

Annual Report July 2015 to June 2016 of Friends of Nelson Haven & Tasman Bay Inc

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“When people talk about progress I say ‘can you tell me what you mean by this, when it results in destruction and degradation of the places where we live?’ ”

Brian Turner, South Island poet, sportsman, author of books about sportsmen. (Sunday Star*Times 25/5/16).

and

“I’m in favour of ssergorp” (progress spelled backwards) 1950 sentiment of Dr. K. P. Schmidt, herpetologist and head of research at the Chicago Natural History Museum

If progress means destruction and degrading the quality of our water, soil, air and coast for private profit and shipping it overseas, then there are plenty of examples of this in the Top of the South. Friends of Nelson Haven (Friends), in its coast-watch also sees examples of ssergorp where destructive coastal alterations are slowed, stopped or reversed.

A current special concern is the Oil Exploration Permit granted 10 km NW of D’Urville Island to MontD’Or with Minister Bridges thinking this is in Taranaki and that a spill “could fall on local councils to clean up”. Below is a thumbnail summary of recent Friends’ ssergorpian efforts.

A. Research Reports and Updates

1. There are sufficient funds to continue another year of our boat surveys of Tasman/Golden Bay for bird, fish and mammal presence by following the same grid twice a year. This provides base line information sorely lacking in environment assessments. A 1967 study by Ministry of Fisheries shows aerial surveys of this same area identified seven species of fish and their activity throughout the Bay. This is a hugely different pattern to our present surveys which show much less activity and it is largely concentrated in a few areas. We did an aerial survey in November 2010 and boat surveys in December 2010, January 2011, August and November 2013 and August 2014. Further surveys are planned for August and November 2016 and January 2017
2. King Shag research continues with analysis of otoliths. Knowledge of King Shag, a threatened endemic Marlborough Sounds bird, has increased significantly thanks to funding by Friends and has provided important evidence in several Sounds’ cases.

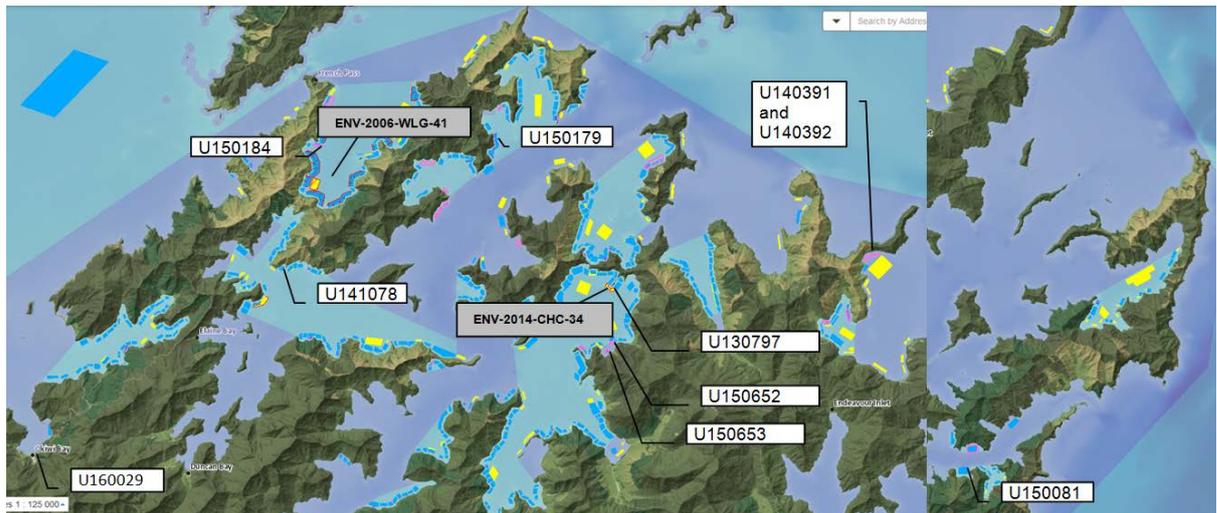
B. Marlborough District Council (MDC) area

There have been many new aquaculture applications for coastal space in the Sounds this past year. This may be due to anticipated changes in a new MDC Resource Management Plan. We continue to be concerned with the cumulative effects of more and more aquaculture in our coastal commons.

Applications for Aquaculture Space in Marlborough Sounds.

RC=Resource Consent applications to MDC, **ENV**= Environment Court appeal number

1. Admiralty Bay. ENV-2006-WLG-20,41,57,60,66,69,73,81,88,92,94,97. Dealing with the applications in the Bay has been a long drawn out affair, since the MDC hearings in 2000. It continues and with some noteworthy results such as a great reduction of the area applied for, due to Friends’ appeal efforts. Marlborough Aquaculture Ltd (MAL) applied for a 24 ha mid-bay “farm” at the south of the Bay and appealed MDC’s decision to decline it. Admiralty Bay Consortium (ABC) was granted extensions to eight existing mussel “farms” totalling 158ha. Friends appealed seven of these (144ha). It was later found that Admiralty Bay is an important winter habitat for Dusky Dolphins and DOC joined our appeal. Environment Court hearings in 2006 and 2009 resulted in the two applicants offering seasonal occupation, and ABC offering to do a three year baseline study of the dolphins. In 2011, ABC had to be given a hurry up by the judge to even start this study which has now been completed. In September 2015



ABC proposed to swap some area for year round occupation. They trimmed back their extensions to an area of 60.57ha, by removing the infilling of the gaps between existing “farms” and reducing the seaward extent. Then in February 2016, MAL withdrew their appeal as they saw the writing on the wall with the up-coming Marlborough Environment Plan. This would put their proposal in an area prohibited for marine farming under the Plan and so would allow them, at best, one term of seasonal occupancy. MDC, DOC and Friends are still in there. An Environment Court hearing was held in late June and we presented expert evidence on the marine benthic environment and avian ecology. Watch this space.

2. Davidson Family Trust. ENV-2014-CHC-34. Beatrix Bay appeal on the MDC declined application RC U130797 by the Trust for mussel farm space, with Friends supporting MDC. This case was the first time the Court dealt with the cumulative impact of marine farming in the Sounds. Friends worked with Kenepuru and Central Sounds Residents Association (KCSRA) with legal counsel and expert witnesses. The Court accepted that a precautionary approach was required for the effect the “farm” would have on the benthic environment and the feeding habitat for King Shags and declined the appeal. The applicant then went to the High Court and the case is still pending.
3. Swampy Mussel Co (SMC). RC. U140391, 140392. Pig Bay, Port Gore. Two marine “farms” were applied for and both were refused by an MDC appointed committee on grounds that the “activity is incompatible with...Natural Character, Landscape and Coastal Marine” objectives and policies of the Sounds Plan. Friends submitted with local landowners, Department of Conservation and EDS (Environment Defence Society). Importance of King Shag was acknowledged. This was a very important decision and the decision is appealed by the applicant.
4. Okiwi Bay. Skretting Salmon Food Co. RC U160029. Application for land based research of fish food production needing consent to discharge into coastal waters. Friends and local community strongly oppose. The hearing was held 13-17 June 2016 and consent granted with some minor adjustments...
5. An application (RC U150081) by New Zealand King Salmon (NZKS), notified in March 2015, to move salmon pens in Te Pangu Bay closer to the deeper edge of Tory Channel was submitted on by Friends. Our position was that the principle footprint of the farm should not be expanded by moving between two sites. Mediation resulted in a compromise where the pens could be shifted seaward with anchor chains outside the marine farming prohibited zone, but if the movement was unsuccessful the pens would go back to their original position and no repeat could follow.
6. Marlborough Aquaculture Ltd (MAL). RC U150179. Waitata Reach. Friends believed the effects on the benthic were more than minor and therefore irreconcilable with sustainable management. Overlap of benthic footprints between two salmon farms on either end of the application was an important consideration. Consent was granted.
7. MAL. RC U150184. Deep Bay in Admiralty Bay. Friends has submitted against this expansion in an already heavily “farmed” Bay.

8. Clearwater Mussels. RC U141078. Tawhitinui Reach. The environmental assessment very much depended on a Mr. Davidson authored mussel farm survey protocol made in 1995. This report was never updated and with declining biodiversity relevance of environmental assessment protocol was questioned. Coverage of significant organisms may have changed due to overall environmental decline in the Sounds which is described by the same Mr. Davidson, and published in the Marlborough Express.
9. Sanford. RC U150652/53. Beatrix Bay already has a near continuous ribbon of mussel “farms” and we believe that more in the prohibited zone in Tuhitarata Bay is undesirable and one in Laverique Bay is too close to sensitive biogenic structures. Friends have submitted on both applications.

Other Marlborough matters

10. Sustain Our Sounds, formed to oppose massive NZ King Salmon expansion, wound up and has given their residual funds to Friends for use in submissions to the MDC Plan.
11. NZ King Salmon (NZKS) salmon deaths reported (Nelson Mail 26 October 2015, p3) are still not understood. A public meeting was held on 5 May 2016 where MDC’s monitoring was discussed. NZKS placed an ad (Saturday Express, 28/5/16) with what Friends and eight other concerned groups think has environmental misinformation. We are considering what to do about such spin. Three NZKS farms have been judged to not meet “best practice guidelines” for sustainable management, with MPI (Ministry for Primary Industries) stating it was “unacceptable” to wait until 2024 for the guidelines to be met (Marlborough Express 4/7/16, page 1).
12. Mr. Davidson published an illustrated report showing the degradation of the Sounds’ marine ecosystems by accelerated sedimentation (Marlborough Express 27/7/15). He alludes to forestry practices, but ignores aquaculture, with its effects on the benthos and water column. Dredging and trawling activities, crucially, result in sediment suspension. These in turn can smother filter feeders, like shellfish, bryozoan corals, sponges, anemones.
13. The Marlborough Regional Policy Statement and the Resource Management Plan are under review. Aquaculture is not included in the notified draft, but Friends are worried that the assessment of landscape and natural character has been assessed with aquaculture in mind. As such stressing components of the industry in the Sounds’ landscape are problematic to address. Friends along with KCSRA and Guardians of the Sounds have participated in consultative meeting with MDC.
14. We are concerned about the oil exploration permit areas granted NW of D’Urville Island within the 12 mile MDC coastal zone but apparently also in government EPA jurisdiction area. There are no known criteria for decision making, but we understand that local Councils can make submissions.
15. Friends acknowledge the importance of Marlborough Marine Futures and the Sounds Advisory Committee. We will try to be represented as much as possible.

C. Tasman District Council (TDC) area

1. Golden Bay Outstanding Natural Features and Landscapes (ONFL) have been worked on by the Small Working Group, which includes a Friends’ representative. Their final report has been presented to Council – with 3 issues still outstanding on which Council is to make decisions. In addition, work is still to be done by Council, in association with the Group, on Rules and potential Design Guide Code. Council intends to notify the Proposed Plan Change in September 2016. Council decisions on this are likely to be appealed to the Environment Court. Note: no work has yet been done on the ONFL for the remainder of the Tasman District.
2. The Wainui Spat Group have applied for a Private Plan Change to change the status of spat catching sites from current **discretionary** (due to expire in 2024) to **controlled** (unlimited term/changes to conditions only possible). Issues include Natural Character, Landscape and Cultural. Submissions have been lodged by Friends and appeals to the Environment Court are possible.

3. Progressive Enterprises Ltd/Countdown supermarket have applied for a Private Plan Change to allow discharge of potentially contaminated storm water into Reservoir Creek with no clear details of methods of cleaning before discharge. Since the creek discharges into coastal waters, Friends have put in a submission.
4. Submissions have been lodged on the following resource consent applications:
 - Inch, D&N. Riwaka. Application for jetty and land disturbance. Submission on hold as the applicant did not do an Assessment of Environmental Effects (AEE).
 - Global River Works (TDC Engineering) has applied for resource consent to chemically spray woody weeds & grasses with potential impacts on inanga and other fish. The term requested is 15 years. Friends requested 10 years. Conditions established Environmental and Special Sites Management Plans and clarified that no spraying will occur in the Coastal Marine Area. The Applicant and Fish & Game lodged appeals.
 - Talleys at Port Motueka has applied for a resource consent to discharge potentially contaminated water into the coastal environment.
5. Other planning/development issues:
 - Golden Bay Cycle and Walkway Soc. Inc. withdrew its RC Application, but is likely to revive it under public pressure.
 - The Harakeke Subdivision, applied for by Alan Trent, is a large scale development which could impact on streams and the coast. Assistance in making a submission been offered to neighbours.
 - TDC is attempting to secure land for a public road on Best Island. Sea level rise may make this obsolete.
 - A non-notified consent for a 91 lot subdivision at Mapua, close to western Waimea estuary, has been granted despite a lapse of 11 years since the granting.
 - At Kina a non-notified consent has been granted for boatshed and water tank (first of five). Friends may ask the Ombudsman to investigate due to processing irregularities and lack of consultation in essentially privatising of public land.
 - The Mapua Causeway proposal has been “put to rest” after consultation.
 - The National Policy Statement (NPS) for Fresh Water Management has been adopted by TDC with revised staged implementation.
 - The TDC Annual Plan has had no formal consultation, but informal meetings with communities has occurred.
 - The Rabbit Island/Moturoa Management Plan, reservation has finally been gazetted. A submission on the draft Management has been lodged.
6. Ministry of Primary Industries (MPI) aquaculture decision to allow 2100 ha of mussel “farms” in Tasman/Golden Bay is being opposed by the Challenger Scallop Enhancement Group.
7. The expanding cockle harvesting in Ruataniwha Inlet near Pakawau in Golden Bay needs a “Special Fishing Permit” and needs to use the baseline adopted by DOC. Many animals depend on these cockles and it is important they not be overfished.
8. Friends has a representative at the Fresh Water Advisory Group (FWAG) of the Waimea Estuary Catchment Management Plan.
9. Friends has representatives attending the Waimea Inlet Forum meetings, which deals with issues around planting, weeding and pest control.
10. We also attend TDC’s Biodiversity Forum where examples of partnerships were presented e.g. with local residents riparian plantings, NCC Nelson Nature and DOC.
11. Friends also attends meetings of the Tasman Biosecurity Forum.
12. Cat Management meetings were attended by a Friends representative to learn of the DOC survey in the Pearl Creek, Waimea Inlet area. This will contribute to a national policy on these predators of native birds and other indigenous animals, and perhaps lead to a review of the Pest Management Plan with legal cat control.

D. Nelson City Council (NCC) area

1. Friends have been involved in consultation and submissions on:
 - Nelson Regional Sewage Business Unit (NRSBUZ), Waimea estuary discharge RC consent application on which Friends submitted and five conditions were imposed.
 - NCC Regional Policy Statement in which we submitted on issues of coastal environment and landscape,
 - Nelson Resource Management plan submission where we felt an aspirational statement needed to be included and freshwater standards incorporated.
 - NCC Landscape/Natural Character Stakeholders consultation.
2. In Friends' submission on the Nelson Plan Regional Policy Statement we included considerations of Character and Amenity, Natural Hazards, Landscapes, Biodiversity, Coastal and Marine Environment and Freshwater where it affects coastal water quality and processes. We also acknowledged the role of Tangata Whenua in environmental management under the RMA.
3. "Waste water" issues in which Friends were consulted Included:
 - Corder Park pumping station construction which is near completion and buffered from the highway,
 - Neale Park pumping station which is being replaced to increase pump and stormwater capacity and to control odours,
 - Atawhai rising main was investigated to find weaknesses,
 - Compliance and monitoring of storm water especially where the existing 'The Wood' stormwater pipes are very old.
4. Port Nelson Ltd (PNL) has a regular environmental consultation committee which Friends attends. A major issue has been the RC application for Exclusive Occupation of the Coastal Marine Area (CMA) and Sea Bed relevant for big vessels including oil rigs. Monitoring and biosecurity are major concerns especially with biological fouling by oil rigs from Tasmania and contaminated hulls from Australia and SE Asia visiting Nelson.
5. Calwell Slipway Project of PNL. Since 2012 Friends has been involved in consultation as a stakeholder in remediation options for the 60 year build-up of toxic substrate. Tributyl tin and copper are the main problems. The estimated amount of toxic material has increased from 12000 m³ to 42000 m³. Sediment is to be dredged onto a barge, mixed with 5% cement and 0.3% activated carbon and used as infill (reclamation). However there is the risk of contaminated material getting into the water column and polluting a wider area and also the long term stability of the mudcrete and risk of leaching. The RC has been lodged and we will be submitting. The government will contribute \$4.2 million toward the \$8.3 m project. Questions remain if there is an affordable "technological fix" .
6. NCC has held working groups and workshops on freshwater issues. Friends' concerns are over pollution of Saxton, Roding and Maitai catchments and sedimentation impacting via erosion on our coast and estuaries if or when development occurs.
7. Wakapuaka Sandflats floodplain modelling by NCC/Tonkin & Taylor concerns Friends via Forest & Bird's restoration proposal for Wakapuaka Wildlife Management reserve.
8. The RC application by Gaire Thompson to rockwall an infilled part of north-eastern Nelson Haven, which we consider to be within the Coastal Marine Area, has been submitted on by Friends. Our concerns are that granting will set a precedent contrary to the objectives of the NZ Coastal Policy Statement. Sea level rise also needs to be taken seriously.
9. Friends' representatives have attended the NCC Biodiversity Forum, the Nelson Nature launch and the NZ Storm water Conference.
10. Friends supported the Environment Week (May 25- June 5) program at the Nelson Library by manning a table and giving a talk.

E. General

1. National Environmental Standards for Plantation Forestry. Friends submitted with concerns of coastal erosions resulting in suspended sediment in estuaries and coastal waters, making life difficult/impossible for filter feeders on which marine life depends.
2. Friends had a representative at the annual ECO conference and at the NZ Aquaculture Conference and at the Government's Sustainable Seas presentation.
3. The Resource Legislation Amendment Bill is in Select committee and although Friends did not submit we were concerned how this would impact on conservation and environment legislation. We supported ECO's submission.
4. Top of the South Marine Biosecurity Partnership aims to protect the coastal environment. Friends supports their work and attends their meetings.
5. Secondary Schools Science Awards is run by Cawthron Institute. Friends will sponsor an award. Committee members annually volunteer as judges at this annual event.
6. Nationally consistent Standards for Aquaculture management are being developed by the Government. We are watching this development.

F. Acknowledgements

1. Many thanks for the huge amount of voluntary work done by committee members.
2. Support from our members is essential, so thanks to you all. We are occasionally asked for the number of members we have so membership is important. We are very appreciative of your donations.
3. The pro-bono and reduced fee work by various experts and legal counsel is essential and very much appreciated.
4. Continued financial assistance from the New Zealand T-Gear Charitable Trust has been invaluable.
5. Thanks to the Ministry for the Environment, Environmental Legal Assistance Fund.
6. Thanks to Stew Robertson of Abel Tasman Golden Future who gave the committee members a boat and land trip into the Park.
7. Sustain Our Sounds' contribution is ear marked for costs for submissions to the MDC Plan and related MDC issues and is greatly appreciated. Thanks SOS.
8. NIWA scientists Alistair Dunn and Peter Horn who spoke on modelling of Tasman/Golden Bay at our 2015 AGM.
9. This Annual Report is a joint effort of the Chair and Committee members.

Respectfully submitted,
Dr. Gwen Struik, Chair.

Outstanding Bay features identified

CHERIE SIVIGNON

The Tasman District Council wants feedback on its plans to protect outstanding natural features and landscapes in Golden Bay.

Environment and planning committee deputy chairman Brian Ensor said with the help of a working party of key interest groups and stakeholders, the council had identified 10 outstanding natural features and six outstanding natural landscapes it believed should have special protection.

The move is the latest step in the long-running issue.

Councils are required to identify outstanding landscapes for protection under the Resource Management Act. Friends of Nelson Haven and the Tasman Bay coastal conservation group have been trying to get the areas protected for more than a decade, including taking the TDC to the Environment Court.

The outstanding natural features in draft TDC rule changes include Farewell Spit, Paynes Ford and the Tarakohe cliffs.

The outstanding natural landscapes include Abel Tasman, the Parapara-Kahurangi ranges, large stretches of the coast and the Golden Bay-Mohua marine area.

"We're suggesting changes to the rules in the Tasman Resource Management Plan (TRMP) that aim to ensure these areas are protected, while also recognising existing uses and activities," Ensor said. "We want to encourage land use and development that will enhance or regenerate landscapes, and discourage subdivision and development that could damage our outstanding features and landscapes."

The draft rule changes include measures such as new information requirements for resource consent applications, new landscape-related assessment criteria for subdivision consents and some changes to the consent requirements for new earthworks, structures, tracks, forestry and quarrying.

Ensor said the council was keen to hear from the public about the locations identified for protection and the draft rule changes suggested.

"We want to know if people think

Outstanding features

Aorere River, gorge and tributaries
Big River estuary
Farewell Spit
The Grove
Hanson Winter Reserve
Paynes Ford
Tarakohe Cliffs
Te Waikoropupu Springs
Wainui Bay inlet
Whanganui Inlet

Outstanding landscapes

Abel Tasman
Parapara-Kahurangi Ranges
Northern north-west coast
Southern north-west coast
Golden Bay-Mohua marine area
North-west coast marine area

we have got it right before we take the formal step of changing the TRMP through a proposed plan change," he said. "It's a really major thing for Golden Bay."

The working group, which initially involved about 40 people before dropping back include eight to 10 people, had put a "huge amount of work" into the project, which had been under way for about four years.

Ensor encouraged people to attend one of three planned drop-in sessions to get more information on the proposal, particularly members of the farming community on the north-west coast that could be affected by the plans.

"It's important that all people are reasonably comfortable with what we put out there," he said.

There was also information on the council website - tasman.govt.nz/feedback - that people could look at before making an online submission. Consultation on the draft proposal is due to close on August 9.

Drop-in sessions are scheduled to be held from 2pm to 7pm at Takaka Fire Station on July 27, at Pakawau Memorial Hall on July 28 and at the Kahurangi Function Centre on August 3. At each drop-in session, presentations on the draft plan change are due to be delivered at 3pm and 6pm.

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Annual General Meeting - Wednesday 24 August, 2016. 5 pm.

Hearing House, 354 Trafalgar Square, Nelson



Nelson Mail 18.6.16