

From: Friends of Nelson Haven & Tasman Bay Inc.
 c/- Helen Campbell
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*Rec'd 26/4
via email*

**PRIVATE PLAN CHANGE 61 to Part 3 Tasman Resource Management Plan
 SECTION 21(1), PART 2 OF THE FIRST SCHEDULE, RESOURCE MANAGEMENT ACT
 1991 (the "RMA")**

Proposer: Wainui Bay Spat Catching Group

Location: western Wainui Bay, Golden Bay: current discretionary coastal permits RM060291, RM060292, RM060293, RM120876 and RM120877 (replacing RM060294); RM071049 and RM071050.

**To: Tasman District Council
 Private Bag 4
 RICHMOND**

cc ~~Wainui Bay Spat Catching Group~~
 c/- Gascoigne Wicks
 PO Box 2
 Blenheim 7240

sent

1.0 Preamble:

The Wainui Bay Spat Catching Group (comprising Talley's Group Limited, MacLab New Zealand Limited, Ngai Tahu Seafood Resources Limited, Wakatu Seafood Resources, Clearwater Mussels Limited, & Chris Redwood) has proposed a change to the Tasman Resource Management Plan, to change the status of the existing coastal permits in Wainui Bay, Tasman Bay, from **discretionary** to **controlled**, with the 16ha area (6 spat catching farms) becoming an Aquaculture Management Area.

1.1 Preliminary comments:

The RMA requires the proposal to be assessed in the following ways:

- (a) To examine the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of the Act; and
- (b) To examine whether the provisions in the proposal are the most appropriate way to achieve the objectives of the proposal and the Plan, by identifying other reasonably practical options and assessing their efficiency and effectiveness.

1.2 The Friends of Nelson Haven and Tasman Bay (the "Friends") acknowledge:

- the stated importance of this group of spat catching farms to the aquaculture industry; and
- the economic consequences to the community.

We are also, however, aware of the chequered history of these farms including (but not limited to):

- poor management/lighting of the structures and lines;
- local concerns about noise and lights emanating from the sites;

- recognition that the sites have impacted on the natural character and landscape values of Wainui Bay. These issues have been addressed at past hearings by, not only the Friends, but also the Department of Conservation, the Forest & Bird Protection Society Inc, the Friends of Golden Bay and others;
- the renewal of the coastal permits in 2008 as a discretionary activity;
- Council's stated intentions through many years to limit terms of the consents due to the impacts of the structures on the acknowledged natural character and landscape values associated with Wainui Bay;
- the decision in the NZ Marine Farmers Environment Court hearing Decision No. W89/2004. The Friends were a s.271 party to that hearing and submitted that the sites at Wainui Bay (and Waikato) could continue but "*should not, however, be expanded and it is preferred that the consent for the Wainui farm should not be renewed*". In Decision No. W89/2004 - Para 286 Judge Kenderdine stated "*Wainui was presented as a high quality and quantity spat producer: as we recommended in our interim report it be phased out because of the natural character values of the inshore areas of Golden Bay: this factor and how it might affect the AIP ratio had to be considered*"; and
- there appears to have been little if any on-going research into the availability of other sites or methods of viable spat sources, although we note the successful Cawthron Institute mussel spat-growing activities. This is an ever evolving industry.

2.0 Issues:

2.1 Natural Character and Outstanding Natural Features/Landscapes (s. 6(a) and 6(b) RMA::

Wainui Bay has acknowledged natural character and landscape values. Since the relevant rules were removed from the Tasman Resource Management Plan, the Friends, who appealed this Council decision, have pursued the issue of identification of Outstanding Natural Features and Landscapes (of, specifically the coastal and marine areas) of Tasman District in return for withdrawing the appeals. Chapter 9 of the TRMP notes that this work was to be done by 2002 – so far, it has been a long and unsatisfactory process. We have also been promoting advancement of more appropriate identification of the coastal environment (currently 200 metres inland of Mean High Water Springs) and identification of coastal areas of outstanding natural character.

- 2.1.2 While there Council has not completed work on the coastal natural character or the redefinition of the Coastal Environment, for the last four years we have had a representative on a small Golden Bay working group representing various community interests, including the aquaculture industry, assessing the landscape values of Golden Bay.

Wainui Bay, as part of the wider Golden Bay has been identified in a report prepared by the working group as part of the Outstanding Marine Natural Landscape/Seascape of Golden Bay/Mohua with the immediately adjacent area of Abel Tasman Point and most of Wainui Bay, including the intertidal area being identified as Outstanding Natural Features; the valley land of the Bay is part of the Abel Tasman ONL. While the draft report has no formal status, and will be subject to Council approval, Council intends to notify a proposed plan change, including rules and identified areas in September 2016.

We are aware that the aquaculture industry held a workshop with invited landscape planners, and Council staff in 2015. The outcomes of this have little influence on this proposal.

Assessment evidence from Elizabeth Gavin (Kidson) produced in 2007 for the Environment Court appeal hearings for the Friends describes the landscape values, vis-a-vis case law and accepted factors, of Wainui Bay is attached. The Friends have not resiled from the value of

this assessment. Indeed there is now greater recognition of the significance of the Bay as being the first interction between Maori and Europeans (Abel Tasman in the Heemskerck /Tumatakokiri iwi, 1642) .

2.1.3 Recent Environment Court decisions assist in aquaculture decision-making and issues of natural character and outstanding natural landscapes/seascapes and features. These include the Man O' War and the New Zealand King Salmon, Pig Bay, Port Gore decisions.

2.1.4 The reason for this plan change proposal is quite simple: the industry (as represented by the Spat Catching Group) wants certainty of supply. To get that certainty (despite the ruling of the Environment Court in the New Zealand Marine Farmers decision), they propose that the sites remain as they are today: that is, for spat catching only with no extensions in area or change of species including mussel farming; and that the status be altered from discretionary to controlled. An AMA is also requested.

If this plan change request is successful Council control of any future activities on the sites will be limited to the 35 year expiry period with conditions only being able to be changed with no withdrawal/resting/refusal possible.

With the current **discretionary status** there are tools available to council to ensure that the purpose of the RMA, the sustainable management of natural and physical resources, is met. We are not certain, that despite the sites having operated as spat catching sites for 35 years, that the actual and potential effects have been adequately assessed.

2.2 **Climate change** is now known to be a reality, and means changing weather patterns and sea conditions. Warmer sea surfaces will mean that there will be more stratification so that less food will be available in the pelagic layers that come from deeper colder marine areas. There is little information available on how water temperatures affect successful spat catching or retention.

Increases in water temperature are likely to create more competition between commercial exploitative interests and the natural world for scarcer resources. The consequence of this is that the surface area available for spat catching would decline. By retaining the status as "discretionary" Council has the right to decline renewal due to changing conditions and impacts on the natural resources.

3.0 The Resource Management Act 1991 (RMA) and and the New Zealand Coastal Policy Statement 2010 (NZCPS):

When making a decision in relation to the proposed Plan Change, we believe that the following legislative requirements need to be taken into account when considering whether the proposal meets the Purpose of the Resource Management Act 1991, the "*sustainable management of natural and physical resources*" associated with Wainui Bay:

3.1. **Natural Character (s. 6(a) RMA) and Outstanding Natural Landscapes and Features RMA (s. 6(b)) Matters of National Importance and the NZCPS Objectives and Policies.** As noted above the Council has not yet included in the TRMP an assessment of the areas of natural character in the coastal environment, nor identification of areas of outstanding natural landscapes and features; neither have appropriate rules controlling activities been promulgated.

However, clearly Wainui Bay has significant natural character and is in an area that the Environment Court has ruled is an outstanding natural landscape/seascape; adjacent areas are likely to be assessed as outstanding natural features. Nevertheless, these values have been impacted by the presence of these farms. The fact that the Bay contains these farms as a "modification" does not, in itself, however, preclude this assessment of the Bay having Outstanding Natural Character, nor affect the ONFL ranking..

20 3.1.2 The RMA places particular emphasis on **preserving the natural character of the coast,**

where natural character includes the natural processes, elements and patterns which are present in the coastal environment. Objective One of NZCPS requires safeguarding the integrity, form, functioning and resilience of the coastal environment and sustaining its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- protecting **representative** or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna;

The concept of **representativeness** first appeared in court decisions as per the Reserve Act 1977 with the following goal:

Ensuring, as far as possible, the survival of all indigenous species or flora and fauna, both rare and commonplace, in their natural communities and habitats and the preservation of representative samples of all classes of natural ecosystems and landscape which, in the aggregate originally, gave New Zealand its own recognisable character.

In CIV-2010-409-002466, the purpose of the representative criterion was:

...to provide for the maintenance and persistence of biological diversity in the West Coast.

Objective 2 of NZCPS sets out the vision for preservation of the natural character of the coastal environment and protects natural features and landscape values through recognition of the characteristics and qualities and identification of areas where subdivision would be inappropriate. Also restoration of areas where development was inappropriate is a part of Objective 2 of NZCPS. Activities and developments which can **“significantly impact on natural character include marine activities such as aquaculture”**.

Protection of landscape values on the coast has three main elements:

- *Recognising the values attached to natural features and landscapes and identifying their spatial location.*
- *Identifying subdivision, use and development which threatens these values and providing protection from them*
- *Restoring the coastal environment (see also Policy 14 NZCPS)*

The NZCPS does not provide a definition of natural character but identifies some key factors which can contribute to or be a part of natural character. Natural character may include matters such as; natural landforms such as headlands, peninsulas, cliffs as well as a range of natural character from pristine to modified. Preservation and protection of natural character of the coastal environment from inappropriate subdivision, use and development is required under Policy 13(1) of NZCPS. **Policy 13(1a)** requires avoidance of adverse effects of activities on natural character in areas of the coastal environment with “outstanding natural character”.

- 3.1.3 A **landscape** will be considered “outstanding” under the RMA if it is conspicuous, eminent, remarkable or iconic within the area concerned (district or region). **Policy 15** of the NZCPS requires protection of the natural features and natural landscapes (**including seascapes**) of the coastal environment from inappropriate subdivision, use and development. What is “natural” has been defined by the Environment Court as being something which is a “product of nature”. It therefore can include pasture and exotic tree species but not human-made structures like marine farms. For example the Marlborough Sounds Resource Management Plan (MSRMP Chapter - 5) seems consistent with both assessments to protect important land and seascapes, and where; “...the adverse effect of inappropriate subdivision, use or development on outstanding natural features and landscapes **can be structures on water**”. The latter is recorded as an issue (MSRMP-5.2.2):

...the siting, bulk and design of structures and equipment located on the surface of

water can interrupt the consistency of seascape values and detract from natural seascape character of a bay or wider area.

- 3.1.4 **Policy 6 NZCPS** deals with activities in the coastal environment requiring consideration how adverse visual impacts of development can be avoided in areas sensitive to such effects "*such as headlands and prominent ridgelines*", and as far as practicable and reasonable apply controls or conditions to avoid those effects.
- 3.1.5 As noted above the Friends have had a representative on the Golden Bay Collaborative Working Group "assessing" the landscape of Golden Bay and attempting to identify the landscape and features that meet the "outstanding natural" label. This Plan Change proposal pre-empts the outcomes of the Council's processes: therefore the decision-makers are required to consider the proposal **as if there has been no progress on landscape issues.**
- 3.1.6 Policies 13 and 15 of the NZCPS require, in order to **preserve the natural character** and to **protect Outstanding Natural features and Landscapes in the coastal environment, the avoidance of adverse effects.**

Questions are:

- a. are these effects more than minor? [We note, in passing, that Section 3 RMA defines "**effects**" as including any temporary and permanent effects, and past, present or future effect; and any cumulative effects that arises over time or in combination with other effects - regardless of the duration, scale, intensity, duration or frequency of the effect and also includes any potential effect of high probability and any potential effect of low probability which has a high potential effect]. The effects of this proposal are more than minor. The proposal refers to "transitory" effects being minor after removal of the farms. That comment is irrelevant to this proposal. The answer to the question is "yes".
- b. does the proposed plan change allow for the activity to be "transitory". No, it does not. The effect of this plan is to make the activity "permanent" but subject to conditions.
- c. is the activity "appropriate"? Has the scale and the extent of the effects been taken into account?

- 3.2 **Policy 14 Restoration of Natural Character** allows the imposition or review of conditions on existing resource consents – this includes a change to the continuation of activities and the recognition that degraded areas of the coastal environment may require restoration and rehabilitation.

- 3.3. **Policy 3 NZCPS** (1) requires the adoption of a **Precautionary Approach** towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

In particular, subsection 2 of this Policy requires that a **precautionary approach** must be adopted to "*use and management of coastal resources potentially vulnerable to effects from climate change, so that:*

...

(b) natural adjustments for (inter alia) coastal processes, ecosystems, habitat and species are allowed to occur; and

(c) the (inter alia) natural character, amenity and other values of the coastal environment meet the needs of future generations".

As noted in above, the uncertainty associated with this Plan Change, in proposing permanent/controlled status, includes the potential (of, perhaps, low probability, but high potential impact) that climate change will increase water temperatures. This directive in Policy 3, cannot therefore be met.

3.4. Policy 17 NZCPS Historic heritage identification and protection may also be relevant as there becomes a growing awareness of the significance of Wainui Bay for tangata whenua and as a site of the first (recorded) interaction between europeans and tangata whenua.

4.0 CONCLUSION

As the Supreme Court ruled in the King Salmon case, "*overall broad judgements*", do not meet the Purpose of the Act. The test is: "*appropriate activities in appropriate locations*".

Our view is that:

4.1. The **permanent** existence of these spat catching sites:

- **will** continue to impact on the **outstanding natural character and the outstanding natural landscape values** associated with Wainui Bay. The adverse effects are "*more than minor*" and cannot be avoided. They are not able to be remedied or mitigated as this is an Outstanding Natural Landscape/Seascape (NZ Marine Farmers decision) area and of acknowledged outstanding natural character.
- the potential for climate change and consequential warming of the waters will mean that the presence of these sites are likely to become uneconomic (with possible demands for extension and change of species/mussel farming) and will place pressure on the natural coastal processes, habitats and ecosystems of Wainui Bay.

4.2. The issue that has to be addressed is: is this an **appropriate activity in an appropriate location**? If this were a "blue water" site with no spat sites, then clearly the answer to this question must be "no". In this case, however, the spat sites have existed for a period up to 35 years as have, to perhaps a varying degree, the adverse affects.

Our recommendation is that:

① ② ③ The Proposed Plan Change be **declined** and the status of the spat sites remain as **discretionary (for the current terms) with no changes to species/structures/activities (including mussel farming) or extensions in area allowed.**

We wish to be heard.

land area WANUI BAY & INLET					
PIGEON BAY CRITERIA					
(a) THE NATURAL SCIENCE FA	geological	topographical	ecological	ecological cont	dynamic components
	<p>The inlet at Wainui consists of quaternary sand nestled in between cretaceous equigranular biotite granite. Taupo Point (the north east headland) is an isolated area of limestone joining on to the granite base rock of Taupo Hill. (Geological & Nuclear Sciences 1:250 000 Geological Map 9).</p>	<p>Wainui Inlet is approximately 275 hectares in size and forms the northern entrance to Abel Tasman National Park. A large barrier spit has formed from the east, with a smaller peninsula to the west forming the mouth of the inlet. Surrounding granite hills create an enclosing form, with a relatively large area of flat land at the head of the estuary used for farming. The surrounding hill forms are clad in regenerating native bush. The sand spit/ island forms a crescent in the middle of the bay.</p>	<p>Northern rata along coastal and lower limestone areas. coastal flax and cabbage tree swamp was common, water terraces held pakiki shrubland and rimu/silver pine forest. Lower on drier slopes was red, hard and black beech & rimu. Western section part of the Golden Bay ED. Eastern part of Tolarau ED. The Golden Bay ED has almost completely been cleared of its original vegetation. patches of alluvial forest remain, (totara, black beech, kahikatea) and remnant rata on coastal limestone. Pakiki forest now replaced by manuka-dominant shrub. Extensive estuaries remain and sand dunes have been largely covered by meadow grass. Kanuka replaced beech forest on drier hills. Farming, logging, mining all contributed to vegetation clearance. Bracken fern, Kanuka and manuka regenerating on abandoned farmland with some significant patches of totara, Gorse, barley, hawthorn, Buddleia and Spanish heath are widespread weeds with banana passionfruit prominent around the coast (see Appendix 7).</p>	<p>The Tolarau ED represents distinctive coastal granite country - largely composed (70%) of the Abel Tasman National Park. The original vegetation was largely covered in beech forest (silver on the higher elevations, black beech on lower slopes, red beech in gullies and hard beech (Nothofagus truncata) in drier gullies. Gully beech forest was a mix of broadleaf - especially northern rata, and podocypus (especially rimu). Lowland areas had a greater mix of broadleaf species with kahikatea swamp forest in lower valleys. Estuarine habitats bordered the inlets, with swampland behind the dunes and the mouths of some valleys. The majority of the area remains in original beech forest, although most of the valley floor forest has been removed. Swamp areas have also been reduced. Coastal forest was burnt and regenerating bush dominated by tree ferns and kanuka now covers large areas - especially in the north and south coastal flax and cabbage tree swamp was common. water terraces held pakiki shrubland and rimu/silver pine forest. Lower on drier slopes was red, hard and black beech & rimu (see Appendix 7).</p>	<p>Mussel farms in the eastern section of Abel Tasman Bay reduce seascape naturalness. Views from the bay have high seascape value. At the head of the valley, the landscape is typified by a pastoral landscape with willow trees, poplars, gums and a scattering of houses. This landscape has an naturalness associated with a working farm(perceived naturalness) surrounded by the regenerating bush clad hills with small pine plantations. Powelting cut across the inlet above ground, of the native cork wood whau (<i>Erialea arborea</i>), overwintering site for banded dotterel (<i>Charadrius bicinctus bicinctus</i>), banded rail (<i>Porphyrio porphyrio</i>), South Island fernbird (<i>Bowdleria punctata</i>) and penguin (<i>Eudyptula minor variabilis</i>) breed in remnant coastal vegetation surrounding the estuary and on headlands. The Department of Conservation is currently revegetating the eastern sandspit. Salmatrix vegetation and coastal vegetation. The Department of Conservation, Nelson/Marlborough Conservancy, 1993; Occasional Publication No.14 pg 76-77).</p>
(b) AESTHETIC VALUES	memorability		naturalness		
	<p>Highly memorable due to enclosing land forms of Abel Tasman Point and Taupo Point and the contrast between their steep sides and the flatness and considerable size of the estuarine valley floor - which can be walked across two hours either side of high tide. The mix of Poplar and Willow at the head of the valley differs from the predominantly natural native cover on the hillsides. The established Macrocarpa trees that are placed by the Road also contribute to the memorability of the landscape. the junos and the graduated brown and tan colours which turn more green in summer contribute to the aesthetics. Calm days and a high tide has reflective qualities. wave and wind patterns on the sand along the coastline create an aesthetic pattern.</p>				
(c) EXPRESSIVENESS (LEGIBILITY)	formative processes				
	<p>Granite base rock and sediment differs from landscape to the north west. Enclosed bay form with headlands differs from more open wide beach/inlet form of Golden Bay to north west. The estuary is visually linked to the flatness of the land with sediment brought down the rivers that flow in to the estuary and is clearly linked to tidal activities which cover the estuary during high tide. Aggradation patterns can be seen in the sand bar and spit formations along the coastline.</p>				
(d) TRANSIENT VALUES	occasional presence of wildlife		values at certain times of day/year		
	<p>the tip of the Wainui sandspit or the intertidal banks at the mouth of the river form the high tide roost for national and international wader species.</p>		<p>highly influenced by tidal activity given the large size of the inlet. The variable colour of the junos adds rich brown colours to the estuary</p>		
(e) VALUES SHARED/RECOGNISED					
	<p>considered of national importance due to presence of the vulnerable banded rail and due to high degree of naturalness due to lack of extensive human development (Department of Conservation, Nelson/Marlborough Conservancy, 1993; Occasional Publication No.14 pg 40). Wainui inlet is the western gateway to the Able Tasman National Park, with trampers crossing the Wainui inlet at low tide as a short cut to the Abel Tasman National Park to the East. access to Wainui walk and waterfall up the head of the valley. Values associated with both the naturalness of the estuary and the working farmland located around the estuary on the valley floor.</p>				
(f) VALUE TO TANGATAHENUA					
	<p>significant evidence of Maori occupation. Wainui River used (from the Taupo Pt pa) for eel gathering and the inlet for flounder. Paua also harvested. Taupo Point to the north is Tapu. Wainui: translated as 'Big bay, may waters, (name for the Ocean, the ancestor of all rivers)'. (pg 23 of Beautiful Golden Bay New Zealand - compiled by Golden Bay Promotion asst). Mythical home of Ngarara Huarau - a supernatural being (part lizard, part human) from Hawaiki that was banished to Wainui to live in a cave by the chief of his tribe due to his destructive tendencies (Te Tau Ihu O Te Waka: Hilary and John Mitchell, 2004, page 26)</p>				
(g) HISTORICAL ASSOCIATIONS					
	<p>The Tui Community have had a commune on the eastern side of the valley floor since the 1970s and sell natural products. Farming has also been associated with the flatter valley floors (with Pine forestry on the hillsides)</p>				
CONCLUSION:					
COASTLINE AND INLET: OUTSTANDING NATURAL LANDSCAPE FEATURES: WAINUI BAY PART OF ABEL TASMAN OUTSTANDING NATURAL LANDSCAPE					

R25.4.16

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Submission TRMP -Private Plan Change 61. Wainui Bay Spat Catching Group.

Friends of Golden Bay (FOGB) have had a long and involved history with the mussel industry and its applications for mussel farming space in Golden Bay. It has been a long, expensive and difficult process to achieve the current outcomes. While the outcomes, especially for the Wainui sites, may not have suited those passionate about our precious landscapes, nor the mussel farmers now wanting more certainty, it is a compromise both sides have been working with. This needs recognition and respect.

FOGB oppose this Plan change rezoning the spat sites to AMA 4 and the designation as a controlled activity. ①. ②.

Sect 6 RMA Matters of National Importance. Wainui Bay is designated an Outstanding Natural Feature and is surrounded by an Outstanding Natural Landscape. Again FOGB have been involved for some years in the preparation of this Plan and it is inappropriate to be altering the designation here while this process is underway.

Judge Kenderdine in the Court's findings on the Wainui Bay spat catching sites ruled that Wainui Bay's natural character values are of National Importance, and that the farms have a major adverse effect. They were to be accorded discretionary status because of their sensitive location.

FOGB have significant concerns regarding the designating of this activity as controlled. This designation means the Council's power to impose conditions would be limited to the matters over which control has been reserved. An application for resource consent would have to be granted. This would leave Wainui Bay spat catching area open to further requests and/or changes over which the community may not have much control.

The mussel industry acknowledges the growth in the mussel industry at Wainui Bay,- Economic Analysis Sect 6. What has previously been seen as a 'cottage' industry has transformed into a 'highly specialised industry with professional crews, processing and marketing', with the activity extending over more of the year. Thus the impact may not have been as large an issue when this site was originally accepted by the community, however it now has the potential to exceed that original acceptance.

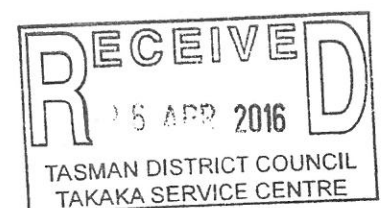
As mentioned in the application spat farming is being researched. After 2024 this may be able to be done away from such a sensitive area. Closer to this time it could be reinvestigated. Wainui Bay may be convenient at present, however it is not the only option.

The current situation enables the community to retain some measure of control. Some mussel farmers have been willing to change to suit local concerns, however not all. Farms change hands and commercial aspects alter. The current situation has been hard won, and FOGB would like it to remain as it is until 2024 as designated by the environment court. ③.

We would like to be heard in favour of this submission.

Heather Wallace Sec. FOGB C/- Box 274 Takaka. Ph 03 5258298

26.4.16.





1377

**SUBMISSION ON A PLAN CHANGE TO BRING CERTAINTY
OF OPERATION TO THE WAINUI BAY SPAT CATCHING SITE.**

I have no doubt as to the importance to the mussel farming industry at the top of the south island of the Wainui Bay spat catching sites. It has a long history during which again and again it has demonstrated its reliability to catch quality mussel spat in sufficient quantities as to make reliance on Kaitaia spat almost a thing of the past.

The Wainui site has had a somewhat troubled past however in its relationship with the very close by residents who were subjected to very regular disturbance by noise and spotlights during night-time operation of the sites. It was for this reason, argued most forcefully by some of the residents in the Environment Court of Enquiry into Aquaculture, that the sites were not collectively deemed to be an Aquaculture Management Area (AMA) on a permanent basis. They were instead directed to be subject to a council resource consent process in an effort to bring pressure to bear on the operators to control noise and light disturbance to the residents nearby.

More than a decade has passed since that wise decision and after a succession of owners we have seen an agreement between the operator and residents that seems to have assuaged the resident's grievances and yet at the same time ensured the continued successful operation of the sites to the benefit of the industry.

It is my current understanding that the present, recent owner of the sites is a very large company operator with many mussel farming sites in Golden Bay and elsewhere. It remains to be seen whether the accord between previous operators and residents will be continued should the spat catching sites become re-designated a permanent AMA with a guaranteed operation.

- ① It is for this reason that I oppose the re-designation of the Wainui Bay spat catching sites as an AMA. They should, because of their close proximity to the shoreline of a peaceful and picturesque bay, remain subject to a periodically renewed resource consent. ②

Alan Vaughan
20 Hiawatha Lane
Takaka
25/3/16

I wish to be heard at any hearing in Golden Bay



Submission on a Change to the Tasman Resource Management Plan

Return your submission by the advertised closing date to:
 Manager, Policy
 Tasman District Council
 Private Bag 4, Richmond 7050 OR
 189 Queen Street, Richmond OR
 Fax 03 543 9524 OR Email steve.markham@tasman.govt.nz

Cover Sheet

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Submitter No. _____

1421

Note:
 This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.

Submitter Name: Jo-Anne Vaughan
 (organisation/individual)

Representative/Contact: Forest and Bird, Golden Bay Branch
 (if different from above)

Postal Address:
20 Hiawatha Lane
 Takaka 7110

Home Phone: 03 5256031

Bus. Phone: same

Fax: _____

Email: javn@extra.co.nz

Date: 23rd April, 2016

Postal address for service of person making submission:
 (if different from above)

Signature: Jo-Anne Vaughan
 NOTE: A signature is not required if you make your submission by electronic means.

Total number of pages submitted (including this page): _____

IMPORTANT – Please state:

This submission relates to Change No.: _____

Change Title/Subject:
Private Plan Change TRMP
 @ Wainui Bay Spat

- I/we wish to be heard in support of my/our submission.
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Please attach this cover sheet to your supplementary sheet(s) outlining your submission request(s).



From:
Forest and Bird Golden Bay Branch,
C/- Jo-Anne Vaughan –Secretary,
20 Hiawatha Lane,
Takaka. 7110
20th April, 2016

To:
Tasman District Council,
Environmental Policy Manager,
Private Bag 4,
Richmond 7050.

**RE- TASMAN RESOURCE MANAGEMENT PLAN – PRIVATE PLAN CHANGE REQUEST 61
WAINUI BAY SPAT CATCHING GROUP: SPAT CATCHING**

The marine farming industry is seeking certainty that spat catching farms in Wainui Bay can continue beyond the current term of consent (2024) by rezoning the eight spat catching sites to a newly created zone – AMI 4 (Wainui). They are seeking to amend the current TRMP policy to provide certainty for themselves.

WE OPPOSE THIS APPLICATION. WE WISH THE CURRENT TRMP POLICY TO CONTINUE THOUGH WE ARE NOT AGAINST SPAT CATCHING IN WAINUI BAY. WE OPPOSE THE CONTROLLED ACTIVITY STATUS SUGGESTED. WE WISH IT TO REMAIN A DISCRETIONARY ACTIVITY. (1) (4) (5) (6) (2)

WE FULLY RECOGNISE WAINUI BAY’S IMPORTANCE TO THE MUSSEL FARMING INDUSTRY AND WE FIND IT ACCEPTABLE FOR THE PERMITTED TIME TO EXTEND BEYOND 2024 IF THERE IS NO ENVIRONMENTAL OR SOCIAL REASON AGAINST IT. (3)

During the 1990s when the PTRMP was being drafted, the marine farming industry and hopeful opportunists created a ‘gold rush’ like frenzy to grab marine farming space in Golden Bay before any rules were in place. This included covering the beaches in frames to raise shellfish and filling the bay with marine farming. The local community was deeply alarmed and went to the Environment Court to gain rules to govern what could be done in our waters and on our beaches. The Environment Court Hearings took place over a period between 1999 and 2000 and the Judge, Judge Kenderdine, released her interim report and findings to the Minister of Conservation and the Tasman District Council. Her findings were adopted into the Tasman Resource Management Plan. Her ruling for Wainui Bay is as follows and comes from the Court’s first Interim Report and Findings on page 150, sub-heading...Golden Bay.

- ‘ Golden Bay has natural character values which are of national importance
- . Golden Bay is an outstanding natural landscape/natural feature which is of national importance and is to be noted as such.

. A sensitive transition to further marine farm development can only be achieved in Golden Bay through distance from shore.

. The Wainui Bay site has a major adverse effect on natural character and visual landscape amenity values but because no-one has sought its deletion in a submission or reference, its right to remain in that location for the duration of the permit continues.

. The Wainui site is not to be located in an AMA but accorded discretionary activity status because of its sensitive location'.

What has changed since the Judge's decision is that Wainui Bay has revealed its extreme importance to the mussel industry as a source of very high quality, reliable spat which is available in very large quantities. This is something that Forest and Bird Golden Bay respects and wants to safeguard, but not at the expense of our own need for certainty.

Forest and Bird and its representative, Eugene Sage, attended all the Environment Court Hearings and was a significant player in seeking environmentally protective rules for the waters and beaches of Golden Bay. We invested large sums of money from voluntary community donations to enable us to participate fully. We were equal partners with the community group 'The Friends of Golden Bay Inc. Society' which was formed to participate in the Environment Court Hearings.

During the Hearings we heard from members of the community in Wainui Bay of how their sleep was disturbed night after night by the low thrumming sound of the mussel boats engines doing their harvesting; by their loud radios, and by the mess left by the industry which washed ashore. Residents in Wainui Bay were very emotional when they testified on the effects the marine farming in Wainui Bay had had on their quality of life.

From our point of view, we had always regarded Wainui Bay as an outstanding natural area, the gateway to Abel Tasman National Park. Historically it is where Abel Tasman landed in New Zealand. A group recently appointed by the Tasman District Council to identify outstanding natural landscape have agreed that Wainui Bay is an outstanding natural landscape feature.

For these reasons outlined we do not want the proposed Private Plan Change Request 61 to be granted. The community worked very hard to get rules in place for marine farming in Golden Bay and we deserve the certainty which we believe we have with the current rules for Wainui Bay.

We emphasise that we do not wish to eliminate spat catching activity in Wainui Bay, we just want the same level of control that we have under the current plan rules. It has worked well. We are comfortable for industry to renew their right to harvest spat beyond 2024 if there are no environmental or community required reasons not to. Industry has emphasised in this Private Plan change application that Wainui Bay spat is vital to them. We acknowledge this but we believe that their farms will for this reason always have commercial value. The spats' availability is where their real certainty lies. Our certainty is needed for maintaining a level of community control over what happens in this very precious area of outstanding natural value. The Wainui marine farmers have developed a protocol of behaviour which has improved what used to happen, and we understand that this has made a difference.

We wish to be heard.

Jo-Anne Vaughan. Secretary for Forest and Bird Golden Bay Branch

Jo-Anne Vaughan.

Submission on a Private Request to Change the Tasman Resource Management Plan

Return your submission by the advertised closing date to:

Manager, Policy
Tasman District Council
Private Bag 4, Richmond, Nelson 7050 OR
189 Queen Street, Richmond, Nelson OR
Fax 543-9524 OR Email steve.markham@tasman.govt.nz

OFFICE USE

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26.4.16

Note:

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Initials: SC

Submitter No. 1531

Submitter Name: De Lambert Family Trust
(organization/individual) (A.L. de Lambert)

Representative/Contact: S. A. Collins
(if different from above)

Postal Address:

4/- 36 Koraha Street
Remuera
Auckland 1050

Home Phone: 09 5204476

Bus. Phone: 09 3595321

Fax: _____

Email: sarah.collins@boffamiskell

Date: 24.04.16 .CO.13

Postal address for service of person making the submission:
(if different from above)

as above

Signature: Sarah Collins

(Signature of person making the submission or person authorised to sign on behalf of person making the submission)

Total number of pages submitted: _____

IMPORTANT – Please state:

This submission relates to Private Plan Change Request of:
(state name of requester)

Wainui Bay Spat Catching
Group.

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

(1) My submission relates to: Provision No or Planning Map No. <small>(Please specify, e.g. 34.2.20(a)(III) or Zone Map 25)</small>	(2) My submission is that: <small>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</small>	(3) I seek the following decisions from the Tasman District Council: <small>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</small>	OFFICE USE Submission No.
<u>Proposed</u>			
<u>Private Plan</u>	<u>Decline the ②</u>	<u>Decline the Plan</u>	
<u>Change 61</u>	<u>Plan change</u>	<u>change in its</u>	
	<u>in its entirety</u>	<u>entirety – but if</u>	
		<u>it's Council's</u>	
		<u>decision to adopt</u>	
		<u>the Plan change</u>	
		<u>please see attached.</u>	

on behalf of the de Lambert Family Trust,
1427 Abel Tasman Drive
c/o Sarah Collins, 36 Koraha Street,
Remuera, Auckland 1050

23 April 2016

RE: Proposed Private Plan Change 61 to the Tasman Resource Management Plan

Submission on behalf of the De Lambert Family Trust.

We are the owners of land at 1427 Abel Tasman Drive, adjacent to the location of the Wainui Bay spat farm. As a family, we have owned the land since 1968 and were submitters in opposition to the original mussel farm applications. We have long experience of observing the operation of the farms and acknowledge this has improved over recent years.

Our preference is for the Proposed Private Plan Change 61 – Wainui Bay Spat Catching Group to be declined in its entirety. The area is an outstanding natural landscape and has outstanding natural coastal character. The spat farm, essentially an industrial activity at sea, is entirely inconsistent with these natural landscape and CMA values.

However, should the Council determine to adopt the Plan Change 61, we would request that the Council ensures the following are incorporated/required as conditions of the controlled activity status:

- i. The Community Liaison Group is maintained;
- ii. The hours of operation are limited (for all maintenance/operations) to after 7am start and 7pm finish;
- iii. No artificial lighting is allowed for extending operation beyond natural light;
- iv. Controls on noise are included, considering also the way in which noise travels over water. This should include noise from music on the boats; and
- v. The operators should be required to undertake beach/coastal clean up to keep the beaches clean of debris from the farms.

We wish to be heard in support of our submission.
Thankyou.

Golden Bay Community Board

C/- Tasman District Council

P.O. Box 74

Takaka 7142

Phone 03 525 0020

Email Carolyn: balmac@extra.co.nz or Laura: laura.page@tasman.govt.nz

26 April 2016



3592

E855



Tasman Resource Management Plan

Proposed Private Plan Change Request 61

Wainui Bay Spat Catching Group: Spat Catching.

Purpose: to provide the marine farming industry with certainty that spat catching farms in Wainui Bay can continue beyond the current term of consent (2024) by rezoning the eight spat catching sites to a newly created zone – AMI 4 (Wainui). The amended policy seeks to recognise the areas' importance for spat catching.

The Golden Bay Community Board agrees that the Wainui Bay Spat catching farms are important not only for Golden Bay, but nationally for the quality and quantity of Spat that is harvested from this area. We agree that it is essential for these farms to continue to be consented to operate. ①

The Golden Bay Community Board has been involved in organising an annual meeting between the Wainui Bay marine farmers and the residents of Wainui Bay. These meetings have been essential to ensure that residents have been able to voice their concerns regarding on shore effects of the off shore spat catching activities.

Issues such as noise from the boats with their radios on very loud, especially early in the morning, and shouting on board, and between boats, has now been minimised. However, when new crews and different boats begin work, the problem reemerges so it is important that all boats and their crew members are briefed on the need to be respectful of the residents of Wainui Bay, given that they are working so close to the shore and voices and noise echoes and carries in this environment.

Debris and rubbish that have come from the boats and the mussel farms has also been quite an issue, as this causes unsightly mess in this pristine environment.

The consent holders have been very willing and helpful to try and mitigate any residents concerns; this has been appreciated. It is however, important that this vigilance is maintained and crews do not become complacent.

The Golden Bay Community Board agrees that whatever the result of this Hearing, that annual meetings between residents and the Wainui Marine Farmers be a condition of the continued use of Wainui Bay for the purpose of Spat Catching. ② ③

A small group of representative community members assisted by Tasman District Council staff have been involved for the last 3 years with mapping the areas of Golden Bay that is considered to be Outstanding Natural Landscapes and Outstanding Natural Features. This work is almost complete and the draft plan has assessed the coastal marine area of Wainui Bay where the spat

farms are situated, as an Outstanding Natural Landscape and the land areas of Wainui Bay as an Outstanding Natural Feature.

This recent work on Outstanding Natural Landscapes has reaffirmed the findings of Judge Kenderdine, whose draft report to the Minister of Conservation and the Tasman District Council in 1999 and 2000 found that:

Golden Bay has natural character values which are of national importance

Golden Bay is an outstanding natural landscape/natural feature which is of national importance and is to be noted as such.

There is fear in the community that the consequences of policies and rules associated with ONL's and ONF's, now or in the future, may interfere with the management and ongoing permit ability of land and marine based farming activities. It is for this reason, that some security is being sought with this plan change.

The Golden Bay Community Board is unable to agree whether the Wainui Bay Spat Catching Site should be granted the controlled AMA status, that is being sought in this private plan change, or whether it should continue as a Discretionary Activity.

We do want to be heard.

Carolyn McLellan

on behalf of the Golden Bay Community Board

Leigh Gamby

Dave Gowland

Alan Blackie



Submission on a Private Request to Change the Tasman Resource Management Plan

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Submitter Name: Anna Wright for Anatimo Trust (land owner)
(organization/individual)

Representative/Contact: _____
(if different from above)

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Havelock North, 4103

Home Phone: 06 8777119

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Fax: _____

Email: anna.wright@xtra.co.nz

Postal address for service of person making the submission:
(if different from above)

Date: 25th April 2016

Signature: AM Wright
(Signature of person making the submission or person authorised to sign on behalf of person making the submission)

Total number of pages submitted: 8 2

IMPORTANT – Please state:

This submission relates to Private Plan Change Request of:
(state name of requester)

Private Plan Change Request #61
The Wainui Spat Catching Group

I/we wish to be heard in support of my/our submission.

I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

OFFICE USE
Date received stamp:
26.4.16
Initials: [Signature]
Submitter No. 4125

(1) My submission relates to: Provision No or Planning Map No. (Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)	(2) My submission is that: (State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)	(3) I seek the following decisions from the Tasman District Council: (Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)	OFFICE USE Submission No.
Section 21(1), Part 2 of the First Schedule Act 1991 - Proposed Plan Change to Create AMA 4 Wainui from the following sites - RM060291,	We see no need for a plan change to make the Wainui Bay Sites into AMA 4 Wainui. This would allow spat catching on these sites to become a controlled activity and would remove the rights of anyone else with an	We oppose the proposed plan change and would like the Status Quo to remain. We would like Spat Catching in Wainui Bay to remain a	① ②

(1) My submission relates to: Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i>	(2) My submission is that: <i>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</i>	(3) I seek the following decisions from the Tasman District Council: <i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</i>	OFFICE USE Submission No.
RM060292, RM060293	interest in this area to have any voice	Discretionary Activity under 25.1.4.4 of	
RM120876, RM120877	or say over further operations and use of	the Tasman Resource Management	
RM071049 and RM071050	this resource. The farms have been	Plan requiring a resource consent and	
	operating under the current situation	compliance with any conditions set by	
	for some time. Certainty of supply	council.	
	exists at present and the opportunity to		
	find alternative sites for spat catching		
	is ongoing. Large areas have been		
	identified as AMAs for this purpose.		
	The sites in Wainui Bay are very close		
	to land and visually obvious and not at		
	all discrete from various vantage		
	points around the Bay. The hill land		
	directly above the sites, the flat land at		
	the base of the Wainui Hill and Takapou		
	Point are all owned by Anatimo Trust.		
	We have lived on and looked after this		
	land for almost 100 years. The houses		
	we have are situated at Takapou Point		
	from where the mussel farm sites are		
	clearly visible. When they are being		
	worked on the noise from boats and		
	machinery is audible and intrusive to the		
	usual silence and peacefulness of the		
	bay. Work is often done at night or early		
	morning and more so in calm conditions		
	which makes the noise more obtrusive.		
	We recognise the importance of the spat		
	growing facility that Wainui Bay currently		
	provides but as in many industries some		
	times change is necessary. As stated		
	some work has been done to identify		
	other sources for spat catching which		
	suggests an awareness that this might		
	be necessary at some point in the future.		
	We would like to think that the applicants		
	will continue to look for alternative sites		
	and that we may retain the right to have		
	an opportunity to review whether the spat		
	catching sites need to remain in 2024.		

Feel free to contact us:



Tasman District Council
 Email info@tasman.govt.nz
 Website www.tasman.govt.nz
 24 hour assistance

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