

Friends of Nelson Haven and Tasman Bay Inc.

P O Box 715, Nelson.

nelsonhaven@xtra.co.nz

ANNUAL GENERAL MEETING

Monday 11 August, 8.00pm in the Hearing Rooms, Trafalger Square

Come and meet your committee.

Share your ideas and knowledge on coastal issues.

Are there issues you can help with?

PLEASE LET US KNOW YOUR THOUGHTS ON OUR WORK AS OUTLINED BELOW.

***** It's our 30th birthday - we'll have a cake to celebrate. *****

Chair's report - June 2002 to June 2003

In July 2003 Friends will be 30 years old. Does anyone recall the overflow School of Music meeting in 1973 which stopped a 300 acre infilling of Nelson Haven at Atawhai in "one swell foop" and Friends was born.

CONTENTS

1. Highlights
2. Background to the Society's position
3. Marine Farming
 - 3.1 Tasman/Golden Bay aquaculture inquiry
 - 3.2 Aquaculture Management Areas (AMAs)
 - 3.3 Marlborough Sounds, MDC Hearings of marine farm applications
 - 3.4 Marlborough Sounds - Environment Court proceedings
 - 3.5 Top of the South marine farming overview
4. Coastal Plans
 - 4.1 Nelson City Council (NCC)
 - 4.2 Tasman District Council (TDC)
 - 4.3 Marlborough District Council (MDC)
5. Other activities
 - 5.1 Port Nelson
 - 5.2 Oceans Policy
 - 5.3 Nelson Haven Holes
 - 5.4 Airport Noise Committee & Fisheries Liaison Committee
 - 5.5 Nelson Regional Sewage
 - 5.6 Port Fisheries & Whakapuaka outfalls
6. Thanks
7. Wish list

1. Highlights of matters in which the Society took a major role this year:

- 1.1 An Environment Court decision on Forsyth Bay resulted in withdrawal of marine farm applications for 1600 Ha in the Sounds. A High Court appeal was withdrawn. Applications for 3775 Ha wait in the wings with more expected when the moratorium ends in March 2004.
- 1.2 The Nelson Coastal Plan is likely to exclude aquaculture from the Nelson estuaries of Delaware Bay, Nelson Haven east, Waimea Estuary and Whangamoa Inlet. The TDC Plan prohibits aquaculture to some distance offshore as confirmed by the courts.
- 1.3 The TDC is required by law to identify important coastal landscapes. These were removed from the previous Plan.
- 1.4 The Environment Court second interim decision on Tasman and Golden Bay aquaculture was released and outlined additional work to be done.
- 1.5 Study has begun to identify Aquaculture Management Areas (AMAs) for the top of the south. The Court has identified AMAs in Tasman in stage 1 of the inquiry.
- 1.6 Beatrix Bay, Marlborough Sounds, court case has ended and a decision is pending.
- 1.7 Friends is represented on the Port Nelson Environmental Consultative Committee[see 5.1]

2. Background

Friends is uniquely placed to counter adverse effects upon Nelson, Tasman and Marlborough coastal waters during the next decade or more. Co-ordinating with groups which include residents' associations, yachting clubs, environmental groups, marine farmers' groups, DOC and affected individuals has made for strong and effective submissions and appeals.

To maintain our involvement at the present level we need to meet the legal, expert witness and infrastructure costs.

Friends has spent tens of thousands of dollars on Court appearances in recent years including two Ministry for the Environment legal aid grants which went directly to the consultants. In contrast MDC spent over \$167 000 on Forsyth and Beatrix Bay hearings and applicant companies have spent between \$1 million and \$2 ½ million. To operate in that environment we need to apply for grants, and obtain financial support from co-operating groups and individuals and pay our legal and some expert witnesses at reduced rates reserved for non-profit groups. Over the last year the committee has spent considerable time and effort in raising funds so as to be able to continue this work.

3. Marine farming

3.1 Tasman/Golden Bay Aquaculture Inquiry – 2nd interim Court decision
The judge has directed the parties to agree on Coastal Plan provisions in preparation for stage 3. So far there has been no final agreement and three parties have appealed to the High Court.

3.2 Aquaculture Management Areas (AMAs) have to be determined for Marlborough and Nelson and marine farming will be prohibited outside these areas.
At present our coastal waters are open for grabs. The moratorium on application processing ends in March 2004. There is little or no scientific monitoring on the sustainability of existing farms so appropriate decisions on new, open water farms will be difficult. The AMA process could be the most important current issue for our coastal waters and will be lengthy.

3.3 Marlborough Sounds – MDC hearings of marine farm applications.

The D'Urville Island application at Bonne Point concluded in May 2003. The proposed farm is adjacent to reserve land and Friends, the French Pass Residents' Ass. and DOC put in an objection.

The hearings finished early due to many large applications being withdrawn after the release of the Forsyth Bay decision of a year ago. Withdrawals included 354 Ha in Admiralty Bay, 219 in Beatrix Bay and major reductions at Port Gore, Catherine Cove and Te Puraka Point.

The total area approved by MDC for marine farms since 1999 is about 500 Ha, in addition to about 2300 Ha approved before 1999.

MDC has recently approved an additional 770 Ha in eastern Tasman Bay and the Society has appealed this decision. MDC has refused a further 825 Ha nearby and this has been appealed by the applicants.

3.4 Marlborough Sounds – Environment Court marine farm proceedings

The Society filed 8 appeals on marine farm consents:

- a) Tawhitinui Reach entrance application was resolved by consent with some improvements.
- b) Beatrix Bay West marine farm of 42 Ha was approved by MDC and B B East (42Ha) was declined. Both decisions were appealed and were heard by the Court in November 2002 and in April 2003. We await the result which is likely to have flow on effects.
- c) The Clifford Bay application for 1350 Ha was granted 460 Ha by the MDC and is the first large, open water farm in N.Z. to have an appeal heard by the Court. The case was heard in March and amended conditions were agreed upon. After the granting there was a huge surge in marine farm applications nationally, e.g. Hawke Bay 4750 Ha and Pegasus Bay 10 000 Ha
- d) Two Admiralty Bay minor appeals concerning entrances to anchorages were subject to Court mediation in June.
- e) The N W Admiralty Bay (Rerekarua Bay) application was granted and appealed by Friends and marine farmers. Two other applications on the east side were refused and then appealed by the applicant who has reduced the size sought from 49 to 21 Ha each.
- f) The West Forsyth Bay application for 17.5 Ha was granted and is being appealed by Friends, Marlborough Mussels Co Ltd and one other person.
- g) Wakatu Inc. applications for Tasman Bay marine farms is outlined in 3.3 above.

3.5 Top of the South marine farming overview

Friends is concerned about finding the criteria to determine sustainable marine farming and works closely with many marine farmers to try and solve this problem. Productivity in the 2800 Ha of mussel farms in the Sounds has declined consistently in the past five years (King 2002, and Mussel Line issue 2/01) This is a warning that the level of extraction is no longer sustainable and there may be effects on the Sounds' ecosystems.

As an ecologist certain lines of evidence are of special interest to me. The applicants' scientists have measured chlorophyll-a to determine the quantity of phytoplankton levels in water passing through marine farms. This measure shows that chlorophyll-a returns to ambient levels about 50m downstream of an average 4.5 Ha farm. They conclude that all is normal at this distance and a further farm will be sustainable. However, bi-valves also eat animal plankton which do not regenerate downstream (Davenport 2000). Furthermore, there is evidence that only selected species of phytoplankton are eaten and the non-edible algae pass through (Cognie2001).

The Sounds waters are selectively modified by removing 50 000 tonnes of mussels per year and this change is not detected by measuring chlorophyll-a. Animals higher up the food chain,

including invertebrates, fish, birds and mammals are likely to be affected. It is essential we study these effects systematically and objectively.

Scientific literature (eg Schmidt 1997) on marine farms and their world wide growth shows they are a huge experiment for which there are rarely control areas from which to learn of the effects of the experiment on the natural environment. Studies are needed comparing marine farm areas with nearby undisturbed control sites.

In addition to sustainability issues, Friends and associates present evidence on landscape values, navigation, planning, recreation, tourism and endangered coastal and marine wild life.

4. Coastal Plans

Friends has made submissions to Councils and references to the Environment Court on the Principal Coastal provisions of all four top of the south Coastal Plans.

4.1 Nelson Coastal Plan

A draft Consent Memorandum is under consideration on the principal coastal provisions as a result of negotiations on the Society's references. We expect significant changes will be made to the Plan.

Friends has lodged references concerning land adjacent to the coast. ENZA land to be zoned for light industry has been resolved by consent.

4.2 Tasman Coastal Plan

A draft Consent Memorandum on the principal coastal provisions should be out in the near future. The TDC has to identify important landscapes in coastal areas as required under the Coastal Policy Statement and Section 6 of the Resource Management Act. We await the results of this important matter.

Friends' remaining references relate to discharges and landscape and the TDC has agreed that there should be coastal priority areas.

Variation 15 includes all tidal areas and recognises that margins of estuaries are often wetlands.

Variation 25 makes any further cliff works at Kina notifiable. We believe this variation should cover the entire Tasman coastline.

Tasman's Plan will not become operative for some time due to the many variations and overlaps between landscape, coastal environment and wetlands considerations.

4.3 Marlborough Coastal Plan.

The Marlborough Sounds Plan is now operative well ahead of NCC and TDC Plans.

Negotiations are underway on the Wairau/Awatere Plan with the MDC agreeing to most suggestions.

5. Other activities

5.1 Port Nelson Environmental Consultative Committee.

Our representative on this advisory group for Port Nelson Ltd reports they are reviewing PNL's Management Plan and Codes of Practice.

Other discussions concern hazardous chemicals and emissions to air of timber fumigation, complaints about noise and lighting, discussions on the marine wharf south extension and discharges to air and water. There are 5 appeals in respect of operations at the Port Nelson slipway which may be heard in the Environment Court with Friends a party to proceedings.

5.2 Oceans Policy

Submissions have been made and a Friends' committee member attended the briefing on stage 2.

5.3 Nelson Haven Holes

These were infilled with dredgings and twice the authorised land created. Original submitters, DOC and Friends, have been asked to make it legal after the fact.

5.4 Nelson Airport Noise Committee and Fisheries Liaison Committee.

Friends is represented on these. The latter deals with Challenger Fish Zone including matters such as the depletion of blue cod.

5.5 Nelson Regional Sewage

The discharge consents have been renewed and odour was the main concern.

5.6 The Port Fisheries & Wakapuaka outfalls.

Consent is up for renewal this year.

The Wakapuaka outfall, which is a major concern, is overdue for a resource consent renewal.

6. **Thanks** to the many groups and individuals who actively share our concerns for the coastal zone. Some have worked at huge personal expense of time and money. Major financial contributors include Community Trust, MSL Group, Lone Star Farm and Maruia Nature Catalogue (email: miranda @ nznature.co.nz).

Thanks also to committee members who are a privilege to work with and especially our secretary, Russell Fenney, who capably handles a massive amount of work.

We thank Warwick Heal for legal advice, also the expert witnesses who recognise our status as a volunteer, non-profit organisation.

7. **Wish list**

To continue at the present level of activity Friends urgently needs

a) storage space for files

b) committee members.

We have a 10 person committee who work well together but at present one is overseas and another on leave for health reasons.

If you would like to be nominated for the committee please let us know.

c) Funds

Donations to Friends are tax deductible to \$1890, up from \$1500.

If you wish to contact us on any of the above matters please phone:

Tom Kennedy (03) 548 8467 or

Pam Lambert (03) 545 9294



Signed: Dr Gwen Struik

References:

Cognie et al, 2001. Estuaries 24 (1): 126 – 131.

Davenport, J. et al. 2000. Marine Ecol. Prog. Series 198: 131 – 137.

King, A.J. 2002. Mead, S.T. 2002. Both in Environment Court, Beatrix Bay, Blenheim, November 2002.

Schmidt, K. 1977. Science 277: 489 – 491.

ANNUAL SUBS ARE NOW DUE - THANKYOU

LATE NEWS – JULY 2003

Our secretary, Russell Fenney, has informed the committee that he will be unable to continue on the committee. We have been fortunate to have his capable and exceptional services for the past years.

We will be seeking his replacement.

