

**FRIENDS OF NELSON
HAVEN AND TASMAN BAY
(INC.)**

**CHAIR'S REPORT,
JULY 2001-JUNE 2002**

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

GENERAL BUSINESS

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.

The big bulk of the remaining applications in the sounds are likely to be heard in the coming year. There is uncertainty how many 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.

MEMBERSHIP OF THE SOCIETY

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.

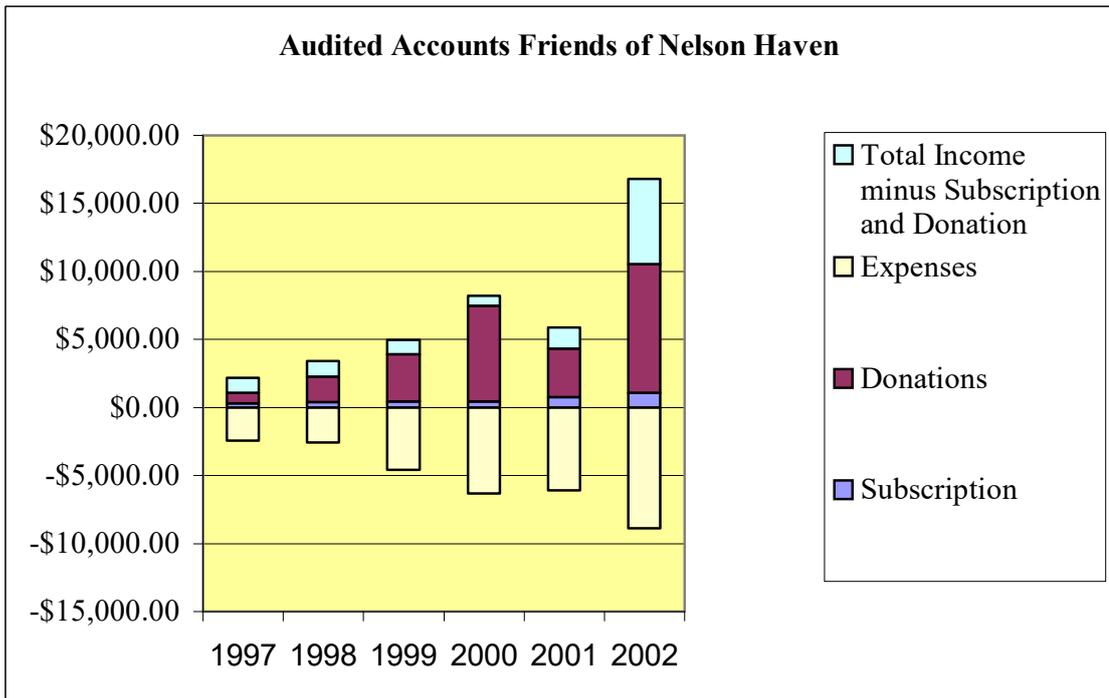
A special thanks goes out to our Secretary Russell Fenney who has been a driving force of the Society over the last eight years. This year, most of Russell's time for the Society was occupied by Stage 2 Tasman Aquaculture Inquiry, the Kuku Mara Forsyth Bay Court case, preparation of the Kuku Mara Beatrix 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 Donee Status, meaning that all donations of up to \$1500 are now Tax Deductible.

WORKING RELATIONSHIPS WITH OTHER ORGANISATIONS

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.

FINANCIAL STATUS AND FUNDRAISING

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.

LEGAL AND EXPERT SUPPORT

The Society is still fortunate in having considerable pro bono legal input from Warwick Heal 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

COASTAL PLAN REFERENCES

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 none-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.

TASMAN AQUACULTURE INQUIRY

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.

MARLBOROUGH SOUNDS; OPEN BAY MARINE FARMS AND APPEALS

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 2½ 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 Hectors 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.

SEWAGE ISSUES

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.

FUTURE OF THE SOCIETY

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