

PRIVATE PLAN CHANGE REQUEST BY THE WAINUI BAY SPAT CATCHING GROUP

Analysis of Consistency with the Tasman Regional Policy Statement

TRPS Provision	Evaluation	Cross Reference to other relevant evidence or reports
<p>General Objective 1</p> <p>Maintenance and enhancement of the quality of the Tasman District environment.</p> <p>Reasons: The Tasman District is renowned for its varied endowment of high quality natural resources, features and amenities and as a valued place for living, production and recreation. However, there is significant degradation of environmental quality in a number of areas or situations... These all require a variety of remedial or enhancement actions. This objective applies key principles in Part II of the Act concerning the maintenance and enhancement of environmental quality, including amenity values.</p>	<p>This objective applies key principles in Part II of the Resource Management Act 1991 (“the Act”) concerning the maintenance and enhancement of environmental quality, including amenity values.</p> <p>In terms of environmental quality, the spat farms have been part of the Wainui Bay environment since the 1980s. An investigation and analysis of the potential effects on the coastal environment has been carried out in accordance with the requirement in cl 22 of Part 2 of Sch 1 RMA (refer to the AEE at Schedule 1). No significantly adverse effects arise from mussel spat catching, and insignificant adverse effects are reversible upon the removal of the marine farms.</p> <p>Sedimentation occurs at setup following anchors being put in place. This is momentary and insignificant, and is not visible at the surface. Silts and organic matter released at harvest are readily assimilated into the water column and seabed. The effects of harvesting mussels may be detectable for up to an hour following harvest, but beyond that time would be indistinguishable from background sedimentation.</p> <p>The quality of the environment at Wainui Bay is maintained in accordance with General Objective 1.</p> <p>The presence of the marine farm will cause adverse amenity effects, principally to those people residing in the houses which overlook the site, but also to some of the recreationalists who come close to the site of the farm. Those effects are principally visual and sound. The Plan Change proposes including conditions</p>	<ul style="list-style-type: none"> • AEE, Schedule 1 • Ecological Report by Ken Grange of NIWA, May 2015, Appendix G • Proposed conditions for the Tasman Resource Management Plan (“the Plan”), Appendix A • Marine Farming Association Standard Operating Procedures, Appendix M • Code of Practice for Wainui Bay, Appendix N

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	<p>in the Plan to address concerns relating to amenity effects, in particular regarding noise, hours of operation, lights, debris and an annual community liaison meeting. To the extent they can be, these effects are also mitigated by all of the consent-holders being parties to the Code of Practice for Wainui Bay and the regional Marine Farming Association Standard Operating Procedures.</p> <p>The effects of the Wainui Bay farms relating to visual amenity, recreation and noise are addressed in detail in the AEE at Section 13.</p> <p>Design of the proposal ensures that General Objective 1 can be met. Access is available through and around the site. The use of the area for mussel spat catching has been in place for a considerable time and is compatible with the existing natural character and amenity of the location. Proposed additional conditions in the Plan will mitigate effects on amenity to the extent possible.</p>	
<p>General Objective 2</p> <p>Maintenance of the biological diversity and healthy functioning of land, freshwater, coastal and marine ecosystems.</p> <p>Reasons: The valuable natural resources of the District are totally dependent on healthy natural systems. Human use of ecosystems ...may cause contamination, or modification of key elements of these systems. This may alter their behaviour, particularly their resilience in the face of change... Some effects of resource use may bring about irreversible changes to the function of natural systems. Some natural systems may be much more vulnerable than</p>	<p>The Wainui Bay Spat Catching Group is also interested in the maintenance of biological diversity and healthy functioning of the coastal and marine ecosystems in particular. Spat catching requires a healthy environment within which to operate.</p> <p>With regard to the healthy functioning of the ecosystem, as noted in relation to General Objective 1 above, no significantly adverse effects arise from mussel spat catching, and insignificant adverse effects are reversible upon the removal of the marine farms.</p> <p>With regard to biological diversity, the analysis of the benthic environment, conducted by NIWA, shows that there are no adverse effects on biological diversity. Moreover, no important ecosystems have been identified in the benthic assessments. This has been one of the mitigating factors of the Wainui Bay farm site:</p>	<ul style="list-style-type: none"> • Section 14 AEE, Schedule 1 • Ecological Report by Ken Grange of NIWA, May 2015, Appendix G • Ecological Report by Ken Grange and Mark Hadfield of NIWA, September 2007, Appendix HI

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<p>others to changes to their functioning, where communities or plants and animals may be sensitive to the effects of human activities... Maintaining a diversity of natural systems helps to maintain healthy life-support processes in the face of modifying effects. This objective applies key principles in Part II of the Act concerning provision for healthy communities, life-support functions and intrinsic values of ecosystems and the Maori concept of kaitiakitanga.</p>	<p>that it has been placed over an environment of mud that is widespread in the area, has generally lower diversity in species, and is recommended by science providers as the substrate that can assimilate most readily the effects of marine farming, thus ensuring effects on the benthos are minor.</p> <p>The proposed Plan Change is in line with General Objective 2.</p>	
<p>General Objective 3</p> <p>Avoidance, remedying or mitigation of the adverse effects on the environment and the community from the use, development or protection of resources.</p> <p>Reasons: Avoiding, remedying or mitigating the adverse effects arising from resource use or development is a prime means of pursuing sustainable management of resources. Adverse effects may restrict opportunities for future uses of resources through damage or loss of resource values, particularly with irreversible effects. Control of the effects of activities can help to maintain or enhance resource use options for future community needs. This objective applies resource management principles in Part II of the Act concerning the management of environmental effects of activities.</p>	<p>The proposed Plan Change meets General Objective 3. Adverse effects are minimised and are reversible, as discussed above. Future generations could, therefore, choose to remove the Wainui Bay farms, with no lasting effects. Various means of mitigating effects are also present in the proposed management of the site and in the conditions proposed to be included in the Plan.</p>	<ul style="list-style-type: none"> • Sections 6 and 14 AEE, Schedule 1 • Ecological Report by Ken Grange of NIWA, May 2015, Appendix G • Proposed conditions for the Plan, Appendix A • Marine Farming Association Standard Operating Procedures, Appendix M • Code of Practice for Wainui Bay, Appendix N
<p>General Objective 4</p> <p>Efficient use and development of resources.</p> <p>Reasons: Resources may be renewable with certain rates or methods of use... or else they are essentially non-renewable...</p>	<p>The resources used for spat catching at Wainui Bay can be considered renewable. Adverse effects are minimised and are reversible, as discussed above.</p> <p>From a national perspective, spat catching in Wainui Bay achieves maximum economic benefits for minimum costs. This is in part because the Plan Change secures continued use of existing farms</p>	<ul style="list-style-type: none"> • AEE, Schedule 1 • Economic evaluation of alternatives, Schedules 5 and 6 • Report by Andrea Strang, Appendix JK

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<p>Efficient uses are those which maximise the value of the resource to the user and to the community (including future generations) through methods of use that avoid, remedy or mitigate adverse effects... and achieve maximum economic and environmental benefits for minimum costs. This objective applies resource management principles in Part II of the Act concerning the efficiency of resource use and development.</p>	<p>(and the commercial resources associated with those farms), rather than the creation of new farms, and in part because Wainui Bay is nationally outstanding in respect of the quality and consistency of spat fall, and similar to Ninety Mile Beach in terms of the quantity of spat fall.</p> <p>The source of mussel spat nationally has been confined to a limited number of locations with variable performance. They are:</p> <ul style="list-style-type: none"> (a) Kaitaia spat, which relies on weather patterns to wash seaweed encrusted with spat into the Ninety Mile Beach area; (b) Three spat catching sites in the Pelorus Sound, Marlborough Sounds, which provide limited locally produced spat; (c) The offshore marine farm sites in Golden and Tasman Bays (AMAs 1, 2 and 3) are also used for spat catching; however, the percentage of spat caught at these locations is small; (d) Limited spat from Canterbury; (e) Potential hatchery spat; however, development is still ongoing in this area; and (f) Wainui Bay. <p>Wainui Bay is of significant importance for spat catching, as it has provided consistent and reliable spat since around 1980. This site provides about half of the spat that is on-grown to mussels in the Top of the South. Another site that is extremely important is Ninety Mile Beach. This spat has a different season and, importantly, has different fattening cycles to Wainui sourced spat. Most companies attempt to balance their spat requirement using both sources, which allows a full year production cycle to be maintained. This, of course, has a flow on effect in the employment and service sectors of the industry (discussed in more</p>	

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	<p>detail alongside General Objective 5 below).</p> <p>Other sources of spat, listed above, are variable and often unavailable.</p> <p>Mussel spat catching at Wainui Bay is currently the most efficient option for the industry, so that the proposed Plan Change gives strong effect to General Objective 4.</p>	
<p>General Objective 5 Maintenance of economic and social opportunities to use and develop resources in a sustainable manner.</p> <p>Reasons: The Council’s resource management role is not limited to constraining resource uses because of their adverse environmental effects... The Tasman District has significant growth opportunities because of its viable and diverse economic achievements and development potential. In the growing awareness worldwide of sustainability issues, new use opportunities that are compatible with sound resource management are likely to become increasingly favoured by local and international trading communities. This objective applies key aspects of the concept of sustainable resource management in Part II of the Act concerning enabling provision for social, economic and cultural wellbeing within sustainable limits.</p>	<p>Spat catching is a sustainable use of resources, does not cause significant adverse effects, and provides significant economic and social benefits for the Tasman region that should be maintained in accordance with General Objective 5. Relative to its environmental footprint, Wainui provides for 50% of the mussels on-grown in the mussel farming industry in the Top of the South.</p> <p>The marine farm industry has been, and will continue to be, a source of substantial revenue production and, in turn, employment in the Tasman Bay, Golden Bay and in the wider Marlborough region. Wainui Bay provides a crucial, reliable source of spat for growing greenshell mussel in the top of the South Island, which flows on to processing and marketing product by businesses located there. It provides for 533 full time equivalent employment positions directly in Golden/ Tasman Bays, Nelson, and Marlborough (23 at the site and 510 in mussel farming and processing in the top of the South Island), 1326 full time positions directly and indirectly in New Zealand, and economic activity to a wide cast of supporting companies.</p> <p>In addition to the income generated for businesses supporting the industry, substantial revenue from domestic and export sales is generated annually. This is estimated to be in the region of \$126 million in 2015, with revenue expected to increase annually.</p>	<ul style="list-style-type: none"> • Sections 18 – 20 AEE, Schedule 1 • Economic evaluation of alternatives, Schedules 5 and 6

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	<p>Combined production in Marlborough, Nelson, and Golden Bay and Tasman Bay equates to approximately 70% of New Zealand's production of greenshell mussels and, as a consequence, is the cornerstone of this industry and for the government's aim of a billion dollar industry by 2025, as set out in the Government's Aquaculture Strategy.</p> <p>The significant contribution that marine farming makes to the social and economic wellbeing of people and communities is also evident from the fact that spat catching at Wainui Bay, along with other forms of aquaculture in the Tasman region, has already been provided for in the Plan.</p> <p>It is of national importance to sustain this spat source for the ongoing sustainability of the greenshell mussel farming and processing industry. It is essential for the ongoing maintenance of employment, and the social and economic infrastructure of the Top of the South.</p> <p>The proposed Plan Change will secure the Wainui Bay site going forward, giving strong effect to General Objective 5.</p>	
<p>General Objective 6 Protection and enhancement of significant natural, heritage and cultural values of resources.</p> <p>Reasons: The Tasman District contains many outstanding natural areas, features and landscapes with high biological, cultural and recreational values. These include coastal margins... Sites and areas of Maori or European historical significance are also present. Appropriate protection and enhancement of areas adjacent to and beyond the national conservation estate is desirable to assist in maintaining the District's rich</p>	<p>This proposal does not interfere with any significant natural, heritage or cultural values. To the extent that future generations wish to make a different judgment, the effects are entirely reversible simply by removing the farms. General Objective 6 is given effect to.</p> <p>The consent holders have given strong consideration to the matter of areas of outstanding natural character, landscapes or features. The Wainui Bay Expert Panel Workshop (Sep 2014) on natural landscapes and natural features concluded that the continuing presence of marine farming in Wainui Bay was appropriate.</p>	<ul style="list-style-type: none"> • Sections 11 - 17 AEE, Schedule 1 • Tasman District Council <i>Golden Bay/ Mohua Landscape Project: Draft Report of the Small Group</i>, October 2014 (available online); and • <i>Wainui Bay Landscape Expert Panel Workshop</i>, 22-23 September 2014, Appendix L.

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<p>heritage of natural and historic resources. This objective applies key resource management principles in Part II of the Act concerning the protection of the natural character of water margins, and significant natural and heritage values, particularly Maori heritage.</p>	<p>The same Expert Panel assessed the natural character of the area, and concluded that the location is not in an area of outstanding natural character. Experts considered that the effects on natural character from the farm are not significant. Land based modifications including the roads, houses, dairy farming, commercial forestry and the presence of exotic flora, were more obvious distractors to the naturalness of the Bay.</p> <p>While the area is valuable from a recreational perspective, the farms do not remove the ability to recreate in the area. There are many alternative locations for recreation in the immediate vicinity. This issue has been considered at length in Section 13 of the AEE at Schedule 1.</p> <p>Areas of historic or cultural significance have been identified, and the farms do not impact on any such areas.</p>	
<p>General Objective 7 Recognition and protection of significant traditional interests of the tangata whenua in relation to land, water, the coast and other taonga Maori.</p> <p>Reasons: The Council acknowledges the special place in our natural and cultural environment of Maori heritage and current Maori interests in protecting that heritage. These interests include regard for special sites and areas (wahi tapu), and the beliefs, values and principles (wanata, kaupapa) for the conservation of natural resources that are held by Maori, including those who are descended from original Maori tribes by right of occupation or conquest (tangata whenua iwi) in the District. Specific areas and resources are regarded by iwi as taonga or prized treasures, to be safeguarded for the future. The Treaty of Waitangi recognised the interests</p>	<p>Acknowledgement of Iwi rohe in Statutory Acknowledgements, processes and consultation over the course of development of the Plan change proposal, aims to ensure the objective of both applicants and Iwi are met, in line with General Objective 7.</p>	<ul style="list-style-type: none"> • Sections 17 and 21 AEE, Schedule 1 • Ngati Tama letter in support, Appendix R

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<p>then held by Maori over resources. Despite the development of statutory powers and responsibilities for resource management, these traditional interests of Maori are still present and require recognition and protection. This objective applies principles in Part II of the Act concerning Maori traditional interests over resources, particularly under the Treaty of Waitangi.</p>		
<p>Policy 9.2 The Council will seek to minimise navigation and safety risks arising from boating and aquaculture activities in a consistent and efficient manner.</p>	<p>An established protocol has been developed to avoid conflict over navigation and public access issues in and around the spat catching sites at Wainui. The measures adopted for protecting the boating public include navigation lighting and radar reflection on corner buoys, the siting and orientation of blocks of longlines, access ways between specific blocks and access gaps within each block that allows public access and navigation.</p> <p>The Harbourmaster has confirmed that there is no navigational safety reason why these sites cannot continue in their current form. Given the positioning of the existing sites together with the MNZ requirements regarding marking and lighting, safety management, and compliance, it is considered unlikely to give rise to actual navigational safety issues. Therefore, navigation and safety risks are appropriately minimised in accordance with Policy 9.2.</p>	<ul style="list-style-type: none"> • Section 16 AEE, Schedule 1 • Email from Harbourmaster, Appendix PQ
<p>Policy 9.3 The Council will provide for activities in the coastal marine area, while avoiding, remedying or mitigating their adverse effects on:</p> <p>(i) the natural character of the coastal environment, including natural processes, outstanding natural features and landscapes, and significant habitats of indigenous species;</p> <p>(ii) the amenity values of the locality, including heritage values;</p>	<p>The applicant has given due consideration to avoiding, remedying or mitigating any adverse effects on each of the matters listed under Policy 9.3 as follows:</p> <p>(i) The applicant has canvassed natural character, features, and landscapes through reports by landscape experts. The benthic environment has also been assessed and is not significant from a species perspective.</p> <p>(ii) The applicant has taken the amenity values of the</p>	<p>(i) Refer NZCPS table, Schedule 2, Policies 11, 13, and 15.</p> <p>(ii) Refer NZCPS table, Schedule 2, Policy 18.</p> <p>(iii) Refer also NZCPS table, Schedule 2, Policy 18.</p> <p>(iv) Refer NZCPS table, Schedule 2, Policies 11, 21, 22 and 23, all of which go</p>

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<p>(iii) public access and multiple use, including any degree of occupation (exclusion) sought;</p> <p>(iv) the natural qualities of coastal water;</p> <p>(v) Maori culture, traditions and taonga;</p> <p>(vi) existing and potential uses of the locality;</p> <p>(vii) environments or facilities beyond the site, including transport facilities;</p> <p>and whether these effects can be avoided, remedied, or mitigated.</p>	<p>location into account, in particular visual amenity, noise, and recreational amenity. Effects on amenity values are mitigated to the extent possible by the efforts of the applicants to reduce noise, and by the existence of monitoring programmes to ensure material from the spat catching process is captured or cleaned up on a regular basis. Additional conditions are proposed to be included in the Plan as part of the Plan change proposal. Areas of historic heritage have been identified, and are not affected by the farms.</p> <p>(iii) The applicant does not seek exclusive occupation of the site. Public access through the site is maintained. There is no exclusive use sought, as vessels can manoeuvre between and through the spat catching blocks and lines.</p> <p>(iv) Spat catching requires that the natural processes and qualities of the water are maintained. This is a special and unique place, such that the activity is concentrated by nature at this particular location.</p> <p>(v) These matters have been canvassed with Iwi.</p> <p>(vi) The area of Wainui Bay used for spat catching is unique. Existing use of the site has proven that mussel spat is consistently caught. The current use allows clustering of an activity and related processes that are essential to the aquaculture industry in the Top of the South.</p> <p>(vii) Transport of product and servicing of the area is based predominantly out of Port Tarakohe and spat holding sites in Golden Bay and the Marlborough Sounds. These sites are integrated into the whole mussel industry and are essential to its ongoing viability.</p>	<p>to water quality.</p> <p>(v) Refer NZCPS table, Schedule 2, Policies 2 and 21.</p> <p>(vi) Refer NZCPS table, Schedule 2, Policies 6 and 8.</p>
<p>Policy 9.4 The Council will establish procedures for the allocation of sea space between competing applicants that are fair and</p>	<p>The existing site is allocated. No additional water space is being sought.</p>	

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<p>efficient.</p> <p>Policy 9.6 The Council will preserve the natural character of the coastal environment by protecting:</p> <p>(a) natural features and landscapes, such as headlands and cliffs, coastal plains, estuaries, tidal flats, dunes and sand beaches;</p> <p>(b) habitats such as estuaries and wetlands;</p> <p>(c) ecosystems, especially those including rare or endangered species or communities, or migratory species;</p> <p>(d) natural processes, such as spit formation;</p> <p>(e) water and air quality;</p> <p>having regard to the:</p> <p>(i) rarity or representativeness;</p> <p>(ii) vulnerability or resilience;</p> <p>(iii) coherence and intactness;</p> <p>(iv) interdependence; and</p> <p>(v) scientific, cultural, historic or amenity values;</p> <p>of such features, landscapes, habitats, ecosystems, processes and values.</p>	<p>The consent holders have given strong consideration to the matter of areas of outstanding natural character, landscapes or features, as discussed above at General Objective 6.</p> <p>Matters such as biodiversity and water quality have also been considered, discussed above at General Objectives 1 and 2.</p> <p>Areas of historic heritage have been identified near the site, and are not impacted by the farms. The applicant has taken the amenity values of the location into account, in particular visual amenity, noise, and recreational amenity, discussed above at General Objective 1.</p> <p>As noted above, no important ecosystems have been identified in the benthic assessments conducted by NIWA. Any effects from the spat farms are transitory, and will dissipate upon removal of the farms. This approach accords with the requirement in Policy 9.6 to have regard to matters such as rarity or vulnerability of the habitat or ecosystem.</p>	<ul style="list-style-type: none"> • Refer also NZCPS table, Schedule 2, Policies 11, 13, 15, 18, 21, 22, and 23. • Ecological report by Ken Grange of NIWA, May 2015, Appendix G
<p>Policy 9.8 The Council will classify coastal waters according to iwi and public uses and values, including aquatic ecosystem, gathering or cultivating of shellfish, fishery, contact recreation, and aesthetic uses and values, for which water quality is to be maintained or enhanced.</p> <p>Explanation and Reasons: Water quality classification is a statement of the public uses and values for which coastal waters are to be managed in</p>	<p>Water quality classification and the methods of implementation, as referred to under Policy 9.8, are matters for Council. Nevertheless, the consent holders support the need for high quality coastal water, as spat catching requires a healthy environment within which to operate. The Policy specifically recognises that coastal water quality is relevant for the gathering and cultivating of shellfish.</p> <p>In terms of the effects of spat catching on water quality, the cumulative effects are not significantly adverse and would, in any</p>	<ul style="list-style-type: none"> • Section 14 AEE, Schedule 1 • Ecological Report by Ken Grange of NIWA, May 2015, Appendix G

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<p>relation to their quality, and the limits within which point source contaminant discharges to coastal water may adversely affect coastal water quality after reasonable mixing. Water quality classification of coastal waters provides an important indication of the acceptable adverse effects of any point source contaminant discharge to coastal water, and the public purposes for managing coastal water quality in any part of the coastal marine area.</p> <p>Methods of Implementation:</p> <p>(i) The Council will develop policies and rules in the Regional Coastal Plan to provide a coastal water quality classification that reflects:</p> <p>(a) significant existing uses and values for which coastal water quality is relevant, including aquatic ecosystem, gathering or cultivating of shellfish, fishery, contact recreation, and aesthetic uses and values, for which water quality is to be maintained or enhanced; and</p> <p>(b) existing water quality; and</p> <p>(c) any significant limits on existing uses and values of coastal water because of adverse effects on existing water quality, including diffuse source contamination.</p>	<p>event, be ameliorated upon removal of the farms.</p> <p>The proposed Plan Change is in line with Policy 9.8.</p>	