

**PRIVATE PLAN CHANGE REQUEST BY THE WAINUI BAY SPAT CATCHING GROUP**

**Analysis of Consistency with Part III of the Tasman Resource Management Plan (Coastal Marine Area)**

TRMP Issue and Objective	TRMP Policy	Evaluation
<p><b>21.1 Preservation of Natural Character</b></p> <p><b>21.1.1 Issue</b></p> <p>Use or development in the coastal marine area, including structures, occupation and disturbance may adversely affect the natural character of the coastal environment. The appropriate form, scale or location of such use or development that preserves natural character is to be determined.</p> <p><b>21.1.2 Objective</b></p> <p>Preservation of the natural character of the coastal marine area, particularly its margins, and including the maintenance of all</p>	<p>21.1.3.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:</p> <p>a) ...</p> <p>b) disturbance of plants, animals, or their habitats;</p> <p>c) structures, including impediments to natural coastal processes;</p>	<p>The sea floor has anchors installed and minor amounts of sediments were released when they were installed. Organic matter and sediments are released into the water body when harvesting and line cleaning occurs. This material is readily assimilated into the existing environment.</p> <p>The assemblage of seabed-dwelling animals sampled inside and outside the farm boundaries was similar, and comprised species commonly found in the region. There was no evidence of unusually high or low abundance of animals on the seabed within the farm boundaries.</p> <p>[Refer NZCPS table, Schedule 2, Policies 11, 13, 15, 23 / NIWA 2015 Report Appendix G / AEE Schedule 1]</p>
	<p>21.1.3.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:</p> <p>d) the use of vessels or vehicles;</p>	<p>Ten service vessels visit the site twice a week on average. However, this is seasonal, and vessel visits are much reduced in winter. In terms of mitigation measures, all of the consent-holders are parties to three industry codes of practice. In addition, conditions mitigating the effects arising from service vessels at the site are proposed to be written into the Plan as part of the Plan Change.</p> <p>[Refer Section 6 AEE, Schedule 1 / Appendix A / Codes of Practice at Appendices M and N]</p>
	<p>21.1.3.1 To avoid, remedy or mitigate adverse effects on the natural character of the coastal marine area from activities, including:</p> <p>e) ...</p> <p>f) the discharge of any contaminant or waste.</p>	<p>Discharge of organic material and sediments occur during the collection of spat, but this is minimal in relation to naturally occurring processes. The spat themselves are microscopic and do not have any measurable effect on the benthos or the water column.</p> <p>The NIWA assessment showed that mussel spat catching has had few effects on the seabed other than some shell litter beneath the spat collecting structures. Deposition from the farms was modelled to be very low and not extending beyond the farm</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
values that contribute to natural character, and its protection from the adverse effects of use or development.		<p>boundaries, or be measurable from background sediments.</p> <p>[Refer NZCPS table, Schedule 2, Policy 23/ NIWA 2015 Report, Appendix G]</p>
	<p>21.1.3.2</p> <p>To avoid, remedy or mitigate adverse effects on outstanding or other significant natural features and seascapes in the coastal marine area, including natural expanses of coastal water, arising from modification other than through natural processes.</p>	<p>The applicant has considered the impact of the proposed Plan Change on the headland, a significant natural feature in the coastal marine area. The Environment Court has previously concluded that the whole of Golden Bay is an outstanding natural landscape. In addition, the Wainui Bay Landscape Expert Panel Workshop concluded that the adjoining headland may be an outstanding natural feature. The Small Group concluded that the continuing presence of marine farming in Wainui Bay was appropriate. This is because the continuing presence of the farm does not reach the necessary threshold to be considered an adverse effect. In addition, the farm does not interfere with the values which lead to the categorisation of the landscape and possibly the feature as outstanding.</p> <p>[Refer Section 11 AEE, Schedule 1 / NZCPS table, Schedule 2, Policy 15 / Wainui Bay Landscape Expert Panel Workshop, Appendix L]</p>
	<p>21.1.3.3</p> <p>To restrict the placement of structures in or along the coastal marine area to those for which a coastal location is necessary and whose presence does not detract from the natural character of the locality, including the natural character of adjoining land.</p>	<p>A coastal location is plainly necessary for spat catching. The effects on natural character are not significant. Land based modifications including the roads, houses, dairy farming, commercial forestry and the presence of exotic flora, were seen by the expert panel as being more obvious distractors to the naturalness of the Bay.</p> <p>[Refer Section 12 AEE, Schedule 1 / NZCPS table, Schedule 2, Policies 6(2) and 8].</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
	<p>21.1.3.4</p> <p>To avoid, remedy, or mitigate damage to foreshore, seabed and coastal marine animals and plants, caused by the passage of people, vehicles, vessels, or passage or grazing by stock.</p>	<p>The main issue with regard to spat farming is putting in place anchor blocks. This has already occurred in relation to the Wainui Bay farms, so only maintenance and periodic replacement will need to occur. Structures (anchors) have a minimal footprint on the seabed. Orientation of lines allows natural process to occur.</p> <p>Vessels are too small to have a noticeable effect on the seabed. There are no species of note in the vicinity of the Wainui Bay farms.</p> <p>[Refer Section 6 AEE, Schedule 1]</p>
<p><b>21.2 Protection of Habitats and Ecosystems</b></p> <p><b>21.2.1 Issue</b></p> <p>The protection of coastal marine habitats and ecosystems from the damaging effects of disturbances, discharges, structures, or the introduction of animals or plants, or passage of vessels, vehicles, people or animals.</p> <p><b>21.2.2 Objective</b></p> <p>Avoidance, remediation, or mitigation of adverse effects on marine habitats and</p>	<p>21.2.3.2</p> <p>To allow navigational aids necessary for the efficient achievement of safe navigation throughout the coastal marine area, and to protect them from adverse effects of other activities.</p> <hr/> <p>21.2.3.3</p> <p>To avoid, remedy or mitigate adverse effects of structures or works in the coastal marine area, for any purpose, on:</p> <ul style="list-style-type: none"> <li>(a) natural character;</li> <li>(b) natural coastal processes and patterns;</li> <li>(c) coastal habitats and ecosystems, particularly those supporting rare or endangered indigenous or migratory species, or nationally or internationally significant natural ecosystems;</li> <li>(d) public access to coastal marine space;</li> <li>(e) visual amenity and landscapes or seascapes;</li> <li>(f) navigational safety;</li> <li>(g) historic and cultural values.</li> </ul>	<p>Necessary navigational aids are in place. These are outlined in Section 16 of the AEE.</p> <p>[Refer NZCPS table, Schedule 2, Policies 11 and 12]</p> <hr/> <p>The factors at 21.2.3.3 have been considered at length by the applicant, and are discussed in the NZCPS analysis table.</p> <p>[Refer AEE, Schedule 1 / NZCPS table, Schedule 2]</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p>ecosystems caused by:</p> <ul style="list-style-type: none"> <li>a) access by vessels, vehicles, people or animals;</li> <li>b) the introduction of species non-indigenous to the District;</li> <li>c) disturbance of the foreshore or seabed;</li> <li>d) the placement and use of structures for port, berthage, aquaculture, network utilities, roads, mineral extraction or any other purpose;</li> <li>e) the disposal of contaminants or waste, or accidental spillage of substances;</li> </ul> <p>with priority for avoidance in those areas having nationally or internationally important natural ecosystem values.</p>	<p>21.2.3.6</p> <p>To require the removal of disused or obsolete structures except where removal would have adverse effects on the environment or where the structure is registered under the Historic Places Act 1993.</p>	<p>All of the structures of the farm are necessary for the mussel spat catching operation. Structures are maintained and replaced as needed.</p> <p>[Refer Code of Practice for Wainui Bay, Appendix N / MFA Standard Operating Procedures, Appendix M / Operational Management Plan for outer two sites, Appendix O]</p>
<p><b>21.3 Protection of Landscapes, Seascapes and</b></p>	<p>21.3.3.1</p>	<p>The presence of the spat catching area for in excess of 30 years is limited in extent and consistent with the existing degree of modification to the seascape. A change to</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p><b>Natural Features</b></p> <p><b>21.3.1 Issue</b></p> <p>The appropriate form, scale or location of use or development in the coastal marine area that protects landscapes, including surface and underwater seascapes and natural features.</p> <p><b>21.3.2 Objective</b></p> <p>Maintenance of the natural character and landscape of the coastal marine area.</p>	<p>To allow structures or physical modifications in the coastal marine area only where the effect on the natural components of landscape and seascape values of the area, including any contribution to any likely cumulative effect, is limited in extent and is consistent with the existing degree of landscape and seascape modification.</p>	<p>controlled activity status for mussel spat catching and holding has no cumulative effect. No additional structures are sought. The proposed Plan Change gives effect to 21.3.</p> <p>Any minor effects would be ameliorated upon removal of the farms.</p> <p>[Refer NZCPS table, Schedule 2, Policies 13, 15 and 18 / NIWA 2015 Report, Appendix G]</p>
<p><b>21.4 Protection of Natural Coastal Processes</b></p> <p><b>21.4.1 Issue</b></p> <p>Modification or interference with natural coastal processes by disturbance or impediments.</p> <p><b>21.4.2 Objective</b></p>	<p>21.4.3.1 To avoid impediments to natural coastal processes except where a community need (such as the need to protect a physical resource of significance to the community) outweighs adverse effects on the natural environment.</p>	<p>The spat catching activity relies on natural coastal processes, so the applicant wishes to protect those processes in line with 21.4. The unique features of Wainui Bay enable spat catching of a quality and consistency that is not replicated elsewhere.</p> <p>Mussel spat, and the process of farming it, is a resource of significance to the community, and one that should be protected. It is of national importance to sustain this spat source for the ongoing sustainability of the greenshell mussel growing 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>[Refer AEE, Schedule 1 / NZCPS table, Schedule 2, Policies 1, 6 and 8 / Andrea Strang Report, Appendix JK / Economic Evaluation of alternatives, Schedules 5 and 6]</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p>Maintenance of natural coastal processes free from disturbance or impediments.</p>	<p>21.4.3.3 To require the likely effects of disturbance, including excavation, deposition or removal of material, or structures, on natural coastal processes, to be avoided or mitigated.</p>	<p>Anchors are already in place, and will only require maintenance and periodic replacement.</p>
	<p>21.4.3.4 To investigate and monitor current natural coastal processes.</p>	<p>The NIWA report determined that the Wainui Bay sites do not need ongoing monitoring.</p> <p>[Refer NIWA 2015 Report, Appendix G]</p>
<p><b>AQUACULTURE</b></p> <p><b>22.1 Protection of Values</b></p> <p><b>22.1.1 Issue</b></p> <p>How to provide opportunity to achieve social and economic benefits from aquaculture, while maintaining, enhancing or protecting natural</p>	<p>22.1.3.1</p> <p>To enable the AMAs to be used as discrete locations where aquaculture may occur in a way that adequately manages adverse effects on the natural and physical resources of the coastal environment, and on its life-supporting capacity, natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi.</p>	<p>A move to AMA status for Wainui Bay is consistent with 22.1.3.1, and would achieve consistency in the Plan from a policy perspective. It provides for economic and social development and the values identified are not unduly affected. The farms, since early installation, provide for a clustering of activity and is recognised as being extremely important to the industry to maintain the social and economic integrity of participating businesses.</p> <p>The proposal is predicated upon an efficient use and development of natural and physical resources. Efficiency and effectiveness are essential to the ongoing growth of the mussel industry, as well as the downstream added value businesses of processing, marketing and employment.</p> <p>22.1.3.1</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p>character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.</p> <p><b>22.1.2 Objective</b></p> <p>Aquaculture developed in a manner that maintains, enhances, or protects the natural and physical resources of the coastal environment, including the life-supporting</p>		<p>Spat catching at Wainui Bay provides significant social and economic benefits to the Top of the South, and the national economy. To the extent that there are any minor adverse effects from this form of farming, these would be reversed once the farms are removed.</p> <p>[Refer Sections 18 – 20 AEE, Schedule 1 / NZCPS table, Schedule 2, Policies 1, 2, 6, 8 , 12 and 18 / Economic evaluation of alternatives, Schedules 5 and 6 / NIWA 2015 Report, Appendix G] .</p>
	<p>22.1.3.2 To provide for the continuation of aquaculture activities at Wainui Bay, for the duration of the existing licences and permits at that location.</p>	<p>Note that this is one of the provisions the applicant seeks to amend as part of the Plan Change application, by allowing for mussel spat catching to continue at Wainui Bay post-2024.</p> <p>[Refer proposed changes to the Plan at Appendix A]</p>
	<p>22.1.3.8 To maintain public access to coastal space and resources (except where access is managed under other statutes).</p>	<p>Public access to the site and area generally will be maintained.</p> <p>[Refer Sections 13 and 16 AEE, Schedule 1 / NZCPS table, Schedule 2, Policy 18].</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p>capacity of marine ecosystems and the natural character, landscape, ecological, public access, recreational and amenity values, and the values important to the tangata whenua iwi, while avoiding, remedying or mitigating adverse effects.</p>	<p><b>Tangata Whenua Iwi</b></p> <p>22.1.3.9 To recognise and provide for the relationship of iwi and their customs and traditions with their ancestral lands, waters, sites, wāhi tapu, and other taonga.</p> <p>22.1.3.10 To protect sites of significance to iwi, including wāhi tapu and wāhi taonga, in providing for aquaculture.</p> <p>22.1.3.11 To provide for continued customary access to traditional coastal resources (except where access is managed under other statutes).</p>	<p>22.1.3.9-11</p> <p>A strong relationship between the Iwi and applicants has been sought to ensure the objectives of both are met.</p> <p>[Refer Sections 17 and 21 AEE, Schedule 1 / NZCPS table, Schedule 2, Policy 2 / Ngati Tama letter in support, Appendix R]</p>



TRMP Issue and Objective	TRMP Policy	Evaluation
	<p><b>Spat Catching</b></p> <p>22.1.3.25 To provide locations where spat catching can be carried out either seasonally or permanently.</p> <p>22.1.3.26 To maintain a distinct season free from any form of aquaculture structures or occupation, in specific spat catching subzones.</p> <p>22.1.3.27 Where appropriate, to limit the space used for spat catching in any spat catching season, in order to mitigate adverse effects on the natural and physical resources of the coastal environment.</p>	<p>22.1.3.25 - 27</p> <p>Wainui Bay is a location of significant importance for spat catching. While spat catching is carried out from October to July, the farms are used year round, as spat holding also occurs on site. Therefore, the proposed Plan change seeks to enable the continuation of both mussel spat catching and holding as controlled activities at the site, while full mussel farming would become a prohibited activity.</p> <p>[Sections 4 – 9 AEE, Schedule 1 / Andrea Strang Report, Appendix JK]</p>
	<p>22.1.3.29 To ensure that navigation risks from aquaculture structures are adequately avoided or mitigated.</p>	<p>Necessary navigational aids are in place. See the discussion at Section 16 of the AEE, Schedule 1.</p>
	<p>22.1.3.30 To ensure that aquaculture activities are managed to minimise:</p> <ul style="list-style-type: none"> <li>(a) the risk of incursion, predation and disease transmission;</li> <li>(b) introduction of biosecurity risk organisms;</li> <li>(c) genetic risk to wild stock.</li> </ul>	<p>All marine structures are used by various marine organisms to attach to. This is a natural process. Because spat catching structures are in the water for a shorter period than those used for later stages of mussel production, the effects of unwanted organisms are less than might be anticipated on other marine farming structures. The consent holders have policies in place to unwanted organisms should they arise on structures they manage.</p> <p>[Refer Section 15 AEE, Schedule 1]</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p><b>24. Effects of Noise</b></p> <p><b>24.1.1 Issue</b> The effects of noise from activities in the coastal marine area on natural character, wildlife, amenity values and people’s enjoyment of other activities.</p> <p><b>24.1.2 Objective</b> A coastal marine area in which noise levels do not adversely affect natural character, amenity values or wildlife in the coastal environment.</p>	<p>24.1.3.1 To avoid, remedy or mitigate adverse effects of noise from activities in the coastal marine area on the natural character of the coastal environment and in places where natural quietness contributes to the amenity value of a coastal locality.</p>	<p>The consent holders have considered the effects of noise on the area. The predominant source of noise occurs from vessels servicing the area. The right of vessels to navigate is affirmed in s 27 Marine and Coastal Area (Takutai Moana) Act 2011. That right includes “anything reasonably incidental to their exercise”, which would include the generation of noise. Nevertheless, the consent holders take all steps practical to reduce the amount of noise, by being parties to three industry codes of practice. In addition, the boats are only present twice a week on average, and less in winter.</p> <p>The consent holders have proposed that additional conditions be included in the Plan to recognise the effects of noise on the amenity of local residents and recreationalists in the area, and to seek to mitigate those effects to the extent possible.</p> <p>[Refer Sections 6, 12 and 13 AEE, Schedule 1 / proposed conditions for the Plan, Appendix A / MFA Standard Operating Procedures, Appendix M / Code of Practice for Wainui Bay, Appendix N]</p>
	<p>24.1.3.2 To avoid, remedy or mitigate adverse effects of noise from activities in the coastal marine area on wildlife, including seabirds and marine mammals, and especially effects on their continued occupation of their usual habitat, including feeding and roosting areas and their ability to breed successfully.</p>	<p>No important habitats have been identified by the applicant, so that the effects of noise from the vessels servicing the farms do not have an adverse effect on any notable wildlife.</p> <p>[Refer Section 14 AEE, Schedule 1 / NIWA 2015 Report, Appendix G]</p>
<p><b>35.1 Discharges in the Coastal Marine Area</b></p> <p><b>35.1.1 Issues</b></p> <p>35.1.1.1 Discharges into the coastal marine area can cause</p>	<p>35.1.3.2 To control the effects of discharges of contaminants so that, in combination with other contaminant discharge effects, they enable the relevant water classification standards to be complied with.</p>	<p>Silt 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. Therefore, spat catching is consistent with enabling the relevant water classification standards to be complied with.</p> <p>The 2015 NIWA report showed that the spread of deposition of pseudofaeces and faeces is small and does not occur beyond each farm boundary. The amount of deposition is equivalent to one-tenth of a teaspoon being spread over 1m<sup>2</sup> of sea</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
<p>significant adverse effects, including cumulative effects.</p> <p>35.1.1.2 Many land use activities outside the coastal marine area can cause contaminants to be discharged to the coastal marine area, particularly via land run-off from rural and urban areas.</p> <p><b>35.1.2 Objective</b> The discharge of contaminants into the coastal marine area in such a way that avoids, remedies, or mitigates adverse effects while: (a) maintaining existing water quality; and (b) enhancing water quality where existing quality is degraded for natural and human uses or values.</p>		<p>floor in a day. Although quantifiable by modelling, it is unlikely that this deposited material would be measurable or distinguishable from background sediment. Beyond the farm boundaries, the deposition falls to background levels and is not measurable.</p> <p>[Refer Section 14 AEE, Schedule 1 / NIWA 2015 Report, Appendix G]</p>
	<p>35.1.3.3 To seek to improve water quality where existing water quality is lower than the requirements for the classification.</p>	<p>The applicants support any need to improve water quality, as this is essential to spat catching.</p>
	<p>35.1.3.4 To ensure that water quality is not degraded where the existing water quality is the same or higher than the relevant water classification.</p>	<p>Refer above.</p>
	<p>35.1.3.5 Adverse effects of discharges into the coastal marine area, including adverse effects of: ... (d) discharges of contaminants from aquaculture activities; should, as far as practicable, be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.</p>	<p>Refer above at 35.1.3.2.</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
	<p>35.1.3.6</p> <p>To ensure that existing water quality is not degraded after reasonable mixing as a result of any discharge of contaminants into water and to take into account the following criteria when determining what constitutes reasonable mixing:</p> <p>(a) the depth, water circulation patterns and tidal flow characteristics of the receiving water, including the nature and extent of mixing which may occur and the assimilative capacity of the water;</p> <p>(b) the extent of the mixing zone and the likely adverse effects on aquatic life and ecosystems within the mixing zone;</p> <p>(c) the characteristics of the discharge, including the presence of toxic constituents;</p> <p>(d) the classification of the water;</p> <p>provided that the inter-tidal areas are excluded from any mixing zone unless the discharge has no more than a minor adverse effect on the inter-tidal area.</p>	<p>Some organisms can drop off during harvest, but these effects are only transient, and only occur within metres of the vessel. Anchors have already been put in place, so only maintenance and periodic replacement is required.</p> <p>The 2015 NIWA report concluded that there was no indication of organic enrichment of sediments, there was some shell litter observed within the farm boundaries, as expected, but this was sparsely distributed.</p> <p>[Refer NIWA 2015 Report, Appendix G]</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
	<p>35.1.3.7</p> <p>To take into account the following factors in determining the significance of actual or likely adverse effects on the receiving water of or from contaminant discharges:</p> <ul style="list-style-type: none"> <li>(a) Any water classification.</li> <li>(b) Existing water quality of the receiving water.</li> <li>(c) The sensitivity and significance of the aquatic life or ecosystem.</li> <li>(d) The extent of the water adversely affected.</li> <li>(e) The magnitude, frequency and duration of the adverse effect, including any cumulative effect as a result of the discharge.</li> <li>(f) The range and intensity of uses and values of the water.</li> <li>(g) The conflicts between uses and values of the water.</li> <li>(h) The nature of the risks of the adverse effect.</li> <li>(i) Any relevant national or international water quality guideline or standard</li> </ul>	<p>Refer above.</p>
	<p>35.1.3.10</p> <p>To ensure that adverse effects from the discharge of contaminants (including feed and therapeutants) from aquaculture activities on water and sediment quality, ecology, and the benthic environment are avoided, remedied or mitigated.</p>	<p>Refer above at 35.1.3.2 and 35.1.3.6.</p>

TRMP Issue and Objective	TRMP Policy	Evaluation
	<p>35.1.3.11 To promote and advocate development of site contingency plans to avoid, remedy or mitigate the likely adverse effects of any emergency discharges or other accidental spills in the coastal marine area.</p>	<p>The Aquaculture New Zealand Environmental Code of Practice (2007), which the applicant is a party to, contains a plan for dealing with accidental spills, as do the Operational Management Plans for each of the Wainui Bay farm consents. Note that the former code of practice has been superseded by the new Aquaculture New Zealand A+ Sustainable Management Framework: New Zealand Mussels, which is still in the process of being rolled out.</p> <p>[Refer Section 6 AEE, Schedule 1 / Operational Management Plan for two outer farms, Appendix O]</p>