \$50

Donation (tax deductible) \$\_\_\_\_\_

Donation receipt required?

Total Amount \$\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone/Fax \_\_\_\_\_

Email \_\_\_\_\_

Occupation \_\_\_\_\_

### To join: -

Email your details as above to [em@nelsonhaven.org.nz](mailto:em@nelsonhaven.org.nz) and pay your sub plus any donation to our Westpac bank account 03 0703 0453751 00 putting your name in a reference field.

Or copy and fill out this form and post with your cheque to the address below:-

Friends of Nelson Haven & Tasman Bay Inc.

PO Box 365, Nelson 7040

New Zealand

[em@nelsonhaven.org.nz](mailto:em@nelsonhaven.org.nz)

[www.nelsonhaven.org.nz](http://www.nelsonhaven.org.nz)

Friends is a registered charity.

