

FRIENDS OF NELSON HAVEN & TASMAN BAY (INC)

P.O. Box 715, Nelson www.nelsonhaven.org.nz info@nelsonhaven.org.nz

ANNUAL GENERAL MEETING

Wednesday, 15 June 2005, 8 pm, Hearing Rooms, 354 Trafalgar Square.

The meeting will include receiving the Chair's and Treasurer's reports, and election of officers and committee members.

The meeting will be followed by refreshments and social, where committee and other members can meet.

VOLUNTEERS NEEDED

1. To help promote the Society and raise awareness on environmental issues at a stall at **Ecofest** the weekend of August 20-21 at Trafalgar Centre,
2. To help with the organisation of the **archival files**. Much of this work can be done at home.
3. To **join our committee**, or volunteer to help on a project of your own coastal concern, subject to approval by the committee.

If you can help with any of the above please email us, or phone Gwen 548-3323, or Tom 548-8467, or Pam 545-9294.

CHAIR'S REPORT July 2004 - May 2005

Contents

1. Nelson (NCC – Nelson City Council)
2. Tasman (TDC – Tasman District Council)
3. Marlborough (MDC – Marlborough District Council)
4. Other matters with which Friends is involved –files, history, newsletters, Suter, submissions, etc.
5. Thanks and Acknowledgements

1. Nelson

- 1.1. **Nelson North sewage treatment plant at Wakapuaka**, established in the 1970s and 80s, and with a long history of problems, came up for renewal. Friends, with many others, made a submission at a hearing. We have been part of a Wetlands Working Party initiated by Iwi which, with Nelson City Council engineers, NIWA consultant Dr. Chris Tanner, environment, resident groups and others were planning sewage wetlands.

These constructed wetlands would be the final treatment stage, act as an early warning system for effluent toxins which would otherwise go directly into Tasman Bay, and, importantly, be a wildlife reserve. Their construction parallels one of Friends own objectives listed in our 1970s Rules: *"To restrict further pollution of the Bay... where possible with recycling of effluent on land."* This is similar to conclusions found in the Cultural Impact Assessment produced by local Iwi for the sewage treatment project.

NCC has now dropped Dr. Tanner and given the contract to the engineers firm so the Wetlands Working Party is now in limbo. This surprise result makes a mockery of the lengthy and expensive mediation and hearing process since the outcome is the original engineer's report, with an add-on wetlands, for which there was neither demonstrated expertise nor desire to make it work. Watch this space.

1.2. **Port Nelson Ltd.**, jointly owned by Nelson and Tasman Councils, has an Environment Consultative Committee, on which Friends has always had a representative. Below are some of the recent issues involving the Committee and/or Friends.

1.2.1. **Calwell slipway** - bund negotiated so that contaminants will be trapped and disposed of in a non-marine area. This is a particular issue for heavy metal contaminants and marine biosecurity risk.

1.2.2. **Sealord's outfall pipe**, with 170 breaches of its conditions in 10 years, is in the process of renewing resource consent. The application is due for notification in the next few months and has involved extensive reassessment of environmental effects and establishment of appropriate monitoring conditions by Cawthron.

Unfortunately, chlorine will continue to be used to treat the wastewater being discharged from the Boulder Bank outfall pipe, as alternatives have not controlled faecal coliforms (apparently largely present from seagull faeces being washed into the waste water system).

1.2.3. **Tributyl tin**, an anti-fouling compound with major detrimental environmental effects, has been replaced, but the new substance is not currently being monitored on the dredging dump ground site. This needs to be reassessed by Port Nelson.

1.2.4. **Methyl bromide** use has finally received a high profile. Friends and others have pressed for a government funded nation-wide investigation since the problem is more widespread than local resources can handle. It appears that OSH may now be moving in that direction.

Methyl bromide is both a public health and environmental issue (more ozone depleting than chlorofluorocarbons), where the present regulations controlling its use were written in 1967. It is due to come under the HSNO Act later this year but Nelson's current lack of an Air Quality Plan is a major obstacle to controlling a high risk fumigation operation undertaken within close proximity to residential and recreational locations.

Unfortunately, the timber industry and fumigators have submitted to the Draft Air Quality Plan requesting that methyl bromide fumigation be a permitted activity. The substance is ozone depleting, odourless, colourless, heavier than air (i.e. doesn't go upward and "away"), has many health issues including serious neurological damage and increased risk of testicular cancer in men.

Methyl bromide is also used as a fumigant at Shakespeare Bay near Picton and the health risks are yet to be assessed at this locality, although there is no reason to think they will be any less than in Nelson.

1.2.5. The controversial **Main Wharf South extension** has been shelved for the moment after a reassessment of future cargo volumes from the Port. However, Port Nelson Ltd has signaled that it is still their intention to infill more of the Haven in front of Wakefield Quay.

2. Tasman

As a result of an appeal undertaken by Friends, TDC gave a commitment to the Environment Court to notify a variation to its Resource Management Plan to identify coastal Landscapes of Outstanding Value in the district (removed by TDC from Draft Plan).

Unfortunately, this matter has been extremely slow to progress with little good faith being shown until recently by TDC. As coastal development continues apace, Friends are the only entity with legal right to pressure the Council. The Wellington consultant, Frank Boffa, has recently completed a Landscape Character Assessment and his report should be released for public comment soon.

Hopefully, after public consultation, the variation will be notified as a priority. This is an extremely important matter for Friends' members to participate in and we hope to see many members at public meetings and lodging submissions.

2.1. **Marine farming**

After many years hard work the Tasman Aquaculture Inquiry (TAI) is now completed and the Plan Provisions are with the Minister of Conservation for signing off.

Marine farm applications are often for 35 years, whereas Friends supports the current practice of 5 years in order to assess environmental effects before granting a long term permit for use of public domain. Marine Farm consent renewals have begun but they will be assessed against the new Plan Provisions. This is a major step forward in terms of environmental monitoring requirements and TDC's ability to review consent conditions.

- 2.2. **Mussel spat catching** - permit applications for two large areas in Tasman Bay (478 and 1766 ha) have been granted, but structures must be removed during the off-season. If structures remain then essentially these become illegal mussel farms.
- 2.3. **Motueka Auto Parts** has an unsightly infilling of the Moutere Inlet. Friends supported the idea that it be moved to an inland industrial site. TDC has allowed it to stay, with conditions, and granted a right to put up three new building on site.

3. **Marlborough Marine Farms**

Friends are only involved with **large mid-bay farm applications** and ones which will set major precedents for private use of public domain. The cases we have appealed or been a party to in the Environment Court resulted in decisions in our favour despite the applicant claiming that their investing millions in the application process and research was a reason for granting their application. Clearly, this method of decision making by Court decision is very expensive compared with having a clearly zoned Plan. The decisions in our favour have had many flow-on effects and set important precedents.

As a scientist, I am very concerned about the role of "science" in these procedures, since the government and consultant scientists are hired to establish the applicants' case and are less likely to be re-hired if the "science" is not favourable. Scientists are trained to be objective, but this is very difficult if your livelihood and the welfare of your family depends on satisfying the source of your pay cheque. This privatisation of science is a problem worldwide and results in data being privately owned and not openly available for all to use.

We continue to be involved in the following cases, most of which were also listed in last years Chair's report.

- 3.1. Negotiation with **Wakatu Inc.** over the applications for two large farms in eastern Tasman Bay, of 770 ha and 825 ha, have been signed off. The appeal for the 825 ha application has been withdrawn by Wakatu as part of the negotiated agreement with Friends to be able to test two 200 metre lines on the 770 ha site ahead of the appeal by Friends. An extensive amount of research, including seabird and mammal surveys and plankton studies is to be completed before the Appeal is to be heard and any further lines go in the water. Nelson commercial fishers are opposing the farm at the Ministry of Fisheries permit level and may also join with Friends in the final appeal.
- 3.2. A **Crail Bay** application by MacLab was declined, appealed, and finally withdrawn due to ongoing NIWA research evidence. Friends and the Marlborough Environment Centre's (MEC) holding action gave time for the reasonable decision to be made, although by then MEC and the local community had a considerable case prepared.
- 3.3. **Tawhitinui Reach** farm was refused by MDC, appealed by applicant MacLab, with the Council decision supported by Sanfords, Sealords and Friends. Sanfords and Sealords withdrew only one working day ahead of the hearing, leaving only Friends in support of MDC's decision at the Environment Court. The Court supported the original MDC decision

mainly on navigational issues for this East/West stretch of water. This decision has important flow-on effects for other areas.

- 3.4. **Forsyth Bay, MacLab** farm application was reduced to 15 ha. and has now been withdrawn as an outcome of the Tawhitinui Reach and Admiralty Bay decisions.
- 3.5. The **Oldham application in Forsyth Bay** was granted by MDC and is being appealed by Friends. Negotiations for a resolution between Oldhams, Friends and MDC are progressing.

3.6 Admiralty Bay, both East and West large mid-bay farms were declined by MDC, appealed by applicant Kuku Mara with Friends and DOC supporting the MDC decision to the Environment Court. Although our funds were very limited, the case was a strong and important one, and the combined effort of Friends, DOC and MDC concluded with a very clear decision by Judge Craig Thompson declining the applications. The decision is a very strong precedent for natural character and navigation protection of the open waters of the bays of the sounds.

Other Friends appeals exist for 3 applications by MacLab, two of which may be withdrawn. Friends are party to a MacLab cross appeal against considerable Admiralty Bay Consortium farm extensions in the coastal ribbon. The implications of Judge Thompson's decision and Friends approach to these appeals in important dusky dolphin habitat is yet to be decided.

- 3.7 **Port Ligar** - Friends was preparing to support MDC in the Environment Court over their decision to refuse a Kuku Mara application for a mussel farm at the bay entrance. Very recently we have heard that Kuku Mara have decided to withdraw their appeal. This is good news, one less battle demanding our time and funds, and a relief to the users and residents of the area.
- 3.8 **Bonne Point, D'Urville Island** mussel farm application by Elkington & Te Kawau a Toru is to be heard and Friends are dealing with navigation, moorings, natural character, landscape and Treaty issues. MDC declined the application and this decision is being appealed. Friends will be in support of MDC along with DOC. This decision will also have precedent setting aspects.
- 3.9 **East Bay, Arapawa Island** application for a large midbay mussel farm by Totaranui Ltd has local people involved with Friends a party. On the basis of the Kuku Mara decisions (3.6 above), Friends expect that the applications will be withdrawn.
- 3.10 **Clifford Bay** Marine farm appeal was heard by Judge Jackson and commissioners, and 450 ha was granted under an adaptive management regime. The decision was disappointing as the level of science provided by the applicant was much less than for even a modest application within the Sounds. DOC, MDC, MEC and Friends were involved with the applicants in mediation on the conditions of consent which were signed off May 5th by the judge. Friends will be party to monitoring reports throughout the life of the farm

4. Other matters with which Friends is involved.

- 4.1. **Historic files.** Our 32 year history is contained in an estimated 55 linear metres of files, which are in process of being organised and inventoried. Already about 35 linear metres are in our inventory with nearly 7 metres now at the Provincial Museum and about 20 m needing attention. Most of the files deal with case histories. A major hazard of file inspection is it can make interesting reading, which slows the process, but hey that's okay, since the work is voluntary. One of the rewards is that the work should be enjoyable.

The Provincial Museum freezes the file boxes for a week to kill paper-eating "bugs", lets the files get back to room temperature, and then the contents eventually are available for research purposes by the public and, of course, our members. At present Museum staff have little time for archival aspect of museum work due to the opening preparations of the Trafalgar Street site. So we are very fortunate to have begun the process of transfer.

- 4.2. **Friends' history** is being researched and written by ecologist/writer Michael North thanks to a Lottery Heritage & Environment grant. We hope to have this in booklet form within the coming year.
 - 4.3. **Contact and Communication.** Two newsletters were written and sent in the past year to keep our membership informed and ask for feedback. Our website has also resulted in much favourable comment.
 - 4.4. **Community participation.** The Suter Art Gallery displayed a painting chosen by, and with comment from, Friends as part of the Gallery programme connecting with Nelson Province community groups.
 - 4.5. **In attendance** - Two committee members attended a Resource Management Act/Ministry for the Environment workshop in Wellington in August 2004, and two other members attended a TDC/Cawthron coastal workshop in March 2005.
 - 4.6. **Misc. submissions.** Friends made a submission on the fast ferry issue in Marlborough.
 - 4.7. **Ongoing petitions** - Friends are still involved with references (appeals to plans) on Marlborough's two Resource Management Plans.
 - 4.8. **Community representation.** Friends has representatives on the Nelson Airport committee, Fisheries Liaison Committee of Mfish, Monaco Residents Association and the Marlborough Sounds Fisheries Management Group.
- 5. Thanks and Acknowledgement to:**
- 5.1. First and foremost, the **committee** who have done so much work and make Friends possible.
 - 5.2. **The Ministry for the Environment** for its grants which directly help fund our legal counsel, expert witnesses and expenses of Environment Court cases.
 - 5.3. **Lottery Environment & Heritage** for a grant to research and write our history.
 - 5.4. **Our legal counsels** Warwick Heal, Julian Ironside and Kate Mitchell; our expert witnesses Di Lucas (landscape) and Dennis Nugent (planner) who work at reduced rates for us as a not-for-profit, voluntary organisation; and expert witnesses Ashley Wagg (navigation), Neville Wills (yachting), Danny Boulton and Rob Schuckard (natural character) who work on a voluntary basis.
 - 5.5. Essential and crucial **financial help** from the Community Trust, Waikawa Boat Club, Nimbus Software, Maruia Nature Catalogue (www.nznature.co.nz, 49 Collingwood Street, Nelson shop which is well worth a visit), UBix Nelson/Marlborough assists us greatly with photocopying access, and members' fees and donations.
 - 5.6. **Supportive membership.** We are registered as a charitable group; hence donations are tax deductible to a total of \$1890. Your continued support is absolutely essential.
 - 5.7. Two **coastal projects** which Friends applaud are the formation of the 10 acre Hoddy Estuary Park near Appleby officially opened in April 2005 and the designation of Tasman Bay's first marine reserve, alongside the Cable Bay taiapure, officially celebrated in April 2005. Both projects took the best part of a decade to succeed. Hopefully, they are the beginning of further reserve projects such as a Waimea Estuary coastal walkway and recognition of marine protected areas' role in maintaining ocean productivity and biodiversity.
 - 5.8. A word of congratulations to members **Rob and Anneke Schuckard** who won both the Forestry and Supreme Awards in the biannual Marlborough Rural Environment Awards for their very environmentally sensitive management of their property, Taipare, French Pass Road.

If you wish to contact Friends on any relevant matters, we can be reached by mail (P.O. Box 715, Nelson), email (info@nelsonhaven.org.nz), or phone Tom Kennedy (548-8467) or Pam Lambert (545-9294).

Respectfully submitted,
Dr. Gwen Struik, chair.