

## 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](mailto:steve.markham@tasman.govt.nz)

**OFFICE USE**

Date received stamp:

**E-MAILED**

4126  
RECEIVED  
12 APR 2016  
TASMAN DISTRICT COUNCIL  
TAKAKA SERVICE CENTRE

**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: Jillian Foxwell  
(organization/individual)

Representative/Contact: Jill Foxwell  
(if different from above)

Postal Address: 1578 ABEL TASMAN  
DRIVE.  
WAINUI BAY  
TAKAKA.

Home Phone: 5258280

Bus. Phone: 5257111

Fax: \_\_\_\_\_

Email: foxwellfamily@xtra.co.nz

Date: 18-3-16

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

Signature: [Signature]  
(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 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. (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.
Provision N 61 WAINUI BAY	OPPOSE	To leave the wainui site as	①
	PTO	it is a discretionary activity and therefore needing	②
		consent renewal periodically to do with resource consent.	③

36

(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.
Wainui Bay Spot Catching group change 61	<p>OPPOSE Because*</p> <p>*there is a requirement by us that the wainui spot catching group remains accountable for their activity due to the on going noise issues, Light pollution issues, Rubbish issues that continually are a problem</p> <p>*the fact that Mussel farming is an unwelcome practice and that it is too close to the coastline</p> <p>-the visual eyesore of the mussel farms collectively are not wanted</p> <p>*The council needs to manage this site carefully due to its extreme close proximity to the coast and its adverse effects it has on rate paying properties that are badly affected.</p> <p>*Wainui Bay has been highlighted as a place of significance and therefore needs protecting at all cost.</p> <p>*Spot catching in wainui means working unsocialable hours early mornings, weekends, late nights it is by no means an ordinary operation therefore needs keeping an eye on.</p>	<p>The wainui site is a special case as it is <u>very</u> close to shore and an unwelcome industrial activity that requires careful management by TDC to support <u>rate paying</u> individual who live near by.</p> <p>there fore retaining the current management is by fare a better outcome for those affected.</p>	

Feel free to contact us:



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

Richmond  
 189 Queen Street  
 Private Bag 4  
 Richmond, Nelson  
 7050, New Zealand  
 Phone 03 543 8400  
 Fax 03 543 9524

Murchison  
 92 Fairfax Street  
 Murchison 7007  
 New Zealand  
 Phone 03 523 1013  
 Fax 03 523 1012

Motueka  
 7 Hickmott Place  
 PO Box 123  
 Motueka 7143  
 New Zealand  
 Phone 03 528 2022  
 Fax 03 528 9751

Takaka  
 78 Commercial Street  
 PO Box 74  
 Takaka 7142  
 New Zealand  
 Phone 03 525 0020  
 Fax 03 525 9972

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D



Department of  
Conservation  
*Te Papa Atawhai*

DOCDM-2764297

26 April 2016

Manager Policy  
Tasman District Council  
Private Bag 4  
RICHMOND 7050

Attention: Steve Markham

Dear Steve,

**Tasman Resource Management Plan Private Plan Change by The Wainui Bay Spat Catching Group**

Please find enclosed the submission by the Minister of Conservation in respect of the Private Plan Change by The Wainui Bay Spat Catching Group.

Please contact Ken Murray in the first instance if you wish to discuss any of the matters raised in this submission ([03 371 3759 and email kmurray@doc.govt.nz]).

Yours sincerely

A handwritten signature in black ink that reads "Ken Murray".

Ken Murray

Resource Management Planner - *Kai Whakamaherehere Penapena Rawa*

**RESOURCE MANAGEMENT ACT 1991****SUBMISSION ON THE TASMAN RESOURCE MANAGEMENT PRIVATE PLAN CHANGE 61**

**TO:** Tasman District Council

**SUBMISSION ON:** Tasman Resource Management Plan Private Plan Change Request 61 Wainui Bay Spat Catching

**NAME:** Honourable Maggie Barry ONZM  
Minister of Conservation

**ADDRESS:** RMA Shared Services  
Department of Conservation  
Private Bag 4715  
Christchurch Mail Centre 8140  
Attn: Ken Murray

**STATEMENT OF SUBMISSION BY THE MINISTER OF CONSERVATION**

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991 (RMA), I, Phil Bradfield, Acting Director Operations, Northern South Island, acting upon delegation from the Minister of Conservation, make the following submission in respect of the Private Plan Change Request 61 Wainui Bay Spat Catching to the Tasman Resource Management Plan.

1. This is a submission on the the Private Plan Change Request 61 Wainui Bay Spat Catching.
2. The specific provisions that my submission relates to in Private Plan Change Request 61 Wainui Bay Spat Catching are set out in Attachment 1 to this submission. The decisions sought in this submission are required to ensure that the Private Plan Change Request 61 Wainui Bay Spat Catching is certain.
4. I seek the following decision from the Council:
  - 4.1 That the amendments, to Private Plan Change Request 61 Wainui Bay Spat Catching in Attachment 1 are made.
  - 4.3 Further or alternative relief to like effect to that sought in 4.1 – 4.2 above.

(1)

5. I do not wish to be heard in support of my submission and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



**Phil Bradfield**  
**Acting Director Operations Northern South Island**

**Pursuant to delegated authority**  
**On behalf of**  
**Honourable Maggie Barry ONZM**  
**Minister of Conservation**

**Date: 26 April 2016**

**Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.**

**ATTACHMENT 1:**

**proposed WEST COAST REGIONAL COASTAL PLAN 2016  
SUBMISSION BY THE MINISTER OF CONSERVATION**

The specific provisions that my submission relates to are set out in Attachment 1. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from Private Plan Change Request 61 Wainui Bay Spat Catching (PC61) is shown in *italics*. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~strikethrough~~.

Unless specified in each submission point my reasons for supporting are that the policies are consistent with the purposes and principles of the Resource Management Act 1991 (RMA).

PC REF	PLAN PROVISION	COMMENT	RELIEF SOUGHT
<b>25 COASTAL MARINE AREA RULES</b>			
Page 6	25.1.3.1 Controlled activity	The controlled activity rule could allow scallop spat catching in AMA 4 Wainui Bay which is not intended by the Plan Change (refer amendments to section 22.1.30 proposed as part of the Plan Change).	Amend as follows: <b>25.1.3.1 Controlled Activities (Spat Catching)</b> <i>The occupation and disturbance of any site in the coastal marine area by structures, and the use of those structures, for;</i> <ul style="list-style-type: none"> <li>• scallop spat catching or mussel spat catching in subzone (a) AMA 1 Waikato, subzones (a) – (k) AMA 2 Puramakau, and subzones (a) – (h) of AMA 3 Te Kumara and;</li> <li>• Mussel spat catching in AMA 4 Wainui;</li> </ul> <i>is a controlled activity, if it complies with the following conditions:</i>
Page 7	25.1.3.1(ga)	The standard conditions for the controlled activity for mussel spat holding (Rule 25.1.3.1A) should also apply for spat catching in Wainui Bay (Rule 25.1.3.1).	Include after(7) <i>Timing and purpose of reviews of any or all conditions:</i> the following: In Wainui Bay: <u>In addition, the following standard conditions (to the extent that they are applicable) will be applied to any consent granted under this rule:</u> <u>(i) Where any structure or part of a structure sinks, breaks, free or otherwise causes a navigation hazard, steps are taken as soon as practicable to recover, secure, and make safe the structure. The consent holder, or site manager, whoever is first aware of the matter, is to notify the Council Harbourmaster of any such incident as soon as practicable on becoming aware of it.</u>

(2)

(3)

4127

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PC REF	PLAN PROVISION	COMMENT	RELIEF SOUGHT
			<p>(ii) The consent holder removes from the site any structure or material that is superfluous to the activity, including any discarded equipment.</p> <p>(iii) The consent holder notifies Maritime New Zealand immediately prior to the placement of structures; and within 24 hours of the placement of structures notifies Land Information New Zealand, and the Council Harbourmaster.</p> <p>(iv) The whole or any part of the interest in the coastal permit for the activity may be transferred to any other party. The transferor remains responsible for compliance with the terms and conditions of the permit until written notice of the transfer is given to the Council.</p>
Page 8	25.1.3.1 Matters which Council has reserved control: (4)	Management of biosecurity risk must include the prevention of the arrival to the farms of unwanted organisms and their movement to other farms.	<p>Amend as follows:</p> <p>(4) <u>Management of biosecurity risk organisms such as <i>Undaria</i> and the prevention of arrival and the movement of unwanted organisms.</u></p>
Page 9	25.1.3.2 Matters which Council has reserved control: (4)	Management of biosecurity risk must include the prevention of the arrival to the farms of unwanted organisms and their movement to other farms.	<p>Amend as follows:</p> <p>(4) <u>Management of biosecurity risk organisms such as <i>Undaria</i> and the prevention of arrival and the movement of unwanted organisms.</u></p>
Page 10	22.1.3.3 Rule 25.1.3.3	As drafted the prohibited rule would not encompass activities which do not comply with Rule 25.1.3.2 The rule also refers to scallop spat harvesting in Wainui Bay.	<p>Amend as follows:</p> <p><b>25.1.3.3 Prohibited Activities (Spat Catching)</b></p> <p>(a) Scallop and mussel spat catching in subzones (a) – (k) of AMA 2 Puramakau, and subzones (a) – (h) of AMA 3 Te Kumara and mussel spat catching and holding in AMA 4 Wainui that does not comply with conditions (a) – (h)(i) of rule 25.1.3.1, rule 25.1.3.1A (a) – (e), or with rule 25.1.3.2 (a) or (b) is a prohibited activity for which no resource consent application will be received or granted. For the avoidance of doubt, this does not preclude an applicant from applying for consent to catch spat across all spat-catching subzones in an AMA in successive years, subject to compliance with rule 25.1.3.1(b) and (f) in any spat-catching season.</p> <p>(b) The catching of spat of species other than scallops or mussels in subzones (a) – (k) of AMA 2 Puramakau, and subzones (a) – (h) of AMA 3 Te Kumara and other than mussel spat in AMA 4 Wainui is a prohibited activity for which no resource consent application will be received or granted.</p> <p>(c) Aquaculture other than the catching of scallop or mussel spat in subzones (a) – (k) of AMA 2 Puramakau, and subzones (a) – (h) of AMA 3 Te Kumara</p>



PC REF	PLAN PROVISION	COMMENT	RELIEF SOUGHT
			and catching of mussel spat and holding mussel spat in AMA 4 Wainui is a prohibited activity for which no resource consent application will be received or granted.







26 April 2016

Manager, Policy  
Tasman District Council  
Private Bag 4  
Richmond  
NELSON 7050

4128

## Submission on Private Plan Change Request 61: Wainui Bay Spat Catching

The Ministry for Primary Industries (**the Ministry**) makes this submission on the proposal by the Wainui Bay Spat Catching group for a plan change to the Tasman Resource Management Plan (**Plan Change 61**).

The Ministry is focussed on 'growing and protecting New Zealand', and Plan Change 61 encompass both aspects of the Ministry's purpose.

The Ministry generally supports Plan Change 61, with some amendments relating to biosecurity management – see "Biosecurity" section below. The Ministry's submission focuses on:

- the importance of the Wainui Bay spat catching site for aquaculture; and
- biosecurity.

### The importance of the Wainui Bay spat catching site for aquaculture

Aquaculture is the fastest growing component of New Zealand's seafood sector with sales totalling over \$450 million per annum. The aquaculture industry aims to continue this growth and has set itself a goal of \$1 billion of sales per annum by 2025. This is supported by the Government's 2012 Aquaculture Strategy and Five-year Action Plan.

Mussel farming comprises a significant proportion of the aquaculture industry and is dependent on a reliable source of mussel spat. The Wainui Bay spat catching farms are of national importance to the mussel industry as one of two key sources of mussel spat (the other being Ninety Mile Beach). Wainui Bay spat provides roughly 20% of the spat grown nationally (and around 50% in the Tasman and Marlborough regions). It is also harvested at a different time of the year to Ninety Mile Beach ensuring a year-long supply of mussels.

Plan Change 61 seeks to provide greater certainty to both the Wainui Bay Spat Catching group and the wider mussel farming industry that the spat catching farms in Wainui Bay can continue beyond the current term of consent (due to expire in 2024). This is consistent with Policy 8 of the New Zealand Coastal Policy Statement (NZCPS) which requires the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities to be recognised. The Ministry supports the intent of this plan change as certainty over this nationally significant spat supply is crucial to the sustainable growth ambitions of the sector.

Ministry for Primary Industries  
Manatū Ahu Matua



### Biosecurity

The Ministry has an important regulatory and administering function with respect to the New Zealand biosecurity system, a fundamental component of the Ministry's focus on 'protecting' the current and future value (and growth potential) of New Zealand's primary sectors.

Given the importance of the Wainui Bay spat to the mussel farming industry and the nature of its operation, it is critical that best practice biosecurity management measures are put in place through Plan Change 61 to manage the adverse effects of harmful aquatic organisms and diseases on this location as a significant spat source but also the potential spread from this location to recipient mussel farming areas.

The Ministry asks that the Tasman District Council ensure spat catching and holding operations managed under Plan Change 61 contain specific requirements for best practice biosecurity management. (2)

The Ministry is developing best practice guidance at the moment and is happy to work with the council on suitable conditions.

### The Plan Change Process

The Ministry welcomes this opportunity to submit on the application. We wish to be heard in support of our submission. If others make a similar submission we will consider presenting a joint case with them at a hearing.

Please direct all correspondence on this process in the first instance to Andrea Kapoutsos, Plan Coordinator ([rma@mpi.govt.nz](mailto:rma@mpi.govt.nz) or 04 894 0316).

Yours sincerely

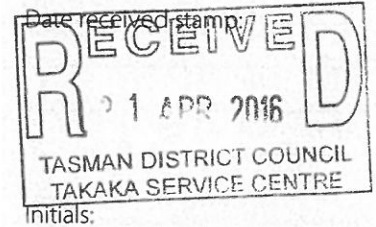
pp. Ben Dalton  
Deputy Director General, Sector Partnerships and Programmes

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**OFFICE USE**



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Submitter Name: Denis Reed  
(organization/individual)

Submitter No. 4129

Representative/Contact:  
(if different from above)

Postal Address:  
1836 Abel Tasman Drive  
Wainui Bay Rd  
TAKAKA 7183

Home Phone: 035259652

Bus. Phone: -

Fax: -

Email: -

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

Date: 21/04/16

Signature: D Reed  
(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 Spot 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.

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<u>No 181</u>	<u>to oppose the submission to retain and wish to retain the status quo</u>	<u>I wish to retain the status quo so if we have any concerns</u>	<u>① ②</u>



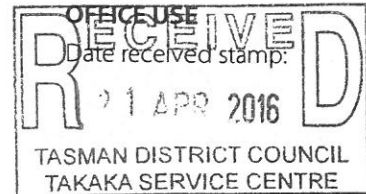




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Initials:

Submitter No. 4130

Submitter Name: Tui Community  
(organization/individual)

Representative/Contact: Natasha Gall  
(if different from above)

Postal Address: 264 McShane Rd  
R01 Takaka  
7183

Home Phone: 5259650

Bus. Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: ahurewanatasha@gmail.com

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

Date: \_\_\_\_\_

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

Total number of pages submitted: 1

**IMPORTANT – Please state:**

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

- 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.

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<u>Wainui Spat catching group change 61 newly created AMA 4 (Wainui Zone)</u>	<u>Tui Community is supportive of the changes</u>	<u>It is important to us that the provisions for noise restrictions and controlled hours</u>	







# Submission on a Change to the Tasman Resource Management Plan

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Private Bag 4, Richmond 7050 OR  
189 Queen Street, Richmond OR  
Fax 03 543 9524 OR Email [steve.markham@tasman.govt.nz](mailto:steve.markham@tasman.govt.nz)

**Cover Sheet**

**OFFICE USE**

Date received stamp:

R 26.4.16

Initials:

B

Submitter No.

4131

**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: **William John Wallace**  
*(organisation/individual)*

Representative/Contact: **Bill Wallace**  
*(if different from above)*

Postal Address:  
**815 Collingwood Puhonga Main Road  
Collingwood 7073**

Home Phone:  
Bus. Phone: **027 23 11 066**

Fax:  
Email: **bill.wol@farmside.co.nz**

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

Date: **22-Apr-2016**

Signature:

*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:

**Plan change 61  
Wainui Bay Spat 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.

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

## Supplementary Sheet

OFFICE USE Submitter Number: **4131**

(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.
Plan change 61 Wainui Bay Spat Group	I am a shareholder in Golden Bay Marine Farmers Consortium Ltd and fully support the plan change application, for the same reasons stated by the applicant, namely certainty of supply from this consistently reliable and high quality spat settlement site.  When all the new space for mussel farming is resolved in the High Court in May 2016, and MPI's Final Aquaculture Decision is implemented, every available source of spat catching and holding will be vital and required to allow the industry to reach the potential envisaged by the Environment Court when the other 3 AMA's were created, some 18 years ago.	I seek that the TDC rename Wainui Bay as AMA 4 Wainui, with mussel spat catching and holding becoming controlled activities.	①  ②

53

2/2

3777 HotHouse Communications

Feel free to contact us:



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

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Motueka  
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Fax 03 525 9972



