

# Friends of Nelson Haven and Tasman Bay (Inc)

PO Box 715, Nelson

## Chairman's Report, 1996/7

Dear Member

July 1997

Thank you for your continuing support and welcome to all new members.

The 1996/7 year has indeed been much busier than the last. This is not only due to the preparation of submissions regarding the Proposed Resource Management Plans (Regional Coastal Plans/District Plans) of the Nelson City and Tasman District Councils but to the increasing number of other important matters which have required attention.

We have continued to work with the Department of Conservation and Royal Forest and Bird Protection Society of NZ and have established communication with the Friends of Golden Bay.

The most important aspect of our work in the past year has been the proceedings on Regional Policy Statements and Resource Management Plans (combined Regional Coastal Plans/District Plans). Following the gazetting of the NZ Coastal Policy Statement in 1994, this is the first round of planning documents being prepared under the Resource Management Act, 1991. As with any new legislation, the first set of plans will set the standard for subsequent plans. It is of critical importance that the plans provide the preservation and protection required by the Act and NZCPS, and the Society's input is of great importance. Once the plans become operative (after further submissions, hearings, decisions and appeals) they will remain in force for at least 10 years. The next 2 years will continue to require a high level of input. We are fortunate in having the NZCPS (the only mandatory national policy statement - there appears to be no prospect of any other NPS) to work with. On the other hand, the fact that we have no Regional Council to act as a checks and balances system presents some problems with the 3 Councils in the region.

- Tasman District Council Regional Policy Statement - reference (appeal)  
Little agreement was reached at mediation before a Planning Commissioner  
The reference related primarily to avoidance or remedying of adverse effects, rather than mitigation in areas in which mitigation is not appropriate, as required by NZCPS Policy 1.1.2. Following exchange of submissions/evidence, the reference was resolved by consent at the Environment Court session in June 97, with the agreement of DoC (which had also appealed the same matter). Judge Kenderdine was complimentary about the Society's work.

- Nelson - Proposed Resource Management Plan

A comprehensive submission was lodged in February 1997. We sought coastal protection zones and prevention of aquaculture in estuaries. Other problems include recognition and establishment of the correct boundary of the coastal environment at Wakefield Quay/Rocks Rd.; classification of launching structures (e.g. Nalder and Biddle marine railway) as controlled activities (consent would have to be granted); use of controlled activity for the Hurricane Wire site proposal (estimated 1200 vehicle movements per day) and wholly incorrect application of coastal environment overlay

to the bay adjacent to Gaire Thompson's property.

Further submissions close on 18/07/97 and hearings are expected to commence later this year.

- Tasman - Proposed Resource Management Plan

A comprehensive submission was lodged in February 1997. We sought coastal protection zones and supported prevention of aquaculture in estuaries. Other problems include port limits not properly defined; no real protection for internationally important coastal areas (Farewell Spit, Abel Tasman National Park coastline) and nationally important coastal areas (estuaries etc.) apart from prevention of aquaculture; industrial zoning at Headingly Lane, Richmond etc.

Further submissions close on 11/08/97 and hearings are expected to commence later this year.

- Marlborough Sounds - Proposed Resource Management Plan

8 sets of written evidence have been provided by the Society to hearings on this plan and 2 hearings attended. It appears that hearings are drawing to a close and release of decisions is expected to commence shortly.

Some of the other matters addressed during the past year include the following:

- Resource Management Amendment Bill No.3

This Bill, upon which we made a submission and subsequently made submissions to the Planning and Development Select Committee, was split into 2 parts. The non-contentious parts were passed as Bill No.4 before the election. The contentious parts were left as Bill No.3, and were to be debated in Parliament this year.

- Clifford Bay/Marfells Beach - Tranz Rail ferry terminal application

A submission was lodged in opposition to the application, on the grounds that it does not preserve the natural character of the coastal environment, that the location has a high degree of natural character, significant adverse effects, threats to habitat of threatened/endangered species, unnecessary duplication of port facilities etc.

The Chairman, Sir Duncan McMullin, was complimentary about the evidence given at the hearing by the Society

- Mapua site remediation

The Society's submission and evidence focused upon the need for thorough remediation of the site, rather than the containment proposed. The decision by the

Commissioners prevented use of the site following containment works for residential/commercial use (the uses sought by Council) by means of a covenant preventing permanent buildings of more than 10m<sup>2</sup> and strongly recommended thorough remediation.

- Talleys' Fisheries discharges

A comprehensive submission was lodged opposing straightforward renewal of the previous consents, and seeking much tighter controls on the discharges. A prehearing meeting on 24/03/97 was attended, and evidence presented at the hearing on 16/06/97. An adjournment was requested as a result of a major revision of draft conditions issued 2 days before the hearing and further significant changes to the conditions proposed at the hearing, leaving inadequate time for consideration and comment. The request was supported by DoC. The Committee decided to issue an interim decision and invite further comment from submitters.

- Port Nelson layup/repair berths

We were consulted by Port Nelson Ltd. upon this proposal from Dec. 1996 onwards. Our main concerns relate to the proposed heavy industrial use adjacent to a food processing plant (Sealord), possible loss of contaminants to air/coastal waters and the need for an operative abrasive blasting code of practice. The application is expected to be notified later this year.

- The Hurricane Wire site development proposal

We wrote to NCC on 30/12/96 expressing our concern that the proponents of this development appeared to be assuming that the resource consent process was a mere formality and we noted that the request appended to the application by the architect, Mr. Beaven, that the application be treated as non-notified appeared highly improper, particularly as the Davie Lovell-Smith part of the application stated that it is a non-complying activity.

On 12/04/97 we wrote to Council expressing serious concern regarding the report in the Nelson Mail of 10/04/97 that the matter had apparently been referred to independent commissioner Richard Fowler for a decision on whether the application should be notified (i.e. whether or not the application should be put before the public for comment). Mr. Fowler was appointed by Council to deal with the application, as Council owned the site.

Concerns were also expressed to Council by the Friends of Nelson City, National Council of Women and NZ Institute of Architects.

The May 97 decision by Richard Fowler that the application should be notified was followed by a decision by the developer, Robert Brown Developments, to withdraw the application. It has been reported that Council is to sell the site back to the previous owner, Mr. Gunn. A new application was filed early in July. While the application has

not been made public at the time of the report, it appears that the height of the proposed building has been reduced by 2 storeys, but that shortage of carparking and traffic effects are likely to remain significant problems.

It is not yet clear if Council will notify the revised application.

We were invited by Council to a meeting on 27/03/97 on the modified seaward side proposals. We decided to decline the invitation (as no information on the changes was made available beforehand) and sent a letter volunteering to provide comment after reasonable time to consider the revised proposal. Council has not responded to the offer.

- Nelson marina/Haven Holes reclamation project.

The Commissioners' recommendations to the Minister of Conservation included most of the conditions we sought.

Tenders for this project came in higher than expected. Following an invitation by Council, we attended a meeting with Council and DoC to discuss possible variations to reduce costs.

- Aquaculture, Golden Bay

The Kwon appeal (Pacific Oyster spat-catching, Ruataniwha Inlet - consent declined by TDC) was withdrawn earlier this year. The Society and DoC were to be parties to the appeal.

The one remaining notified application yet to be heard is the Waitapu/Wainui application.

Talleys have applied to the Ministry of Fisheries for a variation to an existing permit for cockle harvesting at Riwaka to allow harvesting of some 40 Ha near Collingwood. An Official information request has been sent to the Ministry for a copy of the existing permit, and a submission will be lodged opposing the application (intertidal foreshore is held on behalf of the public).

- Ministry for the Environment investigation into notification/non-notification of applications

We were invited by the Ministry to participate in consultation on this investigation, and held discussions with a representative of the Ministry in Dec 1996. The final report is yet to be received.

The progressively increasing activity which has engaged the Society over the last two years has resulted in a very significant drain on our finances. In the last year we have applied to various organisations for grants, but as we are a watchdog/lobby group, we do not qualify as a charitable organisation, and are therefore ineligible for funding from organisations such as the

Lottery Grants Board. If you are able to help with a donation this year it would be greatly appreciated.

I am confident, providing that adequate funding can be obtained, that the Society will be able to continue the work that lies ahead, and in particular the completion of proceedings on the Resource Management plans in the next 1-2 years.

While our application to the Lottery Grants Board at the end of 1996 was unsuccessful, as noted above, a representative of the Nelson-Marlborough DoC conservancy and the Regional Manager of the Southern Region of the Ministry for the Environment were kind enough to provide us with letters of support for the grant application. Copies of the letters are appended for your information. Also appended is a letter of 24/09/96 to the Society from Jon Jackson, who acted as the Society's leading solicitor for many years. Jon was appointed a Judge of the Environment Court (formerly the Planning Tribunal) in Sept 96, and I wish to express both our congratulations on his appointment and gratitude for his advice and help.

More than 29 meetings, including 9 hearings and 2 prehearing meetings, were attended by members of the committee during the year. More than a few of these, such as prehearing meetings and hearings, required attendance for most of a day, as did also some journeys made to inspect coastal areas being considered by some proponents for development.

My thanks to all committee members for their continuing readiness to attend our meetings and for their efforts on behalf of the Society.

I wish particularly to thank Russell for the great length of time he has spent and unremitting effort he has made on behalf of the Society.

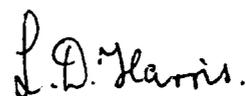
Many thanks to Doris for hosting most of the committee meetings and for her help as Treasurer.

Thanks also to Rae for the typing and printing which she has carried out for us, to Graham Todd for acting as our Auditor, and to the solicitors who have been kind enough to assist us with legal advice and opinion.

Any ideas or advice which members may wish to provide will be gratefully accepted. (My telephone/fax = 545 0150).

Members and their friends will be most welcome at the Annual General Meeting to be held at 7.30p.m. on Thursday 24th July at the John Berry room, Cathedral Parish Centre, Nile St., Nelson.

Yours sincerely



Duncan Harris  
Chairman



Department of Conservation  
*Te Papa Atawhai*

FILE:RMN:002  
(PRO-ASB7509-SXF)

25 November 1996

Russell Fenney  
Friends of Nelson Haven &  
Tasman Bay (Inc.)  
P O Box 715  
NELSON

Dear Russell

LOTTERY GRANTS BOARD APPLICATION

I understand that the Friends of Nelson Haven & Tasman Bay (Inc.) will be applying to the Lottery Grants Board for a grant to assist with your Resource Management work over the coming year.

The next twelve months (indeed the next two years!) will be a very busy period with submissions and hearings on several resource management plans; e.g. Tasman Resource Management Plan, Nelson Resource Management Plan, Marlborough Sounds Resource Management Plan. There are also several significant resource consents that will require input over the coming months.

I have always been impressed with the dedication of the Friends of Nelson Haven and Tasman Bay and the quality of its work. You play an important local community environmental "watchdog" role and have been very prominent in many of the resource management issues in Nelson and Marlborough.

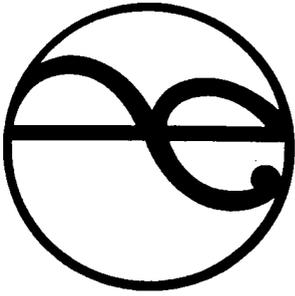
Financial assistance from the Lottery Grants Board would help you to continue your good work over the coming peak work period. I, therefore, wish your application well.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Andrew Baxter'.

Andrew Baxter  
for REGIONAL CONSERVATOR

**Nelson/Marlborough Conservancy**  
Private Bag 5, 186 Bridge Street, Nelson, New Zealand  
Telephone 03-546 9335, Fax 03-548 2805



**MINISTRY FOR THE ENVIRONMENT**  
**MANATŪ MŌ TĒTAIAO**

Southern Regions – Christchurch, 6th Floor, 159 Manchester St., P.O. Box 22-285,  
Christchurch, New Zealand, Telephone (03) 365-4540, Fax (03) 365-1730.

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27 November 1996

Russell Fenney  
Friends of Nelson Haven and Tasman Bay (Inc)  
PO Box 715  
NELSON

Dear Russell

**APPLICATION TO ENVIRONMENT/HERITAGE FUND OF LOTTERY  
GRANTS BOARD**

I refer to our telephone conversation of yesterday and the material you subsequently faxed to me relating to your organisation's forthcoming application to the Environment/Heritage Fund for approximately \$27,000. I understand this is to enable your organisation to employ a qualified and experienced person to be an advocate in the wide range of resource management coastal issues in Nelson/Marlborough that it is currently involved in.

When I visited you in Nelson late last year I was greatly impressed by the breadth and depth of knowledge that your organisation, and you in particular, were bringing to coastal resource management issues in your region. Subsequently you have contacted our office on a number of occasions and we have benefited greatly from the local information and insights you were able to provide us on topical local issues and projects. I have been particularly impressed by the quality, and the effectiveness, of the many submissions that the Association has made on consent applications and statutory plans under the Resource Management Act(RM.A)

The next 12 months is a crucial period for public interest groups to contribute to the formulation of statutory plans under the RMA. It is also a time when there is likely to be many applications for consents by proponents of projects who seek to have developments authorised before the new plans take effect. The Friends of Nelson Haven has an important role to play during this period to protect aspects of the public interest.

There is one immediate matter of mutual interest I will take the opportunity to confirm in this letter. As mentioned to you this morning, because you have many practical encounters with the application of the notification/non-notification procedures of the RMA, I have arranged for the consultant that the Ministry has employed to consider this controversial issue to confer with you when she visits Nelson in early December. You can expect to be contacted shortly by Ms Clare Barton.

Thank you for your excellent work in support of a sustainable Nelson/Marlborough coastal environment, and for your regular support to Christchurch office of this Ministry.

I hope your organisation will be able to obtain the necessary auxiliary funds to allow it to continue its activities.

My staff and I look forward to continuing to work closely with your organisation.

Yours sincerely



Alisdair Hutchison.

REGIONAL MANAGER

**HUNTER  
RALFE**

L A W Y E R S

For

The Secretary  
Friends of Nelson Haven  
and Tasman Bay (Inc)  
PO Box 715  
NELSON

From Mr Jackson

24 September 1996

PO Box 49  
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Nelson  
New Zealand

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CONSULTANT  
John Smith LLB

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Paul McNabb LLB  
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Carol Eddington BA LLB (Hons)  
Jon Jackson BA BSc LLB (Hons)  
Kathy Carr LLB (Hons)

ASSOCIATE  
Sue Henderson BA LLB

Dear Russell

Thank you for the Friends' congratulations upon my appointment. I greatly admire the work that Friends Inc carries out and wish you well in future.

Yours sincerely



Jon Jackson

JP:B.24

Sept 1994  
year's summary

**Dear Member,**

Thank you for your continuing support. Herewith the Chairman's report:

The **Friends** have been very busily occupied over the past twelve months preparing and forwarding submissions, attending meetings with local authorities and tribunal hearings and maintaining a keen watch on the development of any potentially harmful activities which could prejudice the environmental health of Nelson Haven and Tasman Bay.

Matters in which we have been involved include the following:

- Nelson Regional Sewerage Authority's application to discharge sludge on to Bell's Island and matters relating to the improved function of the sewerage plant, including genuine consideration of land disposal of sewage effluent as an alternative to discharging it into the Waimea Inlet.
- The impact of permanently mooring a barge at Wakefield Quay.
- The continuing chemical pollution at Mapua.
- The proposal to erect structures in Mapua Inlet designed to help in the catching of Pacific oyster spat.
- The development of Nelson City Marina.
- The Port Nelson Limited Environment Policy and Environmental Management Plan.
- The discharge of effluent from fish processing plants into Tasman Bay.
- The establishing between Hoddy and Bronte peninsulars, (closely approximated to an area recommended for protected status by the Department of Conservation) of a commercial farm park based on fine fibre animals.
- The emergency bunding by Nelson City Council of an area of Nelson Haven, designed to contain sewage spills in the event of any further failures of the Atawhai Rising Main.

We have attended the following events:

- ◆ The Nelson City Council meeting regarding the Draft Regional Policy Statement.
- ◆ The Tribunal hearing regarding the dredging of the North end of Dixon Basin.

- ◆ Meetings with Nelson City Council regarding further development of the Nelson Marina.
- ◆ The Tribunal hearing regarding the discharge of effluent from the fishing factories into Tasman Bay.
- ◆ A meeting with representatives of the Nelson City Council, local Maori people, Department of Conservation and the Wellington consultant firm engaged by Nelson City Council to formulate suitable plans for the future management of Nelson's sewage discharge.

In all of these matters in which we have been involved, we have outlined our views about any concerns we have recognised and we have made a concerted effort to put forward positive and constructive ideas and several of these have been accepted by authorities and tribunal hearings and have proved to be fruitful.

We are naturally concerned about the proposed development of "Port Kakariki" and the committee would appreciate hearing your views regarding it.

An opportunity for discussion will be available at the Annual General Meeting on Wednesday 14th September at the John Barry Room, Cathedral Parish Centre, commencing at 7:30pm.

We are enclosing a copy of our brochure and we would be grateful if you would assist in the enrolment of some of your friends.

Yours sincerely,

*Huncan Harris*

**Chairman**

*September 1994*

enc.

# Friends of Nelson Haven and Tasman Bay (Inc)

PO Box 715, Nelson

## Chairman's Report, 1998/9

Dear Members

July 1999

Thank you for your continuing support and welcome to all new members.

The 1998/9 year has been extremely busy and productive, and has placed severe strain on our financial resources. This has been primarily due to references (appeals) and Environment Court proceedings on the Proposed Resource Management Plans (Regional Coastal Plans/District Plans) of the Nelson City, Tasman and Marlborough District Councils, a reference to the Environment Court on part of the ENZA plan change S of Saxton Rd., and an appeal on the 1st Golden Bay Marine Farmers Consortium consent, plus submissions on proposals for amendments to the Resource Management Act, and a steady stream of applications for developments in the coastal environment. In total we have 7 matters before the Environment Court at present, with need for further references/appeals expected.

The coming year will be the peak of the Society's activities in the course of the late 1990's and early 2000's. It is of critical importance that the Society effectively completes the exercise which has taken up most of our time over the last 5 or so years, i.e. detailed involvement on the Resource Management Plans of Nelson, Tasman and Marlborough. Once the plans become operative, they will govern the way in which our coastal environment is managed by the Councils for the next 10 years or so. The plans are all important. It has been disappointing that both Royal Forest and Bird Protection Society and the Maruia Society have been involved in Environment Court proceedings on the plans to a much lesser extent than we would have hoped, but both Societies are apparently facing financial difficulties. The Friends have had to act as the main coastal watchdog group for the 3 regions in the proceedings, and there is no coastal watchdog group as such in Marlborough.

Expenses, as well as workload, will peak this year, and as noted above, our financial resources are now severely strained. Like most other environmental organisations, the Society is unable to qualify for any funding from central government or Lottery Grants Board due to our advocacy role. We have attempted to obtain some financial assistance from local government in the past, but again that is not a source available to us. We therefore have to rely upon subscriptions and donations, plus a limited amount of sponsorship. If you can help, please do so by means of a donation or donating equipment.

We have continued to work in conjunction with the Department of Conservation, Royal Forest and Bird Protection Society of NZ, Friends of Golden Bay and other environmental organisations.

The most important aspect of our work in the past year has been the proceedings on the Resource Management Plans (combined Regional Coastal Plans/District Plans). Following the gazetting of the NZ Coastal Policy Statement in 1994, this is the first round of planning documents being prepared under the Resource Management Act, 1991. As with any new legislation, the first set of plans will set the standard for subsequent plans. It is of critical importance that the plans provide the preservation and protection required by the Act and

NZCPS, and the Society's input is of considerable importance. Once the plans become operative (after Environment Court proceedings are completed) they will remain in force for at least 10 years. The coming year will continue to require a very high level of input. We are fortunate in having the NZCPS (the only mandatory national policy statement - there is no other NPS, although central government has recently indicated that a NPS on biodiversity will be produced) to work with. On the other hand, the fact that we have no Regional Council to act as a checks and balances system presents some problems with the 3 Councils in the region.

- Marlborough Sounds - Resource Management Plan

Decisions were released in Jan 98. The Society filed a reference (appeal) with the Environment Court in Feb 98 in regard to various coastal issues. Environment Court proceedings commenced in July 98. Notices of appearance in regard to aquaculture, public access, ports and structures, water quality etc were filed in Sept 98, and revised versions in Oct 98. Consent orders signed to date have been on aquaculture, Moana Pacific, Transit, and riparian issues and part of the Tranz Rail and Port Marlborough references. Consent orders on forestry and port structures are still under negotiation. Evidence was prepared for formal hearings on aquaculture, but proved unnecessary as the matter was resolved by consent.

- Tasman - Resource Management Plan

Following submissions by the Society, TDC heard and issued decisions on the coastal part of the plan before much of the District part.

Decisions were issued in Oct 98, and a reference to the Environment Court filed in Nov 98. Notices of appearance in regard to coastal protection, aquaculture, coastal environment, public access etc were filed in May 99. Negotiation meetings on references commenced in May 99, with 9 attended to date (aquaculture, coastal environment and miscellaneous coastal provisions). Unfortunately DoC has not filed a comprehensive reference on this plan, whereas they did so on the 2 Marlborough plans.

Major points of concern include the treatment of virtually all activities in the Coastal Marine Area as discretionary, with little use of Prohibited activity (other than aquaculture - spat-catching/marine farming) or non-complying activity. This has created a situation where the parts which are of conservation importance, e.g. Farewell Spit tidal flats, Abel Tasman NP coastline and estuaries, are given little or no more effective protection than areas which could be used for port development etc. Council could use its discretion to grant consent virtually anywhere in the coastal waters. The Society does not believe that this is appropriate, given that the Tasman region contains a large proportion of the internationally and nationally important coastal areas in the national context.

- Nelson - Resource Management Plan

Decisions on the District part of the plan were received in Dec 98, and a reference filed in Feb 99. Unlike TDC, Council did not hear and issue decisions on the coastal part of the plan before the District part, despite submissions by the Society to the effect that it was necessary. The Society does not believe that this hearing and decision making process will necessarily avoid the District part being inconsistent with the coastal part, as required by the Act.

Notices of appearance in regard to port and airport references were filed in June 99. Notices of appearance in respect of the Society's reference have been filed by Transit, Nelson Bays Meat Producers and others.

The coastal part of the plan was heard in April 99, and decisions are yet to be released. It is expected that a further reference will be needed.

Negotiation meetings on references commenced in July 99.

Major points of concern include little or no effective coastal protection, provision for aquaculture in estuaries, and inappropriate definition of the landward boundary of the coastal environment.

- Marlborough Wairau Awatere - Resource Management Plan

Decisions were received in Nov 98, and a reference filed in Dec 98. Many specific points in the submission were deemed null and void, but MDC subsequently accepted that this was incorrect. Further decisions were received in Jan 99 and a second reference filed in Feb 99. Notices of appearance are yet to be filed. Notices of appearance in respect of the Society's reference have been filed by Tranz Rail and Transit.

Environment Court proceedings are due to commence in the near future.

- ENZA and others plan change reference

Decisions on the plan change were received in Dec 98 and a reference filed in Feb 99 in respect of the part SW of Saxton Rd., the part which Nelson Bay Meat Producers wish to develop as industrial. The ENZA part (N of Saxton Rd.) for fruit-processing development was not opposed. The primary points of concern are the adverse effects on the Nelson - Richmond greenbelt, which is to be protected according to the Regional Policy Statement, and on the coastal environment.

- Golden Bay Marine Farmers Consortium application No 1 appeal

The decision granting consent was received in Dec 98 and an appeal filed in Jan 99. The primary reasons for the appeal were that the Society was excluded from participation at the hearing due to the relevant documents being sent to the applicant's

address and not forwarded and that consent was contrary to the provisions of the Tasman Resource Management Plan as amended by decisions. An affidavit on the former matter was filed with the Environment Court, plus a request for a preliminary ruling.

Other matters addressed during the past year include the following:

- Resource Management Act amendment proposals

A Resource Management amendment bill has been introduced in July 99, which incorporates the first major changes proposed since the Act came into force in 1991. We will need to appear before the Select Committee upon this bill.

The Owen McShane "thinkpiece" of April 98, commissioned by the Minister for the Environment, proposed some draconian changes to the Act, which would require changes to the NZ Coastal Policy Statement and Regional Coastal Plans, and would have significantly reduced the amount of coastal protection provided, and these matters were addressed in our submission to the Ministry.

An analysis of submissions on the McShane report was issued by the Ministry in Sept. 98.

The Minister also appointed a reference group on the matter. Their report of Sept 98 also contained contentious matters in regard to the coastal environment. Submissions were not invited in this case.

In Nov 98 proposals for amendments to the Act were issued by the Ministry. The Society lodged a submission on the proposals in Jan 99.

Central government has come under increasing pressure to amend the Act from groups such as the Business Roundtable, Federated Farmers, the Chamber of Commerce, the NZ Chapter of the American Chamber of Commerce, the Ministry of Commerce, and the ACT political party. ACT candidates include Richard Prebble and Owen Jennings, both of whom were involved in the Port Kakariki proposal.

While there have already been some 5 amendments to the RMA since its introduction in 1991, the latest proposals are likely to be the first major onslaught on the Act, and may have significant effects on the NZCPS, coastal plans, effective public participation, and any effective coastal protection.

- Southland Regional Coastal Plan

Hearings on this plan are still continuing. No decisions on last year's hearings have been received to date, notwithstanding last year's local government elections. The staff reports recommended prohibition of aquaculture in the fiords.

- Mapua site remediation

TDC decided not to proceed with the Resource Consent obtained, given that the Commissioners' decision did not allow any significant building on the site if capped as proposed. The Society lobbied both the Minister for the Environment, Simon Upton, and Minister of Conservation and Nelson MP, Nick Smith, to press for increased government funding (letters from these Ministers appended). A further \$2.6M was eventually allocated. TDC appears to be reluctant to increase their contribution significantly at present. Central government has indicated that the \$2.6M will only be on offer until mid 2000.

- Talleys' Fisheries discharges to coastal water (fish waste etc.), Port Motueka

Consent was duly granted subject to much tighter conditions, including accurate metering of discharges (as a result of submissions by the Society) Talleys appealed the decision, and the Society became party to the appeal. A consent order eventuated in May 99 after several Environment Court mediation conferences.

Talleys' discharges to air, Port Motueka.

Renewal of consent for discharges to air was applied for in 1992. The application was notified in Dec 97, and was opposed on the grounds that the consent was far too loose. At least 9 complaints regarding odour were received by TDC between April 96 and August 97. Further information was sought by Council in July 94 and again in Sept 96, and was supplied in May 99. A hearing is yet to take place.

- Port Nelson

Consent was granted to the application for layup/repair berths, (involving a reclamation of some 2.5Ha) and was supported by the Society subject to appropriate conditions. Part of this reclamation will be used for the Sealord biofilter, intended to reduce fishmeal plant odours which periodically affect the City centre. The reclamation is now effectively complete, but will not be used until the majority of the settlement has occurred.

The Society was also consulted on a preliminary basis about a major future southward extension of Main Wharf S. which would lie in front of the Hurricane Wire site, and had serious reservations about such a development. The Port Company anticipates using the large crane in this area.

- Port Tarakohe developments

The application for development of the Port was notified in August 97 and was generally supported subject to appropriate conditions. The prehearing meeting was not attended, as we were not advised before it commenced by error. The hearing before an independent commissioner commenced in Nov 97, was adjourned, was due to reconvene in Aug 98 but was postponed and eventually reconvened in Nov 98 (not

attended due to pressure of other work). Consent was granted in Jan 99.

- Sealord discharges to air

These discharges have on occasion caused objectionable odours in the Nelson City centre. The application was notified in May 98, and a submission in support lodged subject to appropriate conditions and treatment to reduce offensive odours. The application was heard in Aug 98 by independent commissioner Richard Fowler, and attended. Consent was granted in Oct 98, subject to a biofilter to reduce odour generation being installed within 6 months of suitable land becoming available (i.e. the Port Nelson layup berth reclamation.) Sealord does not have adequate land at present, and the estimated cost of the biofilter is approx \$1M

- Hurricane Wire site development

Consent was eventually obtained, but Robert Brown Developments apparently decided not to proceed in view of an economic downturn. We have been consulted this year regarding a proposal for the site by another developer, but no detail has been forthcoming to date.

- Sewage system developments

Kaiteriteri-Stephens Bay scheme

2 spills of raw sewage from this scheme occurred at Stephens Bay in Dec 98 and Jan 99, i.e. during the holiday season. A letter expressing the Society's serious concern was sent to TDC, and a response duly received from the Chief Executive. The scheme, commissioned in 1988, has been less than satisfactory, with a series of 10 spills between 1994 and 1996. Concern was expressed to TDC in 1996. The severity and frequency of spills has been unacceptable, and this matter was also addressed in the submission on this year's draft annual plan. An April 99 consultants' report recommended expenditure of \$0.94M to rectify the problems, while the draft annual plan budgeted \$0.33M for this year and \$0.6M for next year.

Nelson Regional Sewerage Authority

The Authority proposed biosolids disposal at both Rough and Bell Islands, and subsequently dropped the Bell Island proposal after strong public opposition. Disposal at Rabbit Island has generally worked well but has given rise to objectionable odours on occasion. Consent was obtained for disposal on Michael Higgins' property and apparently also on Carter Holt Harvey land.

The Society was consulted regarding replacement of approx. 750m. of sewage line from the Beach Rd. Richmond pumping station to the Stoke bypass junction.

### NCC - Wakapuaka Ponds

The ponds stopped functioning effectively in early 99, apparently due to overloading from industrial discharges to the scheme and seasonal influences resulting in a delayed algae population swap-over, resulting in offensive odours at Atawhai. Emergency meetings organised by NCC on 10/06/99 and 17/06/99 were attended, following which Council decided to drop proposals to discharge raw sewage to Tasman Bay and see if the ponds recovered. Council appears to have been unable to determine which industry(s) caused the problem. The urgent need to deal with these problems was addressed in the Society's submission on the 99/2000 draft annual plan.

The Society has been consulted by Council since Nov 98 regarding renewal of the Wakapuaka discharge consent, and an application for renewal is expected in the coming year. The old consent is inadequate, with virtually no control on loading, nutrients etc., and the Society has been urging Council to apply for a new consent with much tighter controls for several years. Indications to date have been that Council wishes to obtain a new consent on a non-notified basis, but in view of the current problems with the ponds, that is unlikely to be appropriate.

- Draft NZ biodiversity strategy

NZ ratified the international convention on biodiversity in 1993. In Jan 99 a draft strategy on biodiversity was released for consultation by DoC and the Ministry for the Environment. A submission was lodged by the Society in April 99, pointing out that progress since 1993 has been very slow (Australia produced its final strategy in 96), that there is still a serious lack of scientific data on NZ's ecosystems, and that NZ's record on protection of biodiversity in the 90's has been far from satisfactory.

- Nelson 10 year financial plan

The proposed long-term financial strategy was issued in April 98. A submission was lodged in May 98, expressing concern about the forecast growth of liability by 53% by 2007/8 (Tasman's is forecast to grow by only 5%), assumed financial contributions, great fluctuations in rate increases and a backlog of infrastructure works estimated at over \$100M. Hearings took place in June 98, but there appears to have been little progress since then.

- Tasman 10 year financial plan

The draft long-term financial strategy was issued in early 98. A submission was lodged in May 98, complimenting Council on the comprehensible format and generally appropriate levels of proposed funding. The overall financial position appears to be much healthier than that of Nelson.

- Kahurangi National Park draft management plan

DoC released a draft management plan in 97. A submission was lodged in Jan 98,

seeking more specific detail and measures in regard to the wilderness coastal area from Kohaihai to Kahurangi Point and biodiversity issues. This Park would be affected by the proposed Heaphy Rd. Hearings in March 98 were attended. The final plan is yet to be produced. (The final Abel Tasman NP management plan is also still awaited. The draft plan was issued in Feb 96. A submission was also lodged on that plan)

- Ruby Bay bypass proposal

Transit has consulted the Society regarding the proposed SH realignment. The indicative route would involve minimal earthworks on the coastal margin at Nile Rd and Trafalgar/Apple Valley Rds. Final decisions on route are yet to be made.

- Ruby Bay coastal protection works

While sympathising with affected residents, concern was expressed to TDC regarding the precedent that would be set on subsidised hazard protection works if Council made a significant contribution to the Ruby Bay coastal protection works.

- Nelson marina/Haven Holes variation

A 1 year extension to the consent for completion of earthworks in the Haven Holes area was agreed to on a non-notified basis in March 99. The dredged spoil had not dried out as rapidly as expected and it was not possible to achieve the original completion date. However, as there have been several variations to this project to date, it was advised that further variations would not be supported.

- N Nelson Marine Reserve proposal

This proposal by Royal Forest and Bird Protection Society was supported by the Society. The area covers the Port Kakariki proposal site. Port Nelson has opposed the proposed marine reserve, apparently with a view to possible future port developments in the area, and opposition was also received from recreational fishermen.

- Delaware Bay Taiapure proposal

This Iwi proposal is the first Taiapure application in the region, and covers Delaware Bay and Cable Bay. Greater control of fishing is proposed. A submission in support was lodged in view of the increase in control of fishing activity, although there is a shortage of detail on specifics in the application.

- Lower Queen St bark salvage proposal (Nelson Pine Industries bark reclamation, Waimea Inlet)

The Society was consulted by the applicant (Richmond Horticultural Products) in the formulation stages of this proposal, which has now been notified. The proposal to remove approx 5.9Ha of the reclamation is supported, but the Society has reservations

about the proposed method of discharge of pond water with high tannin levels and possibly contaminants to Waimea Inlet, industrial development on the part not to be removed, and the programming of the works.

- Aquaculture

Spat-catching and marine farming matters have taken up a good deal of the Society's time and effort in the last year, with hearings on resource consent applications attended in Collingwood, Pohara and Richmond, and Environment Court proceedings on the Marlborough Sounds plan attended in Blenheim. While the Society believes that there is scope for reasonable expansion and development of these activities, there has been a flood of applications for allocation of sea space in both the Sounds and Golden Bay, to the point where public access and public ownership of the Coastal Marine Area are under serious threat. The Nelson coastal plan provides for aquaculture in the estuaries, including Nelson Haven and Waimea Inlet, which we do not believe is appropriate.

The Marlborough Sounds plan aquaculture consent order was finalised in early 99 and the moratorium on new applications was lifted in early July 99. A new flood of applications is now in the pipeline. While most are for relatively small extensions to existing farms and small new farms, some very large applications are being received, e.g. 635Ha in Beatrix Bay, 200Ha at Deep Bay/Karaka Island and a series of applications of around 40 - 50Ha.

Negotiation on Tasman Resource Management Plan (references to Environment Court on aquaculture)

The Plan, as amended by Council decisions, provided for aquaculture in Golden Bay beyond 3 Nautical miles offshore as a discretionary activity. A large number of applications for space both outside and inside the 3Nm limit were received in late 98/early 99 and it became apparent that the entire central part of the Bay was faced with potential effective privatisation. The Society does not believe that is remotely appropriate. Council has shown a tendency to grant consent to applications heard since late 98. Several negotiation meetings on references to the Environment Court have been attended to date, and TDC is seeking fast resolution of the issue.

Waitapu/Wainui appeal

This application, notified in May 96, was for 42Ha offshore from Onekaka for greenlip mussel spat-catching, and was opposed. Consent was declined in Sept 98, and appealed by the applicant. A notice of appearance has been filed.

Onekaka Offshore Consortium appeal

This application, notified in May 98, was for 258Ha offshore from Onekaka for greenlip mussel and scallop spat-catching, and was opposed. It covers part of the same site as the Waitapu Wainui application. Consent was declined in Oct 98, (although the

area sought was reduced to approx 120Ha at the hearing) and appealed by the applicant. A notice of appearance has been filed.

The Consortium has since lodged a further application for approx 88Ha slightly further offshore, which is yet to be heard.

#### Golden Bay Marine Farmers Consortium appeals

The original application, notified in May 98, was for 88Ha offshore from Totara Ave for greenlip mussel spat-catching, and was opposed. Consent was granted in part (appealed by the Society, primarily on the grounds that we were excluded from the hearing process, and also appealed by Challenger Scallop Enhancement Co. and Friends of Golden Bay) and the part declined was appealed by the applicant. A notice of appearance has been filed.

A second application for the 48Ha originally declined was also opposed, but consent was granted in May 99. (appealed by Friends of Golden Bay and Craig Potton)

A third application for a further 60Ha was opposed and is yet to be heard.

#### Golden Bay Mussels

This application, for 250Ha in Golden Bay, was opposed. Consent was granted in July 99, and an appeal is being considered.

#### Tasman Mussels

This application, for approx 500Ha in Tasman Bay, was also opposed. Consent was granted in July 99, and an appeal is being considered. It appears that Challenger Scallop Enhancement Co. will appeal.

#### Tasman Recreational waters survey, 1998-9

While we were not involved in compiling this report, we take a close interest in it and do take effective action to reduce coastal pollution as far as possible. This year's report highlights unsatisfactory results at Ruby Bay Dairy, Pohara Valley Beach, Tata Estuary, Parapara and Marahau.

#### Legal representation

One of the main reasons for the Society's effectiveness over the years is the pro-bono (no fees) work undertaken by the various solicitors who have been kind enough to act for us, and by those who do so at present, to whom we are greatly indebted. In addition, we have been represented pro-bono at Select Committee proceedings by Wellington solicitors (but prefer to

appear in person for significant law changes) and can call on various expert witnesses on a pro-bono basis (landscape architects, ecologist, planner) in some cases. While the Society does not face legal fees, we still have to pay for filing fees, disbursements and incidental expenses.

### Finance and equipment

While the pro-bono work undertaken by the Society's officers, our solicitors and expert witnesses has enabled the Society to act effectively on a limited budget, we have to rely upon subs and donations, plus a very limited amount of commercial sponsorship. As noted above, the Society is not eligible for Lottery Grants Board funding. The same problem affects other environmental groups.

The enormous increase in the workload over the last 2 years has involved rapidly increasing costs for photocopying, stationery, postage, telephone charges (including Internet/ E-Mail), transport, accommodation, operating costs of Society's equipment, disbursements and incidentals incurred by solicitors, filing fees etc. It may be necessary for the Society to retain and pay for some expert witnesses this year. Expenses have now overtaken income by a considerable margin, and our financial resources are severely stretched. While the Society owns some equipment (computer, printer, scanner and Fax machine), a photocopier, dictaphone, camera tripod and additional lenses, computer software (Word) etc. are still needed and any assistance in this area would be greatly appreciated.

### Conclusion

I am confident, providing that adequate funding can be obtained, that the Society will be able to continue the work that lies ahead, and in particular the completion of proceedings on the Resource Management plans in the next year or so.

Some 43 meetings, including 5 hearings and 8 Environment Court proceedings were attended during the year.

My thanks to all committee members for their continuing readiness to attend our meetings and for their efforts on behalf of the Society. We do need some new Committee members, so please give consideration to standing at the AGM.

I wish particularly to thank Russell for the great length of time he has spent and unremitting effort he has made on behalf of the Society.

Many thanks to Doris for hosting most of the committee meetings and for her help as Treasurer.

Thanks also to Graham Todd for continuing to act as our Auditor, and to the solicitors who have been kind enough to assist us with legal advice and opinion.

Any ideas or advice which members may wish to provide will be gratefully accepted. (My telephone/fax = 545 0150).

Annual general meeting

Members and their friends will be most welcome at the Annual General Meeting to be held at 8.00p.m. on Wednesday 25th August at the John Berry room, Cathedral Parish Centre, Nile St., Nelson. We appreciate that mid-winter nights are not attractive, but would like to see more members attend if possible.

Yours sincerely

*Duncan Harris*

Duncan Harris  
Chairman



THE COMMUNITY TRUST  
Supporting you supporting the Community



Why MSL Group are supporting the Friends of Nelson Haven and Tasman Bay (Inc).

Many businesses see conservation issues as a barrier to progress. What is the economic value of a park, a tree, a harbour clean enough to swim in?

Nearly all of us at MSL Group live here in Nelson because of its clean and beautiful environment - we chose it as a place to live and then looked for a way of supporting ourselves. We have a vested interest in seeing that it stays that way, not only for our own lifestyles but to ensure that Nelson remains an attractive place for a skilled labour force and for new business ventures that broaden our economic base and add useful services. Even though the greatest value of an attractive living environment will always be the intrinsic pleasure it gives, we believe that the indirect long-term economic value alone far exceeds the cost of preserving it.

Staff make a regular monthly donation to the Friends, which is matched by the Company, because we believe that they fulfill an important role in asking the hard questions about the effects of development on one of Nelson's most important natural assets. Many of this region's major businesses and local bodies (who are also our clients) will find themselves at odds with the Friends at times. For this reason, the Society does not have access to many of the usual sources of corporate support. As one of the few larger Nelson businesses with no direct interests in the region's coastal waters we felt that we could help this small group of dedicated individuals to keep "putting their hands up" for our coastal environment. Whether we agree with them on every issue or not is unimportant to us - but the need to have a watchdog is.



## MINISTER FOR THE ENVIRONMENT

- 7 SEP 1998

Dr L D Harris  
Chairman  
Friends of Nelson Haven & Tasman Bay (Inc)  
PO Box 715  
NELSON

Dear Dr Harris

Thank you for your letter of 6 August 1998, copied to the Prime Minister, concerning the pesticides contamination of the old Fruitgrowers Chemical Company site, Mapua, and the contamination which is affecting the Waimea inlet.

The Government is considering this matter and your comments have been noted.

A principled decision on funding and facilitating the clean-up of contaminated sites in New Zealand will be sought from Cabinet in the near future. Once this decision is taken, the Government will be better placed to consider the specific case of the Mapua site.

Although a complete clean-up of this site is technically feasible, you will appreciate that the considerable expenditure needed will weigh heavily on Cabinet during this time of fiscal restraint.

I hope that a satisfactory solution to this problem will eventuate. I have forwarded a copy of this reply to the Prime Minister. Thank you for raising your concerns with me.

Yours sincerely



Hon Simon Upton  
**MINISTER FOR THE ENVIRONMENT**



## Hon. Dr Nick Smith

M.P. for Nelson

Minister of Conservation  
Minister of Corrections

Associate Minister of Social Welfare  
Associate Minister of Immigration

24 August 1998

Dr L D Harris  
Chairman  
Friends of Nelson Haven and Tasman Bay (Inc)  
P O Box 715  
NELSON

Dear Dr Harris

Thank you for your recent letter concerning the Mapua toxic waste clean up.

I agree that this is an issue that we need to make some progress on. Certainly it is one that I am keen to see resolved and this week I met with Hon Simon Upton, Minister for the Environment to further discuss the issue.

The Council is the principle agency for developing options for a cleanup. You will be aware a lot of work has gone into the design of a cleanup that will see the site capped to prevent ongoing seepage of contaminates into the estuary and surrounding environment. The Government agreed to a contribution for this work in partnership with the Council. That funding remains set aside for the task.

More recently the Council and the Ministry of the Environment looked into new technology that involves not just containing the site but breaking down the chemical contaminates. Quite clearly this is the more desired outcome, but is likely to cost between \$7-9 million. It is my view that for this to proceed both Government and Council need to significantly increase their contributions. While I understand that ratepayers are reluctant to use their funds for this purpose it is my view that it is a quid pro quo of having inherited millions of dollars of shares in Port Nelson. The former Harbour Board was one of the culpable agencies that allowed the mess to develop and Council needs to accept responsibility for some liability as well as inheriting a cash asset. However taxpayers must also contribute to the extra cost of the cleanup and you can be confident I am doing all I can to advance this. It is my personal view that we should divide costs of the more extensive cleanup in the same proportion of Government and Council as per the original design.

You should also be aware substantial thought has gone into the wider issue of toxic waste sites around New Zealand. We need to develop a clear framework in which we can clean up sites like Mapua.

Thank you for your letter. You can be confident I am continuing to work with Council and Government to advance a solution.

Yours sincerely



Nick Smith  
MP NELSON

# Friends of Nelson Haven and Tasman Bay (Inc)

PO Box 715, Nelson. Telephone (03) 548 5987, Facsimile (03) 548 5987

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## CHAIRMAN'S REPORT 1999-2000-07-24

Dear Members

Welcome to all members and supporters and hopefully many new members.

I thank you on behalf of myself and the Committee members for your support not only for 1999-2000 but also for your continuous support over the many years the Society has existed. The Society was formed to stop large scale development in the Haven and at present, is the only effective coastal watchdog in the top of the South Island, which means scrutinising each Resource Management Plan of the three Unitary Councils of the Tasman District Council, the Nelson City Council and the Marlborough District Council.

The Nelson Coastal Plan has had a chequered history. At first we had the United Council, which went through a lengthy process to produce a coastal plan in which our former chairman, Noel Matheson played an important part. This plan was actually completed and subsequently gazetted. Then the top of the South Island, Tasman, Nelson and Marlborough became the Nelson Marlborough Regional Council.

This body, like so many other Regional Councils, would give an overview of the local bodies involved and stop this nonsense whereby local bodies give themselves resource consents. Having said that, quite often Commissioners are used when a Resource Consent could be too controversial.

This check and balance was removed by two MP's, namely Nick Smith and Doug Kidd who cleverly campaigned for three Unitary Councils on the grounds that it would save the ratepayers money. I leave it to your judgement in the present climate of a plethora of planners, consultants and doubling up on hearings, how accurate that statement was.

The Friends realised the importance to scrutinise each Resource Management Plan of the new Unitary Councils in particular related to coastal issues. To get a comparison how other Regional Councils dealt with coastal issues, every plan produced in the country was obtained and has proved to be a valuable resource. Consequently we have spent considerable time and effort to protect the coastal environment by making submissions to achieve these objects and, when necessary, not to hesitate to take a Council to the Environment Court.

The Society currently has **ten matters** before the **Environment Court**. Eight references on Tasman, Nelson, Marlborough Sounds and Wairau Awatere Plains and two appeals on marine farms.

The most important Environmental Court case during the past year and one that has taken a great deal of time and effort, not forgetting the cost involved, is the Tasman Resource Management Plan aquaculture references. The Society was involved in seven negotiation meetings on the references prior to the case going to Court. After a judicial conference on 14 September 99, it became clear that the majority of the marine farming industry was involved (initially but a few) and after viewing a map of all the proposed marine farms, it became evident that there were potential threats to the bays and tidal flats of both the Golden Bay and Tasman Bay.

At the time of writing the Chairman's Report, the Society has spent 13 weeks so far at the Environment Court. This is by no means the end of the matter. There will be more

*Rugerie - thanks from for her contribution*

lengthy proceedings during the summing up, then the Interim Judgement and subsequent legal manoeuvring. Russell Fenney, apart from the day to day activities (some 43 other meetings and hearings), has been involved in preparing submissions and cross examinations. The Society has been fortunate to obtain legal advice from a partner of a leading Wellington law firm. Dr Bill Ballentyne presented ecological evidence and represented the Society at an Ecological Workshop which advised the Court on ecological matters.

We cannot stress the importance of the Aquaculture Hearings since it will determine the future and well being of both bays in respect of sustainability, access, recreational and commercial fisheries, yachting and landscape (seascape) values. Judge Shona Kenderdine will have a difficult task to adjudicate, and there appears to be a consensus of opinion that whatever her decision, one or more parties will seek a High Court decision. The timetable closing submissions is expected to take five weeks, then Stage 2 on Plan detail.

The Society has addressed a number of other issues on the Tasman Resource Management Plan. These include discharges, hazardous substances, landscape values and public access.

The Motueka Yacht Club seem able to run roughshod over conditions of their consent to establish a marina in the Moutere Inlet. The Society is at present looking into the matter.

We are still concerned that insufficient weight has been given to the protection of Farewell Spit tidal flats and indeed the estuaries in both bays. There is currently no coastal landscape protection.

While the Environment Court took most of Russell's time, other matters, such as hearing in Blenheim, meetings with Simon Upton and Nick Smith prior to the election, and as I have already mentioned, other Environment Court Hearings, kept the midnight oil burning for Russell.

The Nelson Coastal Plan is considered to be one of the least effective of all the New Zealand coastal plans produced as far as offering any useful protection.

As I have already mentioned, the former United Council Plan was already gazetted. The Society had a great deal of input largely due to the dedication of our former Chairman, Noel Matheson. One would have thought the Councillors and planners would have the odd peep at this document to see that they were on the right track.

We now have the bizarre situation where, in the Tasman District side of Tasman Bay marine farming is prohibited, while on the Nelson District side of the Bay, this is allowed. In my notes to the Committee I stated that there appeared to be some kind of Mason-Dixon line or ~~fourth parallel~~ through the middle of the Bay.

### **Marlborough Sounds**

Some of our members have asked the question: Why are we involved in the Sounds? The reason why this is of the utmost importance is that there is little or no input from organisations such as Forest and Bird, and the Department of Conservation has a low key stance on marine farming.

Developments in Marlborough tie in closely with similar development in Tasman and Nelson. There will be maps at the AGM to show you the extent of the proliferation of marine aquaculture in the Sounds. We have opposed some fifty applications for aquaculture totalling 2024 hectares which have been lodged between August 1999 and February 2000. Two large offshore applications by Clifford Bay Marine Farms and Whakatu Inc. in Clifford Bay and S.W. of D'Urville Island, total 2950 hectares.

### **Kuku Mara**

The Kuku Mara marine farm hearing started in Blenheim on 21 March. So far most, if not all marine farms in the Sounds are close to the shore and has kept open spaces and reaches of the Sound free from marine farming.

The provisions of the plan specifically isolates marine farming beyond the 200 meter limit as a non-complying activity in Pelorus Sound (prohibited in Queen Charlotte Sound). The Kuku Mara applications are for six marine farms in the centre of four bays.

This is the beginning of the infilling of the Sounds. The situation is now that Admiralty Bay is effectively all under application as is Beatrix Bay. The application for Beatrix West has been granted. The Kuku Mara Consortium has appealed the decisions on all other applications and the Society has filed notices of appearances on all five appeals. These appeals will last approximately one month. Apart from preparing and filing submissions, attendance at court hearings, travelling time and costs will be a heavy burden on the finances of the Society. Only by receiving substantial donations, can the Society continue this essential task.

Many existing marine farmers are opposing Kuku Mara with yields having dropped in the last year or so. The hearing of the Mac Lab application will go ahead for six applications, having withdrawn three applications totalling 300 hectares for mid-bay applications. The withdrawn applications include 200 hectares in Admiralty Bay, 44.2 hectares in Beatrix Bay and 49.6 hectares in Crail Bay.

Both NIWA and Cawthron Institute research has shown that some sites would not be sustainable if the mussel farms were to go ahead. There are further off-shore applications whose combined total would add up to over 8,000 hectares (four times the area currently in use in the Sounds). These applications are in Clifford Bay and the Chetwodes and Trio Islands.

The legal submissions on the Kuku Mara applications were presented by Warwick Heal, planning evidence by Russell, navigation by Neville Wills of the Nelson-Marlborough Yachting Ass. Our committee member, Rob Schuckard gave evidence on the detrimental effect by large aqua-culture structures on the small population of King Shags. This isolated small population of rare birds are extremely vulnerable to any environmental changes. With New Zealand's world record in extinct species, the Marlborough District Council should not want to go down in history having caused the collapse of another bird population in the already dismal record of bird extinction in New Zealand!

I should mention that the only environmental group in the Marlborough Sounds which is participating, is the Marlborough Environment Centre, a small group with limited resources and no legal input. Nevertheless, these small courageous groups are of great importance, they do represent local concerns and we hope we can continue to work with them and give some support towards their efforts.

The references on the Sounds Plan proceedings are almost complete with various consent orders negotiated and agreed upon without the need to go to a hearing. Significant improvement on the public access position have been achieved.

### **Hurricane Wire Site**

Other important issues both in Tasman and Nelson, are the cockle harvesting in Golden Bay, Wakefield Quay development, Hurricane Wire Site, Tahuna Beach Erosion, Wakapuaka pond – all in Nelson.

### **Cockle Harvesting**

Cockles are a commercially fished species at present managed outside the Quota Management System and although a moratorium on new commercial cockle harvesting has been in place since 1992, two companies, namely Westhaven Fisheries and Talleys Fisheries have existing fishing permits for cockles.

Cockle harvesting comes under the Fisheries Act and thus does not require a resource consent. This has created a loophole in that both companies can apply for extensions to their permits even though the area applied for can be a hundred kilometres from their present site.

Enclosed is an article, by Friends of Nelson Haven, published in ECOLINK June 2000. The Friends have opposed further applications.

### **Wakefield Quay**

As far back as February 1995, Nelson City Council proposed a development on the waterfront. Almost five years to the date, Council made an application for a Resource Consent for restricted coastal activity to construct three reclamations (infillings) and two jetties, within the Coastal Marine Area. The Friends supported the application in general nature and intent, subject to appropriate conditions. The consent has been granted – there are two appeals.

### **Hurricane Wire Site**

The new proposal for a hotel complex on that site is not opposed since consent for such a proposal was given in 1997.

### **Tahuna Beach Erosion**

A report was prepared suggesting several options. One suggestion is that a 500 meter groyne was constructed to drive the sandspit (which is alleged is formed by erosion from the beach) where it is most needed. \$50,000 is to be made available for the construction of a model.

Coastal hydrology is a science, which still depends largely on the vagaries of nature. Our country shoreline is full of failed structures to prevent erosion. The Society will keep a watching brief on what is an important issue for the Nelson City.

## **Wakapuaka Pond**

I almost headed this item – Wakapuaka smell. A meeting was attended at the City Council Chambers where a biologist and a consultant explained that unless research was carried out to determine the exact reasons for the continuous collapse of the ponds, no solution can be found. The study will take at least twelve months at a cost of \$120,000. There was a consensus of opinion that extensive research was the preferred option and hopefully would lead to a more permanent solution. The Council will therefore postpone Resource Consent for twelve months.

## **Resource Management Amendment Bill and Local Government and Environment Select Committee Hearings.**

The Select Committee has started hearings on the RMA Amendment Bill. A number of submitters have been heard and the Society, which made submissions to the Bill, is awaiting advice when and where we will be heard.

The Society has expressed concern at Government level, regarding the inconsistencies between the Resource Management Act and the Fisheries Act. This becomes more and more relevant in the cockle harvesting application in COC7 and the aquaculture hearings in Nelson and Marlborough.

The issues outlined in this report are by no means all the problems dealt with by the Society. To name but a few, Port development, Public access in all three local bodies, hazardous substances, discharges to air and water, Nelson Airport noise and the Nelson Meat Producers areas on the corner of Saxton and Main Road. In this latter issue, the Society is endeavouring to reduce the impact on the coastal environment and the green belt by lowering industrial building, landscaping and light industrial rather than heavy industrial development.

## **Conclusion**

The committee urgently need younger members. By younger, I do not mean teenagers, although they would be welcome also. Let me put it this way, anyone younger than me. Because of the large workload we try to limit the number of meetings, but keep you informed by "notes for the committee" on the day to day happenings.

Like many societies who work on a voluntary basis we lack the finance to enable us to operate as efficiently as we would like. There is an increasing cost in stationery, postage, telephone, faxes, and e-mail. Often urgent documents have to be couriered and the amount of time, effort and travel has continued to grow. Because of our advocacy role, we are not entitled to grants from organisations such as the Lottery grants Board.

The Society is in need of additional equipment. To today's environment, unless one can keep up with modern technology, you are left behind. Equipment for which we need funding includes: Computer Software (Word and/or Office) and \$400 towards a small photocopier.

I would like to thank all committee members who have given their time to attend meetings. Francis Earle has expressed the wish to retire from the Committee. I thank him for his valuable input over the years. Russell needs a special vote of thanks – without his long hours of work at meetings and at home, his attention to detail, the

Society would not exist. Doris as always, made us welcome, provided us with refreshments and has acted as a very able treasurer, Graham Todd for his help and acting as our Auditor.

A special thanks to our solicitors who have given so much of their time. There is much to be said about their generosity in giving advice and at times appearing for us pro bono.

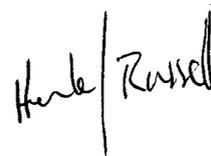
Thanks to U-Bix Document Solutions and their staff for always letting us copy the many documents with a smile. We are indebted to their generosity.

I, as Chairman, would like to stand down. The work load is daunting and because of changes in my life, I will spend less time in Nelson.

Please attend the AGM where you can ask questions and we will provide maps to show you the extent of marine farming in the Sounds, and both Tasman and Golden Bay.

The AGM this year will be held on 16 August in the Hearing Room (Hard of Hearing Room). This is situated near the Quality Inn opposite the Church Hill, a narrow street off Nile Street, starting at 8.00pm.

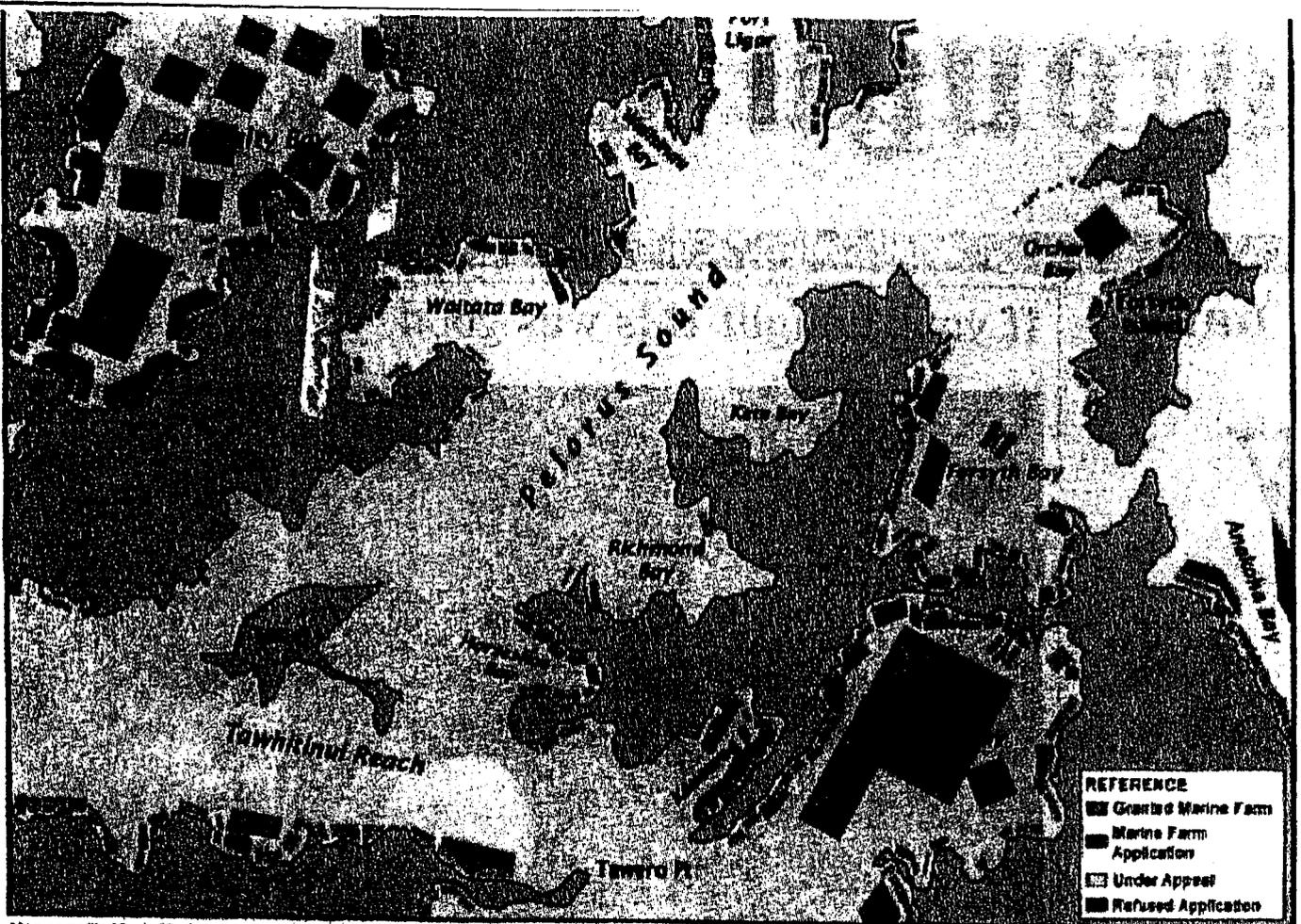
All Welcome. Supper will be provided.



HENK HEINEKAMP  
Chairman.



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Map compiled from Marlborough District Council Marine Farm Data as of 10 July 2000

Areas such as Admiralty Bay and Beatrix Bay have been highly targeted by applicants. Existing mussel farmers fear now the first mid-bay farm has been granted, the rest will follow.

Graphic supplied by Draughting Plus

# Mussel farmers outraged at Beatrix Bay site approval

by Sam Robertson

It's time the allocation of water space for marine farming is taken away from the Marlborough District Council, says mussel farmer Jim Jessep.

Mr Jessep was among many mussel farmers who spoke out against the council's controversial decision last week to grant Kuku Mara Partnership a 42ha mussel farm in Beatrix Bay.

He said the allocation of water space should somehow be done at central government level and in "a much more logical and fair manner".

Mr Jessep is a member of the Marlborough Sounds Trust, which was formed after the moratorium on marine farming was lifted last year and represents about 70 existing mussel farmers. Members of the trust say the council's resource hearings committee could not have picked a worse site to grant the first mid-bay farm.

Mr Jessep said if any area in the Sounds had reached saturation point in terms of sustainability, it was the north-west side of Beatrix Bay.

The council recently declined an application to extend an existing marine farm

in north Beatrix Bay because it considered the phytoplankton level in the area, which was used as food by mussels, was not sustainable.

Granting the application went against all logic and common sense, Mr Jessep said. He said allowing the farm also had wider implications for all users of the Sounds, in terms of navigation and visual impact.

Beatrix Bay mussel farmer Andrew King said any statements that the farm would not be a navigational hazard were "crap" and anyone who had been in the bay on a rough, dark night would know that.

"It's highly desirable to go into the middle of the bay where you know nothing is. You can't go around the edge and now you can't go into the middle without running into something."

Other trust members Rosemary and Ron Bothwell said there was nothing existing mussel farmers could do about the decision because they could not afford to fight on the same level as the large companies and consortiums involved in the applications.

They are among a number of submit-

ters who say the farm was allowed to go through because of loopholes in the proposed Marlborough Sounds Resource Management Plan.

Mr Bothwell said existing mussel farmers had been playing by the rules of the original plan and suddenly the goal posts had been moved by applicants for mid-bay farms who had applied for water space anywhere.

Mr Jessep said he was extremely disappointed at the council's decision, which had gone against its own principles outlined in the plan.

A lot of the smaller farmers were "worried sick" by the decision and some were saying it would spell the end of their involvement in mussel farming, he said.

The eastern side of Beatrix Bay was the second most important spat catching area in the Sounds.

"What it will do to that is anybody's guess," Mr Jessep said.

Kuku Mara and the council both refused to comment.

Committee chairman Michael Briggs said submitters all had the chance to appeal the decision.

● LOCAL - NATIONAL

# Call for another moratorium on mussel farms

by Sam Robertson

Another moratorium needs to be placed on mid-bay mussel farms until objectives in the Proposed Marlborough Sounds Resource Management Plan are made clear, those opposing the farms say.

In July, 1996, the Government put a temporary halt on the Marlborough District Council issuing consents for marine farms, which was finally lifted in June last year.

Long-standing opposer Steffan Browning said the objectives of the plan had never made it clear that mid-bay farms should not be established in the Sounds, although that was its intention.

Friends of Nelson Haven and Tasman Bay secretary Russell Fenney agreed.

He said a moratorium was needed not just on non-complying areas, but in all areas across the whole country.

Both men said the situation had happened because no one had ever expected the huge number of applications for mussel farms in the Sounds.

It is a point with which the council's resource hearings committee chairman Michael Briggs agrees.

Mr Briggs said the committee also agreed the objectives in the plan were not clear for applications beyond the 200m mark, and it has stated this in a number of its decisions.

The situation needed central Government intervention, Mr Browning said.

But Mr Briggs would not comment on whether a moratorium should be put in place to sort out the plan.

The council had said the policy was something it should look at a later date.

Mr Browning said the council "needed to be able to make a decision because the plan says no - except in exceptional circumstances".

He also feared the pressure would be put back on submitters to uphold appeals, because the council's refusals had been made largely on evidence presented at the hearings.

Mr Briggs said if submitters thought they were being put under pressure it was up to individuals to cope with it.

Both Mr Browning and Mr Fenney emphasised they were not against mussel farming in general and accepted it was good for the Marlborough economy.

"But I don't want growth just because we can have growth," Mr Browning said.

He was concerned at the "absolute audacity" of some applications at sites which were obviously not viable.

Four mid-bay farms by Kuku Mara Partnership had so far been declined by the council.

But Mr Browning was concerned the council would "give in" and grant consent for a mid-bay farm.

Mr Fenney said if any of the mid-bay farms went through, it would be difficult for the council to refuse any of the others.

He said it was always going to be difficult for the Kuku Mara farms to be a success.

However, a bigger problem was the new generation of applications which was expected to come out of the refusals.

Mr Fenney said instead of applying

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**Steffan Browning said he was concerned at the 'absolute audacity' of some applications.**

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for one large 45ha mid-bay mussel farm, companies would apply for several smaller mid-bay farms.

These would be harder for the council to turn down because the committee was required to hear each application on its own merits and the ecological effects of the smaller farms would be reduced. Mr Browning was also concerned that with the amount of attention on the large mid-bay farms, smaller farms in the traditional ribbon development area were being granted without proper consideration.

He said the situation had turned into not what was best for the environment, but whether you could win an argument.

"That's where the plan has to be more clear."

The Chairman

Committee Members

Russell Fanneby

**Secretary's report on overall position of the Society and work in hand**  
**November 2001**

Membership

- 1 The Society's membership has increased substantially in the last 2 or 3 years. Corporate members now include the Nelson Marlborough Yachting Association (the umbrella group for all of the yachting organisations in the top of the South), Waikawa Boating Club (Picton, approx 650 members, with the majority based in Wellington and Christchurch), Tasman Bay Cruising Club (approx 350 members), Nelson Yacht Club, Monaco Residents Association, and Lochmara Bay Residents (Queen Charlotte Sound). There are also considerably more individual members from the Sounds and further afield. This increase has resulted directly from the time and effort put in on the Tasman aquaculture inquiry, Sounds and references on plan proceedings.
- 2 Members with particularly useful expertise include Rob on bird matters, Ashley Wagg, retired master mariner and Hong Kong shipping firm director, Russell Cole, NIWA marine biologist, Danny Boulton, ecotourism operator and dolphin research (French Pass), Andrew King, environmentally enthusiastic marine farmer and member of NZ Marine Farming Association executive, and, of course, the committee members.

Working relationships with other organisations

- 3 These have expanded greatly, with particular support coming from DoC, which has joined most of the Society's coastal plan references in support, Ornithological Society of NZ (OSNZ), which has joined the principal Tasman plan reference, the yachting groups as noted above (NMYA has joined in support of the proceedings upon the Nelson coastal plan), and the Marlborough Sounds Trust (the existing small marine farmers in the Sounds, including Jim Jessep, ex president of the NZ Marine Farming Association, who share our concerns about the flood of applications for new space in the Sounds and joined us in the Kuku Mara Court case). Friends of Golden Bay have joined the Society's principal reference on the Tasman plan, and the Society is working very closely with Forest and Bird on stage 2 of the Tasman aquaculture inquiry. Other groups who are not in a position to become affiliated due to divided opinion among membership, but share many concerns, are D'Urville Island Residents Association, French Pass Residents Association and Kenepuru and Central Sounds Residents Association.

The principal work undertaken recently

- 4 The Tasman aquaculture inquiry, which has consisted of 15 weeks Court hearing from Nov 99 to July 2000, a series of mediation meetings/negotiations from May to September 2001, a further week's hearing from 05/11/01, and 2 more weeks' hearing commencing on 28/01/02, has been the first thorough scrutiny of marine farming

issues in a Regional Coastal plan undertaken by the Court. It is critically important in terms of the future wellbeing and management of Golden Bay and Tasman Bay, and will set precedent for the future of marine farming in all other regions and the aquaculture legislation review. The inquiry has become a gruelling experience for those involved and enormously expensive for all the commercial interests. Prior to commencement of the hearing it appeared that the Society might not have much influence, but nonetheless it was important to take an active part. In practice, the Society's role has been of considerable importance as essentially the only party pressing for limited expansion offshore and by taking a middle road. DoC, Forest and Bird and Friends of Golden Bay sought protection of inshore and nearshore areas, but were not particularly concerned about the extent of use and development in the middle of the bays. Stage 1 of the inquiry determined the zones to be allocated, and stage 2 is principally an exercise of ensuring that the aquaculture industry is allocated the space initially sought and no more, i.e. that they are restricted to the 3 year seasonal rotational spat-catching system and that the spat catching and marine farming zones are used for those specific purposes only.

- 5 The Kuku Mara Forsyth Bay appeal was the subject of a 2.5 week Environment Court hearing in Blenheim in August- September, as described at the last committee meeting. This was the first test case for large mid bay marine farms in the Sounds, and involved threatened/endangered species. The case is by far the most important marine farming case in the Sounds to come before the Court to date. Kuku Mara Partnership is a consortium made up of Aqua King (Jeff Marr), Pickering Brownlee Antunovich and Jim Elkington. From experience at the Council hearings it had become apparent that the only way to contest consortia with such extensive resources was by forming an alliance of interested parties in opposition. The Society managed to field a team of legal counsel and 15 witnesses and produced a better case than MDC and Marlborough Environment Centre put together. The decision is now expected to be released early in the new year.
- 6 Some other marine farming applications such as MacLab's entire set of applications, Sanford (Port Gore and Orchard Bay (Forsyth), and Oldhams (Forsyth)) have been heard by Council, while others such as Totaranui (East Bay) have been held back pending the outcome of the Kuku Mara Forsyth appeal. The stream of new marine farm applications in the Sounds has effectively dried up this year.
- 7 There have been few other resource consent applications heard this year, with the exception of the Wakatu Inc and TDC applications at Marahau and Mike Gepp's Monaco village proposal.
- 8 All other appeals on resource consents and references on plans have been greatly delayed by the time taken at Court hearings on the Tasman aquaculture inquiry and the Kuku Mara Forsyth appeal and the time needed by the Court to write up the decisions. However, the situation will change dramatically in the coming year when both are completed.

The Society's standing

- 9 The Society's current standing with the public at large and central government agencies is reflected by the growth in membership and corporate members in particular as described in items 1 - 3 above.
- 10 The Society's current standing with the 3 Councils is as follows:
- Nelson City Council - well respected, and consulted as matter of routine.
- Marlborough District Council - well respected, and consulted as matter of routine.
- Tasman District Council - well respected by staff, and consulted on major issues, although perhaps not as widely as prior to 1998. However, the Councillors elected in 1998 (and reappointed almost without change this year) have given the appearance consistently that they are totally in favour of development and therefore diametrically opposed to any of the protection measures sought by the Society.
- 11 The reasons for the respect are the Society's regular and effective participation at Council hearings, and more importantly that the Society is prepared to go to Court and fight cases. One of the effects of active participation in the Tasman inquiry and the Kuku Mara Forsyth Bay appeal is that the Society's standing has been greatly enhanced with the 3 Councils. The corollary, however, is that if the Society withdraws the bulk of the appeals currently before the Court, the Society's standing is likely to diminish very rapidly (and membership diminish in comparable fashion) and while it would continue to be acknowledged it is unlikely that much notice would be taken of the Society's input. Consideration needs to be given as to whether the Society can hope to achieve its objectives to any useful extent without continuing to run appeals. The great majority of other environmental groups do not take proceedings to Court.
- 12 The Society is highly respected by the Environment Court. Judge Kenderdine has made complimentary comments about the Society's work on various occasions over the last 5 or 6 years. In particular, she has been highly complimentary about the Society's input in the Tasman aquaculture inquiry, and most recently she commented at the conclusion of the Kuku Mara appeal that she and the Environment Court commissioners who assist her think that the Society does a "terrific job". Jon Jackson was the Society's leading solicitor (as well as national president of Forest and Bird) until his appointment as Judge.
- 13 In summary, the Society is doing a very effective job upon the above matters at present, and also upon coastal plan references, as described below. As aquaculture (other than intertidal oyster rack farming as practised in Northland) is primarily centred upon Marlborough, and marine farming matters have been addressed in much greater depth in Marlborough and Tasman than anywhere else in the country, it is not unreasonable to assume that the Society currently has more expertise in the field than any other coastal watchdog group in the country.

The Society's assets and equipment

- 14 The Society's greatest assets are of course its members, and also its reputation and standing with decision makers. However, without physical equipment and resources it is impossible to do an effective and professional job at Council and Court level.
- 15 The primary assets are the computer (still not shown in audited accounts), HP laserjet printer and computer desk, 2 faxes (1 of which has had virtually no use), camera, scanner and very extensive library of case histories, plans, and scientific and other reports. The HP combined fax/photocopier/scanner was sold to Rob at cost after the last committee meeting as a result of the financial problems.
- 16 The need for updating equipment is ongoing in order to keep pace with technological change. The computer software is Windows 95 based with WordPerfect as word processing package. Windows 98, 2000 and NT versions have since appeared on the scene. WordPerfect has now been almost totally superseded by Word, which causes difficulties in downloading or editing email attachments, which constitute a rapidly increasing proportion of incoming documents. This pace of change is expected to continue. Rob has been kind enough to loan his Office 97 package, but such use is basically illegal, and could be detected from the computer by Microsoft if the computer is connected to any MS services. Incorporated Society status is a very important privilege, but one of the essential points which has to be observed is compliance with the law.
- 17 The Society needs anti virus software as a matter of urgency.
- 18 With the HP combined fax/photocopier/scanner having been sold to Rob, the Society no longer has a photocopier, which is an essential item, and it is desirable that the HP be replaced.
- 19 The Society is still fortunate in having considerable pro bono legal input from Warwick Heal on Marlborough matters, although naturally he was unable to spend around 6 weeks time on preparation, briefing and representation at the appeal hearing without charging. As of late this month Warwick has received the \$20,000 funding provided by the Ministry for the Environment for the case. As Fletcher Vautier Moore act for both NCC and TDC the firm is unable to assist in matters involving those 2 Councils.
- 20 As previously explained, due to the Society's wide ranging work on marine farming matters in all 3 regions, pro bono assistance from most other legal counsel (Camilla Owen, Bill Rainey, Tony Bamford etc) has now been embargoed by their marine farming clients. Other Counsel such as Nigel McFadden have difficulties in some cases, e.g. Motueka Power Boat Club, where other clients of theirs are involved. However, Tony Stallard has offered to look at the Motueka Power Boat Club with a view to assisting, and senior legal Counsel from other centres such as Richard Fowler, a partner in Phillips Fox, Wellington, Philip Milne, partner in Simpson Grierson,

Wellington, and Royden Somerville QC of Dunedin (in cases not involving marine farming) may be able to help in some cases. The difficulty that arises is the extra expense (travel expenses and time from Wellington) and they are all barristers, which means that assistance from junior legal counsel would still be needed to brief them for hearings.

- 21 The Society is fortunate in being able to call upon a number of expert witnesses in different fields, who will generally offer to help at no charge if not prevented by other commitments, although travel expenses or incidentals may sometimes be incurred. Examples are Rob and David Melville on bird issues, Ashley Wagg, Neville Wills and others on navigation, Russell Cole on marine biology (if not faced with a conflict of interest by NIWA) and Danny Boulton on ecotourism. Other potential experts who may be able to help in some circumstances include Paul Gillespie (in cases in which Cawthron is not involved), Frank Bacon and others on planning, and various landscape architects through the local branch of the Institution. Other top class specialists such as Denis Nugent offer greatly discounted rates.
- 22 Financial assets, or more precisely the lack thereof, are discussed below.

#### Communications

- 23 The traditional system of hard copies of documents being transmitted by post is increasingly being superseded by email and fax, particularly in Court proceedings. Email has the advantages of both very high speed and the ability to circulate information to a number of people at once, while eliminating photocopying and reducing time and effort. Several committee members are already on email, but looking to the future it would speed up and greatly enhance communications among committee members if all had access to email.

#### Financial position

- 24 During the period 1994 - 2001 during which I have acted as Secretary, the committee has never undertaken either a financial review of previous years' performance or financial planning for the forthcoming year. As noted at the last committee meeting, the \$2600 expenses occurred by the Society in connection with retaining Denis Nugent as expert planner for the Kuku Mara Forsyth Bay appeal hearing (with the bulk of his fees of some \$10,000 paid by the Marlborough Sounds Trust marine farmers as part of our joint case) left the Society with no money in hand to operate for the remainder of the forthcoming year until the next round of subs and donations, which is normally July - August onwards. A similar situation had arisen in 2000, but was averted by a donation of \$2500 from Tom Sturgess with a particular view to the Tasman aquaculture hearing which commenced in Nov 1999.

25 The following is a summary of the audited accounts of the last 5 years:

Table 1

*MCL = approx \$1100/yr.*

|     |                   | <u>Subs</u> | <u>Donations</u> | <u>Total income</u> | <u>Expenses</u> | <u>Assets</u> |
|-----|-------------------|-------------|------------------|---------------------|-----------------|---------------|
| y/e | 31/03/97          | 318         | 766              | 2192 <i>+MSL</i>    | 2412            | 2388          |
|     | 31/03/98          | 406         | 1859             | 3412                | 2578            | 3221          |
|     | 31/03/99          | 424         | 3488             | 4947                | 4582            | 3521          |
|     | 31/03/00          | 462         | 7015             | 8210                | 6337            | 5395          |
|     | 31/03/01          | 782         | 5053             | 5868                | 6105            | 5158          |
|     | 31/03/02 estimate |             |                  | 4500                | ?               |               |

26 Notes

- A The estimated \$4500 income for this year includes an estimated total of \$1300 from MSL for the year and the \$500 from Trustpower, but not anything which might be obtained from Community Trust. There is only 4 months of the financial year left, and little more in subs and donations can be expected.
- B If the August 01 - July 02 year is used (i.e. coinciding with the AGM year) instead of April - March the forecast basic income looks worse at approx \$4000.
- C The asset list includes money in accounts and petty cash, but does not include the Society's computer, and the HP copier/scanner/fax has been sold to Rob at cost since the last meeting.
- D The abnormally high donations for 1999/2000 included \$2500 from Tom Sturgess.
- E Community Trust grants were \$1000 pa for 97-99, \$700 for 2000 and \$1500 for 2001. Reliance cannot be placed upon receiving a grant, or how much might be granted.
- F The additional cost of participating in numerous marine farm hearings in Blenheim first arose in the 99/2000 year, since when expenses have remained fairly consistent, other than the Kuku Mara appeal hearing. While notified marine farm applications have virtually dried up, there are still many to be heard at Council level, and there are a series of major appeal hearings still to

come.

- G In logistical terms, it is obviously possible for the Society to run a major Environment Court case such as Kuku Mara by co-ordinating with other groups, but for a lengthy case in Blenheim significant additional expenditure will inevitably be incurred for travel and meal expenses, and some accommodation may also be required.
- H Income has dropped substantially since 99-00, and even if \$1000 was obtained from Community Trust, income for 2001-2 would be well down on 99-00.
- I It is clear that the Society's income and expenditure are diverging and that the Society needs to take immediate action to address the situation one way or another.

27 Considering major items of expenditure in more detail yields the following:

Table 2

|                     | <i>unaudited</i><br><u>y/e 03/98</u> | <u>y/e 03/99</u> | <u>y/e 03/00</u> | <u>y/e 03/01</u> |
|---------------------|--------------------------------------|------------------|------------------|------------------|
| Printing/stationery | 777                                  | 686              | 1184             | 993              |
| Postage             | 88                                   | 497              | 202              | 344              |
| Phone/fax           | 16                                   | 42               | 140              | 303              |
| Internet/Email      | -                                    | -                | 212              | 133              |
| Sundry              | <u>90</u>                            | <u>8</u>         | <u>318</u>       | <u>452</u>       |
|                     | <u>971</u>                           | <u>1233</u>      | <u>2056</u>      | <u>2225</u>      |
| Equipt repair/maint | -                                    | -                | 593              | -                |
| Computer expenses   | -                                    | -                | 214              | -                |
| Equipt hire         | 750                                  | 1516             | -                | -                |
| Legal expenses      | -                                    | 503              | -                | 330              |
| Travel              | 115                                  | 601              | 1281             | 2898             |
| Depreciation        | 440                                  | 699              | 642              | 600              |

28 Notes

- A From comparison of Tables 1 and 2 it follows that the estimated income for the current year (without allowing for any Community Trust assistance) will cover the cost of printing/stationery (nb - photocopying at U Bix is now an additional expense which did not really show up last year), postage, phone/fax, Internet/Email and sundry expenses, but that the balance for the year's operations has effectively already been used for the Kuku Mara appeal hearing, leaving little or nothing to cover the next 9 months' operations.
- B There is only approx \$600 in the bank account, even after Rob purchasing the

IIP printer/fax at cost. Fundraising since the October meeting has not even covered the replacement printer cartridge (approx \$165), which was a necessity. It also follows that even without Denis Nugent's account the Society would have run into real financial difficulties this year.

- C The greatly increased travel expenditure reflects the high number of visits to Blenheim for marine farm hearings, consultation meetings on references, visits for discussions on co-ordinating efforts on appeals and site visits, plus the Secretary charging for mileage rather than just petrol.

Proceedings by the Society in the Planning Tribunal / Environment Court, 1994 to 1998

- 29 Matters successfully undertaken include the appeals upon the Nelson Fisheries outfall and Trailways extension proposals over the Maitai River and references on the Tasman and Nelson Regional Policy Statements, while proceedings on the Sounds plan references have since been completed.

References currently before Environment Court

- 30 A reference is the name given to an appeal upon plans prepared under the RMA, as opposed to an appeal upon a resource consent application. General practice is that if the reference is not frivolous or vexatious, costs will not be awarded, but if an appeal on a resource consent is lost, costs may be awarded. However, if the appeal has merit and is not frivolous or vexatious, the Court may elect not to award costs against a public watchdog group which does an effective job. Details of the current status of references and appeals are as follows:

Tasman Resource Management Plan

- 31.1 Stage 2 of the Environment Court inquiry on aquaculture in Tasman and Golden Bays has been described in item 4 above. The Society is a s.271 party to the proceedings upon the 6 references (Golden Bay Marine Farmers Consortium, WJ Wallace, NZ Marine Farming Assn, Challenger Scallop Enhancement Co, First Wave and Ngati Tama)
- 31.2 RMA 1756/98 Comprehensive reference by the Society on the Tasman coastal plan provisions, including protection of the nationally important estuaries of Tasman and Golden Bays and Farewell Spit, which I understand is now listed as a World Heritage site. DoC, OSNZ and Friends of Golden Bay have joined in support. This is the only reference before the Court which has the ability to achieve anything useful in respect of commercial cockle harvesting. Several negotiation meetings have taken place with some progress made, but proceedings have been greatly delayed by the aquaculture inquiry. No discussions have yet taken place on the following references.
- 31.3 RMA 822/99 reference by the Society on landscape and industrial zoning in the

coastal environment etc.

- 31.4 RMA 249/00 reference by the Society on landscape, hazardous substances, water quality etc.
- 31.5 RMA 147/01 reference by the Society on landscape, coastal hazards, natural hazards, discharges, subdivision etc.
- 31.6 The Society is also a s.271 party to various other references which interact or overlap with the Society's references such as DoC, Yachting NZ and Nelson Pine Industries

Nelson Resource Management Plan

- 32.1 RMA 110/99 reference on coastal environment, land. Several negotiations have taken place, but some Councillors (and in particular Jo Raine) have reportedly expressed serious objections to some of the relief sought such as in respect of implementing a landward boundary of the coastal environment
- 32.2 RMA 119/99 ENZA plan change reference - Alliance (ex Nelson Bays Meat Producers) land S of Saxton Rd W. Several negotiations have been held, without much progress. This reference ties in with Jonmer's retail proposal at the Honda site, relocation by Honda to the new "Industrial Park" of which the site under reference is part, and wastage of scarce industrial land, leading to unnecessary demand for still more industrial zoning. It should be possible to get a pro bono landscape witness and legal counsel, but a planner would also be needed for a Court hearing.
- 32.3 RMA 048/00 - coastal plan reference - this one is of the utmost importance. The coastal plan is a shambles, with marine farming and most other activities, including infilling, discretionary everywhere. Several negotiations held with Council and DoC (who have joined in support) - good progress made to date in terms of getting some zones established for marine farming and protection for the estuaries. A consent order on a decent proportion should be possible. Nelson Marlborough Yachting Assn and Monaco residents have also joined in support.
- 32.4 Nelson airport references have been resolved by consent orders and formation of the Noise Environment Advisory Committee.
- 32.5 There is an overlap between the references by Port Nelson, DoC and the Society in respect of Port Nelson's wish to extend the wharves further south. Discussions to date have not made much progress. The indications are that Port Nelson will take this to a hearing and that NCC will not agree to the relief sought by Port Nelson.
- 32.6 Discussions have also taken place on references by Port Nelson (RMA 069/99) and Pat Win (RMA 087/99) in respect of noise generated by the port, with the Society involved as a s.271 party.

Marlborough Sounds plan

- 33.1 Environment Court proceedings have been completed by means of a series of consent orders, with significant gains on a couple of important issues made by the Society.

Wairau Awatere Resource Management Plan

- 34.1 RMA 2032/98 reference 1 - comprehensive - identification of outstanding ecological and natural features, landscape, public access along the CMA etc.
- 34.2 RMA 121/99 reference 2 - landscape and coastal water quality - need for this reference arose from decisions missed in first batch

The Society is the only coastal watchdog group involved in Court proceedings on the plan. Negotiations have not yet commenced as a result of proceedings on the Sounds plan only recently having been completed. It should be possible to achieve substantial improvements without having to go to a hearing.

Appeals before the Environment Court

- 35 RMA 19/99 Golden Bay Marine Farmers Consortium consent for seaward extension of existing block of farms, N of Collingwood. This appeal has been superseded by the interim decision on stage 1 of the inquiry and will need to be withdrawn, but at the moment it remains as a safeguard or backstop until the final decision is released.
- 36 RMA 505/00 Kuku Mara, Beatrix W. This consent was the first granted for a large mid bay farm, and has also been appealed by Marlborough Environment Centre (RMA 523/00), Challenger (RMA 499/00), Sealord Shellfish (RMA 530/00), and JGM (Trustees for the Marlborough Sounds Trust) (RMA 522/00). However, Sealord Shellfish is expected to withdraw, Challenger and JGM have problems as trade competitors and Challenger may well withdraw, and Marlborough Environment Centre does not have the resources to run an effective case. Kuku Mara have sought that the 2 Beatrix appeals (ours and others on Beatrix W and RMA 491/00 on Beatrix E) and the 2 Admiralty appeals (RMA 368/00 and RMA 369/00) be heard together. The Society is a s.271 party to the other 3 appeals, and again is the only party likely to run an effective case. Admiralty Bay will hinge upon dolphin issues and research done by Texas A and M. If the decision on Forsyth Bay does not make a blanket ruling on mid bay farms, this case will be critically important for the future of the Sounds. The hearing is expected to take place around April 2001, and will be somewhat simpler than the Forsyth Bay case, as many of the issues will be largely a re-run. The Marlborough Sounds Trust have indicated that they wish to come in under the Society's umbrella again on the same basis as Forsyth, and would provide funding for expert witnesses. Kuku Mara have 1 further appeal to go, i.e. RMA 415/00, Port Ligar.

- 37 RMA 141/01 MacLab, Rerekarua Bay, Admiralty. This is the only consent granted to MacLab out of their series of applications. The MacLab series is slightly different to Kuku Mara in that the applications tend to be for large farms in the middle of large embayments. The other parties who have appealed are Challenger (RMA 139/01) and the Marlborough Sounds Trust (RMA 142/01), but the same problems as above arise. A date has not yet been set, but the appeal may be heard with one or more of the appeals by MacLab, i.e. RMA 122/01 Kokowhai Bay (Admiralty), RMA 123/01 Pukatea (Admiralty), RMA 198/01 Crail Bay, RMA 201/01 Tawhitinui Reach and RMA 578/01 Forsyth. The first appeal hearing will be the most important.
- 38 RMA 114/01 Clifford Bay Marine Farms. This was also appealed by DoC (RMA 103/01), but only as a result of the Friends filing an appeal. This will be another important case as the first large offshore farm and also in respect of the endangered Hector's dolphin. No date set.
- 39 RMA ?/01 Oldhams, Forsyth. This is the latest appeal filed, the case relating to Bird Island and King Shag and inter-related with the Forsyth Bay appeals by Kuku Mara, MacLab and Sanford. No date set.
- 40 RMA 038/01 Motueka Power Boat Club. The issue here is the abysmal standard of the application (no real expert or legal input), which should not have been notified due to major deficiencies, and the staff reports and Council decision making. The set of consents is unenforceable due to the seriously inadequate application. The case is important in that the current Council is already attempting to grant similar wholly inappropriate consents and is likely to get away with blue murder if not contested vigorously.

Notices of appearance in respect of appeals and references by others

- 41 As described above, the Society is a s.271 party in regard to the other Kuku Mara and MacLab appeals, plus the Marlborough Aquaculture appeal at Elsie Bay (Admiralty), RMA 065/01 and the Sanford appeals in respect of Port Gore and Orchard Bay (Forsyth), and is the only formidable party involved.

The feasibility of running references and appeals

- 42 Past experience shows that the Society can run references and appeals, largely based upon voluntary input, but it takes a tremendous amount of time and effort to organise. Many of the appeals fall into discrete groups, e.g. the Kuku Mara, MacLab, Sanford and Oldhams' appeals in Forsyth Bay are all inter-related in respect of King Shag/ Bird Island issues, and resolution of 1 appeal is likely to have major flow on effects to the others, and similarly, Kuku Mara, MacLab, and Marlborough Aquaculture appeals in respect of Admiralty Bay as particularly important habitat for dusky dolphin. There are inevitably some costs incurred, particularly where travel and accommodation are involved.

Major matters arising in the coming year

- 43 The Aquaculture legislation amendment bill is expected to be introduced before the House in April 2002. Submissions and appearance before the Select Committee will be important.

The Oceans Policy and marine reserve legislation amendment will also be of considerable importance, along with the proposed Biosecurity Strategy.

Marine farm appeal hearings will continue to be of particular importance, as noted above.

The Mapua decontamination exercise should be under way. Resource consents are required, and the Society has already been consulted. This should be a conditions exercise.

The Wakapuaka sewage treatment upgrade at approx \$5.6M is programmed for 2002. Again, this will be a matter of resource consent hearings and conditions.

Proceedings on references on plans will accelerate once the Tasman inquiry finishes.

The failure of TDC to identify any outstanding landscapes and seascapes in the coastal environment in the Tasman plan while encouraging use and development has become of major concern, and a letter has been sent requesting the intervention of the Minister for the Environment to ensure that TDC complies with its statutory duties and functions in this regard.

The Mike Gepp Monaco village proposal appears likely to crop up again in revised format.

Potential sources of funding

- 44 Commercial sponsorship

Corporate members - Neville Wills has undertaken to approach Waikawa Boating Club and Tasman Bay Cruising Club

Other members

If the Society is successful on the Kuku Mara Forsyth appeal, it should be possible to seek Denis Nugent's \$2600 costs + Keith Murray's travel expenses and some additional fees for Warwick, but that is some months off and would not assist in the short term.

Beryl Bradley has helped in the past with assistance from the Trust which she manages, and may be willing to do so again.

Grants, but on past experience there is little point in viewing as a reasonable prospect other than Community Trust.

Summary

- 45 The Society has managed to do a very effective job in terms of advocacy, serving a useful role in the public interest (as acknowledged by Ministries, the Court, corporate members, Council staff and some Councillors, other environmental organisations, and solicitors such as Nigel McFadden, Ron Crosby and others.
- 46 Unfortunately, this is accompanied by a lack of financial management in terms of planning, review and fundraising, and a lack of organisational planning as a whole. This has led to the situation at present where having incurred approx \$3000 expenditure in connection with the Kuku Mara appeal hearing, the Society is left with essentially no funds to cover the period through to the next AGM, which is normally held in July or August. As noted above, there is approx \$600 in the bank at a time when the Society would normally have several thousand on hand.
- 47 The above situation reflects the lack of effort made by the committee to raise funds. One of the regular sources of useful income over the years has been new members' subs and donations resulting from doing effective work at hearings and distributing copies of the Society's brochure/application form. All of the corporate members have joined as a result of appearance at hearings, e.g. the yachting groups all joined as a result of the society's involvement in the Tasman aquaculture inquiry proceedings. Most significant donations other than from long standing members also arise from appearance at hearings, e.g. Betty de Liefde contributing \$100 in connection with the TDC Marahau application hearing.
- 48 The committee has been looking at a membership drive on agendas from September 2000 onwards, and reprinting the brochure/application form on agendas since January 2001. Almost a year on, the brochure has still not been reprinted despite the fact that Judy Lenart offered to organise the print at no charge. The outcome of discussions from 1999 to date has been that the whole issue got bogged down in connection with consideration of a change of name of the Society, the exact wording to be used and whether Marlborough matters would continue to be handled. The result is that there is still no up to date brochure for distribution purposes.
- 49 The agenda for the June 2001 meeting included fundraising, with a view to additional expense in connection with the upcoming Kuku Mara Forsyth Bay appeal. The only action which resulted was the initiative of Doris which yielded \$500 from Trustpower. The committee did nothing else until the matter was raised again at the October meeting. The same agenda addressed the matter of the scope of the Society's future operations, but nothing effective has been done about this matter 6 months later.
- 50 The entire committee was all in favour of running the Kuku Mara appeal case, even if it was set down for 3 weeks, but no thought was given by the committee to how the additional expense incurred was to be managed, and had also ratified various other appeals over preceding years.

- 51 While the Society has a reasonable amount of computer equipment, the lack of action on updating rapidly changing technology has led to the situation where the equipment is now verging on obsolete - software, lack of anti virus, etc. The Society has not planned or provided for any upgrading of this equipment, but cannot operate effectively without it. In the event of a serious virus getting into the system, all computer records of the Society's work could easily be lost. Ideally, a new computer should be planned for in the next 2 years.
- 52 As noted in table 2, the basic operating costs for printing/stationery, postage, phone/fax, Internet/email and sundry matters are running at around \$2000 - \$2200 p.a., without taking into account equipment repair/maintenance and hire, computer expenses, legal expenses (including filing fees), travel and depreciation. Marlborough matters cannot be handled without incurring travel expenses, and the same applies to hearings in Golden Bay and Motueka, and appearances before Select Committees in Wellington.
- 53 The Committee has procrastinated for a considerable time about various important matters, including:
- Membership drive
  - Fundraising
  - Scope of Society's operations
  - Reprint of brochure/application form
  - Society's name
- and in the process has got bogged down in these matters to the point where I believe that effective decision making and action by the committee has ground to a halt.
- 54 The current situation is that the Society has no funds of any significance to cover the next 8 or 9 months, but is the only organisation with references and appeals before the Court on a number of particularly important matters in Tasman, Nelson and Marlborough, while also being the only organisation with the standing and ability to contest these matters effectively in Court. The Marlborough Sounds marine farm appeals are all likely to go in the applicant's favour if the Society pulls out, due to the problems faced by the other parties and the low input at appeal hearings from MDC. The indications are that TDC will continue to do precisely what they want in the Tasman coastal environment if the Society pulls out, regardless of the legislation and planning documents.
- 55 The Society has a number of options to address the current problems. These are basically as follows:
- (a) achieve a significant increase in funding and keep up the present level of work.

- (b) scale down operations significantly to match current resources and projected income. This would involve withdrawal of some or all appeals, and waste a large proportion of the work undertaken in the last 5 years, with serious consequences in respect of the coastal plans, Sounds, TDC administration etc
- (c) the final resort is to wind up the Society. That is certainly not warranted in the present circumstances, but if the Society cannot keep its income and expenditure in balance it may need consideration in the future.
- (d) In theory, there is also the option of doing nothing, but that has not worked to date and is unlikely to do so in the future.

56 I believe that the Society has now reached a critical turning point, and that the following matters clearly need to be fully resolved within the next 3 months:

Decide upon which of the above options is to be pursued.

If option (a) is preferred, a significant amount of money needs to be raised, and I suggest within a maximum of 3 months. Otherwise, the problems simply remain and I can see no option but to pull out of the Marlborough District proceedings in total. There is no point whatsoever in simply hoping that money will turn up from somewhere. Despite fundraising having been under consideration for the last 6 months, the only positive result has been the \$500 from Trustpower, and this level of funding is simply not sufficient to enable the Society to continue to work at anything close to the present level.

If option (b) is chosen, the decision needs to be made before the end of this year as to what the scope of operations will be, and exactly what will be dropped.

57 Assuming that the decision is to continue operations in present or modified form, the following matters need to be resolved very quickly:

Financial planning and review

Fundraising

Scope of Society's operations

Society's name

Reprint of brochure/application form

Upgrading Society's equipment, including obtaining a photocopier

Membership drive

Delegation and sharing of work to a much greater extent. Several committee members should be capable of making submissions, appearing for the Society at Council hearings, attendance at meetings such as Fisheries Liaison Committee, Airport Noise Committee, Port Nelson environment committee, and attendance at consultation and negotiation meetings. This takes time and practice, and a need to become familiar with the various parts of the legislation.

If one person is to do the majority of the Society's work, provision needs to be made

for appropriate equipment, realistic expenses covered, holidays and sickness (i.e. back up required) and as a stand in on occasions.

- 58 The Society has managed to a great deal on a very limited budget, but clearly cannot do anything of consequence on the smell of an oily rag, or by relying on wishing and hoping that something will turn up.
- 59 Unfortunately, the Society's failure to deal with the problems listed above has led to my own position of Secretary becoming effectively untenable at present. With no sign of funding improving to any significant extent (approx \$600 in the bank), and the scope of the Society's operations for the coming year still no clearer, I am not in a position to plan for anything, including Council hearings and the next marine farm appeal hearing, I am unable to respond to requests for discussions on appeals/ references e.g. the coastal plan references, Motueka Power Boat Club or Alliance and NCC on the ENZA plan change appeal, and with no resources to speak of, I do not even know whether it is worth making submissions on new applications. Doing a professional job when there is adequate, albeit very limited, funding, is one thing. Doing any sort of worthwhile job on effectively no resources is entirely another.
- 60 In the circumstances, I have to foreshadow that if the Society does not manage to resolve the current problems quickly and effectively, I will be happy to complete stage 2 of the Tasman Court Inquiry in January/February but anticipate standing down as Secretary at the end of February.

RM Fenney  
Secretary

FRIENDS OF NELSON  
HAVEN AND TASMAN BAY  
(INC.)

CHAIR'S REPORT,  
JULY 2001-JUNE 2002

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TO THE MEMBERS OF THE SOCIETY.  
AGM –Tuesday, August 6, 2002, 7-8 pm  
Hearing House, 354 Trafalgar Street  
followed by an illustrated talk on “Marine  
Mammals of Marlborough Sounds” by  
Danny Boulton who is a tourist operator,  
fisherman and keen observer of marine  
wildlife in the Sounds Please display  
enclosed Poster

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GENERAL BUSINESS

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During the past year a number of issues where the Society has been involved were drawn to a conclusion and/or coming very close to a final stage. Various meetings have been attended dealing with the Society's Reference to the Coastal Plans for Tasman and Nelson and the proceedings for the Marlborough Sounds Plan have been completed. This year the input of the Society was in particular focused on marine farming. The Tasman Aquaculture Inquiry required most of the time involved, where 4½ weeks were spend in court. Also other court hearings, submissions, mediation sessions and 8 council hearings were mainly dealing with aquaculture.

comment URBIX photography

The big bulk of the remaining applications in the sounds are likely to be heard in the coming year. There is uncertainty how many about open bay farms appeals the Environment Court is going to handle in the coming year. Remaining references to the coastal plans are most likely being discussed in the coming year. This will become the last stage to effectively completing the exercise of the involvement of the Society in coastal planning, starting with the input into the preparation of the Regional Policy Statements to the completion of the various plans. These plans will determine the future of our coastal environment in all its aspects.

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#### MEMBERSHIP OF THE SOCIETY

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The membership of the Society has increased substantially in the last few years. Corporate members now include the Nelson Marlborough Yachting Association (the umbrella group for all of the yachting organizations in the top of the South), Waikawa Boating Club, Tasman Bay Cruising Club, Nelson Yacht Club, Monaco Residents Association, Forest and Bird (Nelson and Tasman Branch), Nelson Greens and Lochmara Bay Residents (Queen Charlotte Sound). At this stage, corporate membership incorporates about 2500 people. There are also considerably more individual members from the Sounds and further a field. This increase has resulted directly from the time and effort put in on the Tasman Aquaculture Inquiry, Marine Farm involvement in the Sounds and references on various plan proceedings.

A special thanks goes out to our Secretary Russell Fenney who has been a driving force of the Society over the last eight years. This year, most of Russell's time for the Society was occupied by Stage 2 Tasman Aquaculture Inquiry, the Kuku Mara Forsyth Bay Court case, preparation of the Kuku Mara Beatrix Bay appeal, various hearings in the Marlborough Sounds for Open bay Marine Farms, various aspects relating to the Tasman and Nelson Coastal Plans. Gwen Struik has been the chair for the second year and the elected committee for this year was Duncan Harris, Doris Reynolds, Rob Schuckard, Gillian Pollock, Margot Syms, Tom Kennedy, Pam Lambert and later Christine Grove has been a co-opted member. Our committee had 6 meetings up to the 2002 AGM. The treasurer obtained IRD Donec Status, meaning that all donations of up to \$1500 are now Tax Deductible.

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## WORKING RELATIONSHIPS WITH OTHER ORGANISATIONS

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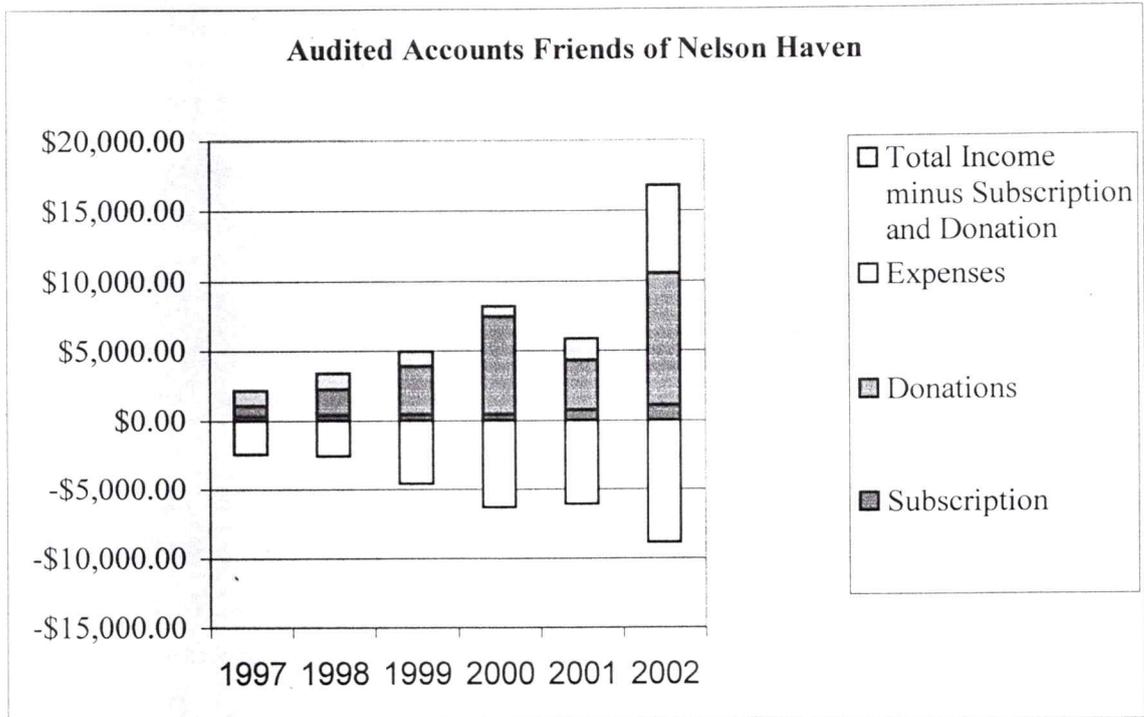
We are very grateful that the Department of Conservation has joined most of the Society's coastal references in support. The Ornithological Society of New Zealand and Friends of Golden Bay have joined the principal Tasman Plan Reference and the Nelson Marlborough Yachting Association has joined in support of the proceedings upon the Nelson Coastal Plan. The Society has closely worked together with Forest and Bird on stage 2 of the Tasman Aquaculture Inquiry. Nelson City Council (NCC) and Marlborough District Council (MDC) now consult the Society as a matter of routine. Relations with the Tasman District Council (TDC) are more complex.

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## FINANCIAL STATUS AND FUNDRAISING

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It became increasingly obvious to the committee that the Society's income and expenditure were diverging and action was taken to address the situation earlier this year. Serious concerns continue to be raised about the workload of the society and the financial implications. The Society has been commended on a local and national level for the enormous amount of professionalism that has gone into various submissions, references and court appeal evidence. The Society's work has been trend setting, as the future of our coastal environment will unfold. The Society has been able through mediation, pro bono or heavily reduced costs for expert witnesses and legal representation to be instrumental in cases of various high profile Environment Court cases, thus setting trends for similar applications in the rest of the country. This year we received grants from the Ministry for the Environment, Community Trust, Community Post, Nelson Environment Centre, MSL and Waikawa Boating Club. We were nominated for a Nelson Environment Award and won the environmental section of Nelson City/Trustpower Community Award.



Still the financial constraints have been a heavy burden on the Society. Though it was decided by the committee to raise the subscription, this will never match the enormous cost that is still incurred to handle a court case in a professional manner (see graph). The committee decided to develop a fundraising document for corporate sponsors. More than 50 documents have been distributed but no donations have been received. Some potential donors advised us to reapply for funding for the upcoming year, but generally it is difficult to get funding for advocacy work. Also a letter went out to the members headed: "First Ever Special Appeal". Through this appeal, money was raised that will be of the utmost importance in proceeding with work on hand. Various other fund raising activities by the committee have also been successful. Though planning is very difficult, partially due to the enormous backlog of appeals for the Environment Court, it is felt that the society is financially able to stick to its program in the coastal marine environment.

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**LEGAL AND EXPERT SUPPORT**

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The Society is still fortunate in having considerable pro bono legal input from Warwick Heald on Marlborough matters. We have been extremely grateful that the Ministry of the Environment has been able to pay a substantial amount of \$20,000 to our legal expert in the

case of the Kuku Mara appeal. The Society is still working on preparation for various legal matters involving other appeals for the future.

The Society has been able to run high profile court cases due to a number of expert witnesses in different fields. Their expertise has been of immense value in making a strong case before the court in the Kuku Mara case. Often this was done at no charge although travel expenses or incidentals were sometimes incurred. The Society has been very fortunate in being able to use resources from its own membership. Members with particularly useful expertise include Rob Schuckard and David Melville on ornithological issues. Ashley Wagg, who is a retired master mariner has provided expert input on navigational matters. Danny Boulton a tourist operator from French Pass has been extremely helpful with evidence relating to dolphins. Andrew King, environmentally motivated marine farmer and member of NZ Marine Farming Association executive has provided the Society with expertise about marine farming. Other potential experts who may be able to help in some circumstances have been approached and may provide expertise in specific cases. Other top class specialists such as Denis Nugent offered greatly discounted rates

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#### COASTAL PLAN REFERENCES

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A comprehensive reference was made by the Society on the Tasman Coastal Plan provisions, including protection of the nationally and internationally important estuaries of Tasman and Golden Bays and Farewell Spit. This is the only reference before the Court, which has the ability to achieve anything useful in respect to commercial cockle harvesting. Several negotiation meetings have taken place with some progress made, but proceedings have been greatly delayed by the aquaculture inquiry. No discussions have yet taken place on other coastal references dealing with landscape, industrial zoning in the coastal environment, hazardous substances, water quality, coastal hazards, natural hazards, discharge, subdivision etc. The Society is also section-271 party to various other references, which interact or overlap with the Society's references. The failure of TDC to identify any outstanding landscapes and seascapes in the coastal environment in the Tasman Plan while encouraging use and development has become a major concern. The New Zealand Coastal Policy Statement requires to identify landscapes of national and regional importance. This has been

done in cases the Nelson and Marlborough coastal plans where outstanding seascapes have been identified.

The Society's Coastal Plan reference about the Nelson Resource Management Plan is of utmost importance. The Coastal Plan requires a lot of input to acknowledge the importance of the Nelson Coastal Environment. Significant progress is being made in negotiations on the reference in respect of marine farming and estuarine protection. Zones have now been established for marine farming and protection for the estuaries. The landward boundary of the coastal environment has not been adequately defined and is the subject of a separate reference.

A third reference by the Society deals with effective use of available industrial land use so as to avoid demand for still more industrial zoning. The limited amount of available industrial land is being wasted by virtue of being put into non-industrial use. It is undesirable that more industrial land should be zoned near the coast.

The society is also an active participant on the Nelson airport Noise Environment Advisory Committee. The Society is section-271 party in respect of references regarding noise generated by the port.

The Environment Court proceedings for the Marlborough Sounds Plan have been completed by means of a series of consent orders, with significant gains on a couple of important issues addressed by the Society. The Society is the only coastal watchdog group involved in Court Proceedings on the Wairau Awatere Resource Management Plan. Negotiations on references have not yet commenced.

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#### TASMAN AQUACULTURE INQUIRY

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The Society is section-271 party to the proceedings where stage 1 of the Tasman aquaculture inquiry determined the zones within Golden Bay and Tasman Bay. This part consisted of 15 weeks of Court hearings from November 1999 to July 2000 and the interim decision of April 2001. This was followed by series of meetings and mediations and a further two weeks of hearing between November 2001 and February 2002. The final decision is yet to be released. This inquiry has been the first thorough scrutiny of marine farming issues in a

Regional Coastal plan undertaken by the Court. It will affect of the future well being and management of Golden Bay and Tasman Bay setting precedents for future marine farming in other regions of New Zealand and will have significant influence on the aquaculture legislation review. The Society's role has been of considerable importance as we have been essentially the only party pressing for limited expansion offshore and by taking the middle road. Department of Conservation, Forest and Bird and Friends of Golden Bay sought protection of inshore and near shore areas and were not particularly concerned about the extent of use and development in the middle of the bays. Stage 2 of the inquiry focused on the rate of development and the nature and intensity of use of the areas allocated.

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#### MARLBOROUGH SOUNDS; OPEN BAY MARINE FARMS AND APPEALS

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Since the lifting of the moratorium in the Marlborough Sounds in 1999, a flood of open bay farm applications as well as extensions on existing farms arose. As at mid 2002 Marlborough District council had approved a further 550 hectares for marine farming, with an average size of 2.7ha. The Forsyth Bay appeal of Kuku Mara Partnership was the subject of a 2<sup>1/2</sup> week Environment Court hearing in Blenheim in August-September 2001. This was the first test case for large mid bay marine farms in the Sounds and is by far the most important marine farming case of Marlborough to come before the Court to date. From experience at the Council hearings it had become apparent that the only way to contest consortia with such extensive resources was by forming an alliance of interested parties in opposition. The Society managed to field a team of legal counsel and 15 witnesses, the biggest team in opposition of the application. The decision will be far-reaching and very much set the scene in the Marlborough Sounds and to a great extent determine the future involvement of the Society in marine farm issues. At this stage, the next appeal hearing involves two applications of Kuku Mara Partnership in Beatrix Bay. NIWA indicated that Beatrix Bay might yield another 6000 tonnes of mussels where there is no consensus among marine farmers. A database available to the Society shows that mussels are growing slower and mussel quality and weight per metre of line is decreasing. Also growth of product compared to increase in mussel-lines is diverging. Other appeals relating to marine farms in bays or open ocean in which the Society has been involved are three more by Kuku Mara

Partnership, six appeals in respect of applications by MacLab, one by Oldham and two appeals relating to Clifford Bay Marine Farms. Cloudy Bay and Clifford Bay are regarded as 1 Hectares Dolphin Habitat. A large application by Cloudy Bay Aquaculture was notified at the end of last year. The growth of marine farms is exponential and a major concern for the overall wellbeing of the coastal environment in the Marlborough Sounds. Nationally, 2800 ha is applied for in Hawkes Bay, 4000 ha in Gisborne, 8800 in the Bay of Plenty, 11000 ha in Canterbury, 6000-10.000 ha in Tasman Bay and 11.000 ha in Pegasus Bay. A recent study revealed that blue mussels are able to consume and destroy significant amounts of mesozooplankton, including fish eggs. These findings may well have significant implications for intensive mussel culture if this industry is in direct competition for the resources and will influence local recruitment of benthic animals and pelagic fish, and hence the entire marine food web. So far, sustainability parameters were based on measuring chlorophyll recovery downstream from farms. It is of great urgency to identify if that was the right approach. It also highlights the importance of the stance the Society took in the TDC Coastal Plan where many people were satisfied with the extension of Marine Farms outside the 3 mile aquaculture exclusion area. This would have left the central parts of Golden and Tasman Bay open for thousands of hectares of marine farms, which could have devastating effects on the overall ecosystem of both bays.

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#### SEWAGE ISSUES

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TDC applied to install a replacement sewage pipe across Tapu Bay. This pipe was going to cross the estuary and was unacceptable to Iwi. The Society is of the same opinion and seeks the old line be removed and a new pipe should follow the existing road.

The Nelson Regional Sewerage Business Unit is going to apply for a renewal of their discharge consent. They are going to apply for an extension of the Bells Island Plant for a period of 25 years. This term is considered by the Society as being too long for a period where an increase in the population and industry is predicted. They will ask for a consent period of 10 years. The society has also been consulted for consent renewal of Wakapuaka Ponds discharge renewal.

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## FUTURE OF THE SOCIETY

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The Society is widely respected due to its informed participation at Council hearings. It is taken seriously because the Society is prepared to go to Court and appeal bad decisions. One of the effects of active participation in the Tasman Inquiry and the Kuku Mara Forsyth Appeal is that the Society's standing has been greatly enhanced with the 3 councils. Our secretary, Russell Fenney, who is resigning at the August 6th AGM, has handled most of this work. If the Society has to withdraw the bulk of the appeals currently before the court, due to Russell's resignation, the Society's standing is likely to diminish rapidly. Though the personal and financial constraints are extremely demanding, the Society has to reconsider if its objectives can be achieved without continuing the initiated appeals. The expertise of the Society's knowledge on marine farming matters is unique in the country but we can only proceed if the quality of its appeals remains at a high standard. This is crucial because when an appeal has merit and is not frivolous or vexatious, the Court may elect not to award costs against a public watchdog group, in case the decision is against us.

Past experience shows that the society can run references and appeals, largely based upon voluntary input, but it takes a tremendous amount of time, effort and expertise to organize. Our secretary has made years of his time available to the society. So is there life after his resignation? We have to go on life support for a while to reconsider how to mend the crater that is left behind. We are extremely indebted to Russell and Raewyn for all their efforts during the past decade. After years of dedication and commitment to make environmental common sense in the coastal marine area, it is fair to say that the impact of Russell's work in the name of the Society has had not only implications for our own backyard but in many cases set a standard on a national level. The Society is very grateful for all Russell's work and we hope to be able to ask for his advice on various matters in the future. It will be difficult to find a person with a similar commitment and dedication that will fill in his gap.

Dr. Gwen Struik

Chairs

# Overview projects of the Society

Gwen 5483323, Rob 5765371, Tom 5488467, Pam 5459294,  
Margot 5433833, Christine ???, Doris 5486229 and Duncan  
5450150

| Number   | Name                       | Subname  | Applicant | Committee Member | priority |
|----------|----------------------------|--|-----------|------------------|----------|
| <b>1</b> | <b>Tasman Coastal Plan</b> |  |           |                  |          |
| A        | RMA 1756/98                | Reference  |           | Rob, Tom, Pam    |          |
| B        | RMA 822/99                 | Reference  |           | Rob, Tom, Pam    |          |
| C        | RMA 249/00                 | Reference  |           | Rob, Tom, Pam    |          |
| D        | RMA 147/01                 | Reference  |           | Rob, Tom, Pam    |          |
| E        |                            | TDC/Tonkin and Taylor/TSE Group<br>Australia           |           | ?                |          |
| F        |                            | Applications TDC at Marahau                            |           | ?                |          |
| G        |                            | TDC/Tapu Sewer replacement                             |           | ?                |          |
| H        |                            | Mapua decontamination                                  |           | ?                |          |
| I        |                            | Motueka Power Boat Club appeals                        |           | <b>resolved</b>  |          |
| <b>2</b> | <b>Nelson Coastal Plan</b> |  |           |                  |          |
| A        | RMA 110/99                 | Reference  |           | Rob, Tom, Pam    |          |
| B        | ?????                      | Reference  |           | Rob, Tom, Pam    |          |
| C        | RMA 048/00                 | Monaco Village Proposal                                | Mike Gepp | Tom, Pam         |          |
|          |                            | Nelson Airport Noise Environment<br>Advisory Committee |           | Tom, Pam         |          |
|          |                            | ENZA Plan Change Reference                             |           |                  |          |
|          |                            | Variation Plan NCC Gypsum Storage                      |           | Tom, Pam         |          |
|          |                            | Port Nelson Environment Committee                      |           | Tom, Pam         |          |
|          |                            | Port Nelson sorm water application                     |           | Tom, Pam         |          |
|          |                            | Nelson Regional Sewerage Business<br>Unit.             |           | Tom, Pam         |          |
| J        |                            | Wakapuaka sewage treatment                             |           | Tom, Pam         |          |
| K        |                            | Port Nelson Dredging Proposal                          |           | Tom, Pam         |          |

# Overview projects of the Society

Gwen 5483323, Rob 5765371, Tom 5488467, Pam 5459294,  
Margot 5433833, Christine ???, Doris 5486229 and Duncan  
5450150

| Number   | Name   | Subname                                       | Applicant                     | Committee Membe | priority |
|----------|--|---|-------------------------------|-----------------|----------|
| <b>3</b> | <b>Marlborough Distr.<br/>Council</b>                            |   |                               |                 |          |
| A        |  | Reference                                     |                               | <b>resolved</b> |          |
| B        | U991592  | Onauku Bay                                    | Totaranui Ltd                 | Rob, Margot     |          |
| C        | U000361 <i>not presented for hearing yet</i>                     | Sauvage Point, d'Urville Island.              | Wakatu Inc                    | Rob, Margot     |          |
| D        | U000362  | Okuri point, northwest of croisilles harbour. | Wakatu Inc                    | Rob, Margot     |          |
|          | U991778, U991779, U991780, U991781, U991782, U991783 and U991789 | Admiralty Bay                                 | Penrod Consortium             | Rob, Margot     |          |
| E        | U001017  | S.Admiralty Bay                               | Te Kuku Seafoods              | Rob, Margot     |          |
| F        | U000777  | Otatara Bay                                   | Te Kuku Seafoods              | Rob, Margot     |          |
| G        | U990588  | Beatrix Bay                                   | Beatrix Consortium            | Rob, Margot     |          |
| H        | U991483  | Te Puraka Point                               | NZ Marine Farming Association | Rob, Margot     |          |
| I        | U991504  | East Bay                                      | Sandford SI                   | Rob, Margot     |          |
| J        | U000965, 966, 967  | D.Urville Island                              | Kupe Consortium               | Rob, Margot     |          |
| K        | U991241  | Rerekarua Area, Admiralty Bay                 | Admiralty Bay Consortium      | Rob, Margot     |          |
| L        | U001373  | D'Urville Island                              | Rangitoto Mussels             | Rob, Margot     |          |
| M        | U990630  | Bonne Point D'Urville                         | Kuku Mara                     | Rob, Margot     |          |
| N        | U010945  | Port Gore                                     | Baker/Pirimoana               | Rob, Margot     |          |
| O        | U991150-01   | Anakoha Bay                                   | Southern Crown Aquaculture    | Rob, Margot     |          |
| P        | U991617 and U991521  | Port Underwood                                | M.J.Hebberd                   | Rob, Margot     |          |
| Q        | U991153 and U991152  | D'Urville Island                              | M.J.Hebberd                   | Rob, Margot     |          |
| R        | U000656  | Kauauroa Bay                                  | Kauauroa Bay Consortium       | Rob, Margot     |          |
| S        | U991563  | Port Gore                                     | Moleta                        | Rob, Margot     |          |
| T        | U991186  | Forsyth Bay                                   | Field and Osborne             | Rob, Margot     |          |
| U        | U000983  | Grant Bay                                     | Maas Mussels                  | Rob, Margot     |          |
| V        | U000937  | Fitzroy Bay                                   | Maas Mussels                  | Rob, Margot     |          |
| W        | U000556-8 and U000867-9  | Port Underwood                                | Port Underwood Marine Farms   | Rob, Margot     |          |
| X        |  |   |                               |                 |          |
| Y        |  |   |                               |                 |          |
| Z        |  |   |                               |                 |          |
| AA       |  |   |                               |                 |          |

# Overview projects of the Society

Gwen 5483323, Rob 5765371, Tom 5488467, Pam 5459294,  
Margot 5433833, Christine ???, Doris 5486229 and Duncan  
5450150

| Number   | Name                     | Subname  | Applicant                 | Committee Member | priority |
|----------|--------------------------|--|---------------------------|------------------|----------|
| <b>4</b> | <b>Environment Court</b> |  |                           |                  |          |
| A        | Appeal                   | Clifford Bay   | Clifford Bay Marine Farms | Rob, Margot      |          |
| B        |                          | Stage 2 Tasman Aquaculture Inquiry                             |                           | Rob, Margot      |          |
| C        | S.271                    | Forsyth Bay (U990629)  | Kuku Mara                 | Rob, Margot      |          |
| D        | S.271                    | E Beatrix Bay (U990616)  | Kuku Mara                 | Rob, Margot      |          |
| E        | Appeal                   | W Beatrix Bay (U990628)  | Kuku Mara                 | Rob, Margot      |          |
| F        | S.271                    | Port Ligar (990631)  | Kuku Mara                 | Rob, Margot      |          |
| G        | S.271                    | Admiralty Bay (U990624)  | Kuku Mara                 | Rob, Margot      |          |
| H        | S.271                    | Admiralty Bay (U990621)  | Kuku Mara                 | Rob, Margot      |          |
| I        | Appeal                   | Forsyth Bay (U991187)  | Oldham                    | Rob, Margot      |          |
| J        | S.271                    | Orchard Bay (991170)   | Sandford SI               | Rob, Margot      |          |
| K        | S.271                    | Port Gore (U991324)  | Sandford SI               | Rob, Margot      |          |
| L        | S.271                    | Elsie Bay  | Marlborough Aquaculture   | Rob, Margot      |          |
| M        | Appeal                   | Admiralty Bay Rerekarua  | MacLab                    | Rob, Margot      |          |
| N        | S.271                    | Admiralty Kokowhai   | MacLab                    | Rob, Margot      |          |
| O        | S.271                    | Admiralty Pukatea  | MacLab                    | Rob, Margot      |          |
| P        | S.271                    | Forsyth Bay  | MacLab                    | Rob, Margot      |          |
| Q        | S.271                    | Tawhitinui Reach   | MacLab                    | Rob, Margot      |          |
| R        | S.271                    | Crail bay  | MacLab                    | Rob, Margot      |          |
| S        | S.271 to Mac Lab         | 7 applications Admiralty Bay                                   | Admiralty Bay Consortium  | Rob, Margot      |          |
| W        | not decided yet          | East Bay (U991388)   | Totaranui Ltd             | Rob, Margot      |          |
| <b>5</b> | <b>General</b>           |  |                           |                  |          |
| A        |                          | Biosecurity Strategy Consultation                              |                           | ?                |          |
| B        |                          | Fisheries Liaison Committee                                    |                           | ?                |          |
| C        |                          | Min.for Env. Survey, Community problems with RMA participation |                           | ?                |          |
| D        |                          | Ocean Policy and Marine Reserve Legislation amendments         |                           | Rob, Margot      |          |
| E        |                          | Primary Production Select Committee, Aquacultur Moratorium     |                           | Rob, Margot      |          |
| F        |                          | Nelson Marine Reserve Proposal                                 |                           | Rob              |          |