

**Hearing Statement – Trevor Gary Offen**  
**Marlborough Environment Plan - Variation 1**  
**15 November 2021**

***Background***

I am the Chairman of the Clova Bay Residents Association Inc and a committee member of the Kenepuru and Central Sounds Resident Association Inc.

I have been active in aquaculture planning and consenting processes in the Sounds for 17 years.

The existing regime for managing aquaculture in the Sounds is now more than 25 years old. That regime allows access to the marine resource without rent or fee and, as a way of managing demand, it grants existing consent holders first right to apply for a new consent once an existing consent expires.

This has rendered resource consents for aquaculture in the Sounds valuable commodities. Understandably, under this regime a primary concern of existing consent holders is not having their pre-emptive consent application right for free use converted into a 'granted' resource consent. The only real threat to this is publicly held environmental and amenity values in the Sounds. This concern was presented to Council by the Marine Farming Association and on 2 May 2013 Council's Environment Committee accepted a proposal from a policy executive to adopt *controlled activity status* as a way of facilitating the desired consenting certainty for existing consent holders<sup>1</sup>.

Meanwhile we have now had almost three decades and hundreds if not thousands of consent applications that have taken us through 'gold rushes', two moratoriums, some fairly divergent positions on public values and a failure by many decision makers to properly grapple with cumulative effects. This was recognised from a landscape perspective in a report on cumulative effects to the Ministry for the Environment as far back as 2008<sup>2</sup> (currently consented activity within the Sounds is now double that) and is also evidenced by the failure to heed the demands of experts for monitoring of ecological effects that have been made from as far back as the 1990's.

The *Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020* (NES) demand that cumulative effects be dealt with at the planning level.

So on one hand we are facing a need to bring to a point a generation of failure to address cumulative effect issues. On the other hand we have a portfolio of existing consent holders with an apparent belief that they have an entitlement to future free use of public domain to the same degree as they have been allowed in the past.

This is putting pressure on the community and on Council. It is why, back in 2004, the Resource Management Act 1991 was amended to introduce tendering as a preferred allocation mechanism for in-demand aquaculture consent rights. As far as I know Council has never publicly considered the

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<sup>1</sup> A similar recommendation to Central Government for controlled activity status, by the Doug Kidd Aquaculture Advisory Ministerial Panel in 2010, was declined and left out of the 2011 aquaculture law reform provisions.

<sup>2</sup> When is enough, enough? Dealing with Cumulative Effects under the Resource Management Act. Philip Milne, Simpson Grierson, February 2008 [at page 14]

tending of application rights for Sounds aquaculture consents<sup>3</sup>. New Zealand is now one of the only countries in the world that does not charge market rent or license fees for the use of the coastal marine resource<sup>4</sup>.

Today I want to highlight the key areas of concern held by the Associations. These are natural character and natural landscape, indigenous ecosystems, habitats and biodiversity, and navigation and public amenity. It is these that drive the proposed AMAs that we illustrate in the Powerpoint slides for the Beatrix Complex. I also want to highlight the background to spat catching sites in Clova Bay and the effects that these very inordinately sized and placed sites have on the area.

As the slides illustrate, and in respect of the Beatrix complex, we propose that:

- Clova Bay AMA 1 should be removed.
- Clova Bay AMAs 2 and 3 should be contained to a 100m-215m meter ribbon
- Clova Bay AMA 4 should be contained to 100m-300m meter ribbon
- Beatrix Bay AMAs 1-5 as proposed by V1; 6-10 contained to a 100m-300m ribbon; Site 8236 and AMAs 7-11 contained to a 100m-250m ribbon; AMAs 15-16 (excluding Site 8236) contained to a 100m-300m ribbon
- Kauauroa Bay – AMA contained to a 100m-225m ribbon
- Crail Bay – AMAs contained to 100m-300m ribbon except for:
  - Sites 8537 as 8537 – as proposed by V1
  - Sites 8529-8536 which should be as proposed by V1 but with the removal of AMA area within 100m of mean low tide.

These slides do not illustrate concerns raised in other areas – such as Kenepuru Sound and Richmond Bay. This is due to time and resource constraints put on us by the hearing process. Our submission points as they apply to those areas of course remain on foot.

### ***Natural Character and Natural Landscape***

The effects of aquaculture on natural character and natural landscape values is significant. It is clear from the section 42A reports prepared by Mr Bentley of Boffa Miskell (as appended to our further evidence) that aquaculture development in place at the time of assessment was in many instances inappropriate – either because it was holding areas back from being assessed as outstanding or because it was having a significant effect on the natural values of other areas. Aquaculture is not a permanent feature of the receiving environment. It is a finite termed consented activity for a reason and inappropriate effects from it must be addressed. Variation 1 is the venue for that.

The principles we have adopted for the illustrated AMAs in the Beatrix Complex reflect this. They reflect, as identified by Mr Bentley, that ring-fencing bays can significantly affect natural landscape and natural character values. Because of this the baseline adopted is that AMA's in ring-fenced areas should not exceed the 100-300 limits as generally prescribed by Policy 13.21.3. Compelling

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<sup>3</sup> I do not recognise Coastal Occupation Charges as 'rent' as they are more in the nature of a rate or levy. They are economically indiscriminate and will not return a market rent for the resource. We have estimated market rent for enclosed water mussel farm resource consent rights at around \$30m per annum. Coastal Occupancy charges will also not address generational equity issues and nor will they facilitate the identification of productive and unproductive sites for aquaculture.

<sup>4</sup> Chapter 3 - FARMING THE SEA - Marine Aquaculture within Resource Management System Reform – Raewyn Peart, Environmental Defence Society 2019

environmentally focused evidence that the areas are not already significantly affected at 100-300 would be required for AMAs to exceed that ribbon.

We also adopt the principles presented by Mr Bentley in his 5 April 2019 memorandum<sup>5</sup>. These include that activity adjacent to outstanding natural landscapes or features should be avoided. These AMAs should thus rightly be removed. At the very least, AMA's in these areas should be contained to no more than the generally prescribed 100-300 ribbon and should not exceed the surface area of existing activity.

### ***Ecological Concerns***

Natural biodiversity is key to natural ecosystem survival and flourishing, but we are currently enduring a spiralling decline in marine biodiversity in the Sounds. One of our key concerns is thus the protection and restoration of natural biodiversity. Mariculture at a level that materially controls an ecosystem undermines the natural biodiversity process resulting in significantly changed processes and benthic and pelagic community structures. This frustration of natural processes results in a loss of natural biodiversity and puts the future of the natural marine ecosystems at even more risk. Mariculture can be accommodated in the Sounds, but it must be constrained to levels that do not significantly disrupt natural ecosystems, habitats or biodiversity processes.

#### ***Aquaculture Stewardship Council (ASC) Bivalve Standard – Pelagic Effects***

A failure to monitor the ecological effects of inner sounds mussel farming has rendered us down to a reliance on models and standards to determine how much effect the existing level of consented aquaculture is likely to be having on the natural environment.

This international standard provides an objective way of setting acceptable farming levels where more empirically based options do not exist. It is a standard that is widely used for bivalve farming throughout the world – including Chile, Portugal, United Kingdom, Japan, Peru, France, Mexico, South Korea, Vietnam and China<sup>6</sup>. It appears that no New Zealand mussel farms are recorded as certified under the ASC Standard.

It is important to note that whilst we are advocating for the use of the calculations and parameters as applied under the ASC Bivalve Standard, we are not suggesting that farms actually need to seek ASC certification. That is a choice that individual consent holders could make themselves, for example if they wanted to capitalise on the marketing benefits of being able to label their product as being ASC Certified.

Using heat map graphics our computer model produces accurate depictions of the ASC Bivalve Standard. Inputs to the calculations, including number of mussels per hectare and adult mussel filtration rate, can be varied to determine the sensitivity of the model to different inputs. Different farm sizes can be input to test different AMA array and farming intensity parameters.

In our PowerPoint slides we follow a process of firstly setting AMA's by reference to natural character and natural landscape principles and then follow that with any further adjustment to AMA size to meet the ASC Standard. For example, for Clova Bay we show AMAs as proposed by Variation 1 and how that fits with the ASC standard. We then show AMAs as advised by Dr Michael Steven to address

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<sup>5</sup> It is important to note that this memorandum is about the effect of the proposed change from the existing aquaculture ribbon to a 100m-300m ribbon. It does not address the degree of effect that the existing ribbon of aquaculture is already having.

<sup>6</sup> Aquaculture Stewardship Council Website – Certified Farms search

natural landscape and natural character (excluding ecological) issues, and test how that fits with the ASC Standard. We then show the respective AMAs for Clova Bay that meet both the advice of Dr Steven on natural landscape and natural character as well as the ASC Standard.

#### *NIWA Biophysical Model – Zooplankton Depletion*

One of the most powerful tools we have is the NIWA Biophysical Model for the Pelorus Sound. This is a complex model involving super-computer processing that was commissioned by Council to describe the effects of existing and proposed mussel and fin-fish farms on Sounds water quality.

*The report advises that ‘whilst the model is not accurately reproducing the phases of some seasonal cycles, it is reproducing the annual averages and the amplitudes of the seasonal cycles fairly well. In particular, it reproduces the switch from winter-time light limited phytoplankton growth to summertime nutrient (nitrogen) limited growth. Thus, we believe that the model is performing sufficiently well that it can plausibly predict the magnitude of changes induced by the different scenarios.’*

As you will have read, this model produces alarming results for the effects of existing mussel farming in some low flush areas – namely the Kenepuru Sound and the Beatrix Complex - with zooplankton showing as being close to 100% removed from the system by the degree of existing mussel farms in these areas. This is a very powerful signal to the effect that existing mariculture has taken control of the indigenous ecosystem.

Somewhat surprisingly this does not appear to have been met with any environmentally focused concern by Council. Rather, when the results were unveiled reach was immediately made for the contracted scope of the model and blame was landed on the fact that Council had actually only commissioned NIWA to measure the effect of adding *more* aquaculture to that as already existed as at 2012. This based on a belief that because aquaculture as at 2012 had been in the Sounds for ‘so long’<sup>7</sup> it was not realistic to use a ‘no mussel farms’ baseline because the environment will have changed since then.<sup>8</sup>

That rationale is difficult to follow because the NIWA model merely compares today’s water qualities *with* existing farms against today’s water qualities *without* those farms. Fortunately, NIWA saw the merit in running a ‘no-mussel farms’ scenario and so it did ‘for its own edification’<sup>9</sup>.

Council has since put up a myriad of other reasons for continuing to avoid the ramifications of the Biophysical Model’s results. These have included that there used to be extensive wild mussel beds in the Sounds anyway (which subsequent coring studies now suggest is unlikely), because there are other stressors on the environment too (which of course does not condone the eradication of natural zooplankton by mariculture)<sup>10</sup> and because the model is likely to be over-predicting zooplankton depletion (there is no suggestion that this would actually be significant enough to contradict the extreme eradication levels shown nor to challenge the affirmed plausibility of the model’s predictions by its authors). It is now being suggested, somewhat meekly in my view, that the model has not been calibrated enough and that it costs too much to run.

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<sup>7</sup> Most mussel farm activity as at 2012 had actually been consented during the 1980’s and 1990’s

<sup>8</sup> For example, see Dr S Ulrich report to Council’s Environment Committee 23 July 2015.

<sup>9</sup> See Footnote 8, page 17 *A biophysical model for the Marlborough Sounds Part 2: Pelorus Sound*, Prepared for Marlborough District Council June 2015

<sup>10</sup> For example, see advice from Dr Ulrich dated February 2018 on file U170941.

This model is a powerful tool that was produced for this very purpose. It produces powerful evidence of what are, at the very least, potentially significant effects. The virtual absence of reference to the model in evidence to this panel from the industry is perfectly understandable. The Council's failure to recognise the model is, to me, inexcusable.

What is particularly important about this model here is that it corroborates the ASC Standard. The same areas that the ASC Standard model returns as significantly over-farmed are also returning the extreme zooplankton depletion results. This is illustrated in the PowerPoint slides.

### ***Clova Bay Spat Farm Site 8553***

I also want to reiterate our concerns with Clova Bay AMA 1. This is an inappropriate location for aquaculture activity and should be removed. It is entirely outside the 100-300 ribbon generally appropriate for aquaculture in Policy 13.21.3(a) and fails almost every amenity criteria in Policy 13.21.3(c).

Dr Mike Steven has provided two expert opinions on natural landscape and natural character issues with this site (February 2018 and October 2021) and concludes that it is not an appropriate location for aquaculture.

Background to aquaculture at Site 8553 was provided as appendix 5 to our February 2021 submission. Aside from the significant natural character and natural landscape issues arising from AMA 1, the site also presents significant navigation, recreation and amenity concerns. There is more detail on these on Council file U140566. For ease of reference I have appended some of the pertinent information from that file as Appendix 1 to this statement. It includes graphics of recreational activity around this site and residential activity around the site.

I want to impress that this site is in an area that the existing plan *already* recognises as inappropriate for aquaculture and that aquaculture at this site was agreed to by Consent Order in 1995 *only* because of industry claims that it had *particularly good* spat catching qualities and the industry was facing a spat crisis at the time due to an embargo on the movement of spat from Kaitia. It is relevant that the Consent Order replaced a proposed consent by Council that required the area be used for *emergency purposes only* and that in order to use the area the MFA firstly needed to show that Site 8559 (at the mouth of Clova Bay) was at full capacity and that Kaitia spat was still not available.

Consent Order requirements to remove debris from the seabed each year were never adhered to and a requirement to keep records of actual use of the site were never kept.

We can nonetheless attest to the fact that if the site ever *was* a particularly valuable spat catching resource then that has now very well dissipated – to the point that the site has hardly been used at all for many years now, and in fact has not been used at all since 2018.

The special purpose of spat farms is recognised by regulation 25 (c) of the NES. This is because it would not be appropriate to facilitate new consents involving a species or activity change where a site has only been consented in the first place to meet a special purpose. The special purpose for this site has lapsed and the social license for this site has accordingly expired. The community holds a legitimate

expectation of having the natural status of this site restored through the removal of Clova Bay AMA 1<sup>11</sup>.

### **Clova Bay Spat Farm Site 8559**

Site 8559 is currently part of proposed Clova Bay AMA 3. It is the inordinately located and large polygon at the north-east end of Clova Bay AMA 3. It also fails the criteria in Policy 13.21.3(a) as it extends out to at least 800m from shore and it fails at least the residences, navigation and boat launching criteria in Policy 13.21.3(c). This inordinately located and sized site was also granted *only* because of its *particular spat catching qualities* and a 'severe' shortage of spat. More particularly, Decision U930693 to grant consent for an original 14ha spat catching facility on this site was approved *as an emergency relief measure* and was granted because "... the proposal was considered as being regionally significant and essential to the long term survival of the marine farming industry in Marlborough." In December 2000 (U00436) the site was extended by 9.1 hectares – again because there was apparently a severe shortage of mussel spat. The planners report on this application records:

7. *Initially this proposal was submitted and notified on the basis of a farm for spat catching and spat holding. However the Algal Bloom currently present in the North Island means the Green Mussel spat sourced from Kaitia cannot be imported into the Marlborough Sounds, which at the time of writing, remains free of the Algal Bloom. This has resulted in a severe shortage of Mussel spat for the industry at large.*
8. *To assist in overcoming this shortage, the industry requires to catch more spat locally and additional spat catching facilities are required as a matter of priority. To enable this application to be considered urgently, the applicant has approached all submitters suggesting that the application be restricted to spat catching only (the amended application is attached as Appendix A). The farm area will be available for use by all members (on an allocation system) of the Association. Accordingly all submitters have now withdrawn their requests to be heard enabling this application to be determined without hearing, pursuant to Section 100 of the Resource Management Act 1991.*

It now appears that the utility of this site for spat catching is fading away. This is evidenced by a recent request to vary the conditions of the consents over this site so as to include the growing of mussels, other shellfish and seaweed. The application records this as necessary because over recent years the ability to catch spat at the site has reduced. We also note from the evidence of Dr Andrew Jeffs and others presented to this panel that this site is also unlikely to have any special utility for spat holding - this being the preserve of outer areas of the Sounds with better water current and turbulence and food quality and availability.

The site is inordinately large and extends to half a kilometre further from shore than the proposed 100-300 ribbon. It is situated off a headland. The special qualities of the site used to justify its inordinate size and location in the first place no longer exist.

Dr Steven has addressed this site in his October 2021 expert evidence and concludes that it is inappropriate development from a natural landscape and natural character perspective and should be

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<sup>11</sup> The existing consent in AMA 1 expires in 2037. The removal of AMA 1 will nonetheless effect a proper recognition of the public values that are held over the site, will ensure that no further consent renewals can be applied for at the site, and will ensure to the community a reversion of the site back to its natural state at least no later than 2037.

removed from Clova Bay AMA 3. We would add that it is also an obvious navigation impediment and a potential navigation hazard.

The community holds a legitimate expectation of having this site reverted back to its natural state and this should be respected through the removal of Site 8559 from Clova Bay AMA 3.

### **Clova Bay Recreational and Navigation Use**

Our submissions seek to maintain and enhance recreational amenity in the central Sounds area and in this regard we want to ensure that there is adequate access through marine farms and no unnecessary navigational impedance or hazard from AMA positioning. This has always been a generally accepted imperative when historically consenting aquaculture – although unfortunately there are some limited examples of where this has not prevailed.

It has been suggested, based on AIS data, that the Beatrix, Clova and Crail Bay areas have relatively low recreational boating activity. This is misleading. AIS data is only collected from vessels with AIS capable monitoring or communication equipment. Almost all recreational boating in the enclosed waters of the Sounds is undertaken with family recreation or fishing boats that *do not* have this sort of electronic capability. It is the preserve of commercial boats and off-shore or ‘blue water’ yachts and launches. Even the recreational activity that *does* show for the inner sounds under AIS data is misleading. For example, Johnson’s barge the ‘Pukatea’ identifies as a recreational boat in AIS data, as does the Tasman Harbourmaster’s vessel ‘Sentinal’.

We operate a holiday accommodation business from Clova Bay and our property will see up to 1,000 ‘people days’ of visitors over a summer period and we can have up to 6 boats based at our property at any one time. I have seen hundreds of recreational trailer boats through our property and I have not yet seen one with an AIS tracker.

You do need an expert to show that AIS data is of *no relevance* when determining levels of inshore recreational boating activity. We contacted recognised boat electronics supplier Bay Marine Electronics, who quickly affirmed that AIS capable equipment is utilised by commercial and ‘blue water’ recreational vessels and that you will very seldom find it on any in-shore recreation or fishing vessel under 8 meters in length.

Clova Bay currently has 21 existing residences and at least 2 more in design or construction. Our property alone (on the north side of the Clova Bay head) can host up to 20 boat movements a day in summer. There is an equally as busy launching ramp and jetty on the south side of the Clova Bay head. Clova Bay is also a gateway to the outer Pelorus Sound for many Kenepuru Sound based trailer boat owners and holiday makers. A lot of the Clova Bay sourced recreational boating traffic will go to Beatrix and Crail Bays to fish, picnic, camp and explore. Beatrix Bay is also a recreational fishing and snorkelling destination for vessels from other areas. Crail Bay hosts a solid residential population, a number of jetties and launching ramps, as well as a good influx of holiday and recreational boaties over the warmer months.

### **Policy 13.21.4 – Inclusion of High Value Pelorus and Kenepuru Sound Areas**

I also want to briefly touch on our submission to include some Pelorus and Kenepuru areas in Policy 13.21.4. This because it might also be suggested, based on AIS boating data, that the areas proposed do not have high recreational or amenity use. As noted, reliance on AIS data for inshore recreational boating activity is misleading. It would also be inappropriate to refer to the degree of safe anchorages

that these bays offer – this given that almost all public use in these areas is by locals and holiday makers on day-trips. This recreational use does have value.

Comparisons between the areas we identify and to other areas in Pelorus and to Queen Charlotte Sound would also miss the point. The purpose of Policy 13.21.4 is to provide absolute protection from aquaculture development. That is needed in the areas identified (particularly Clova Bay, Beatrix Bay and Crail Bay) in order to provide a degree of sanctuary in each area from what is otherwise a ring-fencing of aquaculture development. The value of that sanctuary is high and that sanctuary value does not exist in other part of the Pelorus or in Queen Charlotte Sound. The areas are identified in the current plan as inappropriate for aquaculture for the same reason and remain, in our view, the most appropriate areas for sanctuary protection in each of the relevant embayments. The Kenepuru areas identified share similar values and some are also too densely populated for aquaculture to be a viable proposition.

Trevor Offen

15 November 2021

For Clova Bay Residents Association Inc  
Kenepuru and Central Sounds Residents Association Inc  
Guardians of the Sounds Inc



## **Appendix 1 – Site 8553**

### **Navigation, Recreation, Amenity and Planning Issues**

#### ***Extract from Hearing Evidence TG Offen – Council File U140566***

- “2.1 Clova Bay is a gateway to the Pelorous Sound from Kenepuru Road. It is busy, particularly in the summer and autumn months. The head of Clova Bay hosts what might be considered a dispersed cluster of residential development. As well as the residences it boasts sandy beaches, significant sand and shell inter-tidal areas, jetty and boat launching facilities, a native reserve, and around half of the marine area is classified as an ecologically significant marine site.
- 2.2 Attachment 2 shows the location of dwellings in the area (both as existed at the time of the 1995 Consent Order and that have been developed since then), residential lots approved for subdivision since the 1995 Consent Order but not developed with dwellings yet, the jetties located in the area, and the scenic reserve at the head of the bay adjacent to the spat farm site.
- 2.3 This is relevant as not only does it show the position of the subject farm relative to numerous dwellings, jetties, launching facilities, beaches and landscape features etc, but it also shows how Clova Bay is changing. It is almost certain that there will be at least four new dwellings erected in the head of the bay within five years and very likely that another four dwellings will be erected within ten years .
- 2.4 As well the land along the western side of Clova Bay was recently acquired by a member of CBRA. This was largely covered with exotic forestry. Most of this has been felled and the area sprayed to kill remnant pine seedlings so that the area can revert back to native bush. Native regeneration is expected to dominate this side of the bay within five years.
3. **Navigation**
- 3.1 Navigation appears to have been assessed by the reporting planner as not an issue on the strength of a Harbours report. This report comes to the somewhat cryptic conclusion that the farm will not introduce any additional maritime safety concerns because the farm has been in this location for several years without any significant incidents being recorded .
- 3.2 This contrasts sharply with the Harbourmasters views when the consent was applied for in 1995. Attachment 3 is the evidence of Mr Alexander van Wijngaarden, as prepared for the Planning Tribunal hearing in 1995 . Mr van Wijngaarden opposed the application on the basis the extension of the farm beyond 200 meters from shore not only set an unhealthy precedent but also posed a navigational hazard and represented an inappropriate imposition on the rights of others to navigate in the open water of the bay. This was of course in regards to an application that was for a longer farm, but the reduced length of the Consent Order farm still extends, width wise, out to between 500 and 600 metres from shore (almost three times the generally accepted limit) and for all practical purposes represents the same hazard and alienation of public navigation area in the middle of the head of the bay that Mr van Wijngaarden objected to.
- 3.3 The navigation concerns were clearly shared by the MDC planner at the time, Ms Jenny McAvinue. An extract from her statement as prepared for the Planning Tribunal hearing is

*attached as Attachment 7. Her view was that the farm would be contrary to all MDC planning documents as well as the New Zealand Coastal Policy Statement ('NZCPS') and the Resource Management Act 1991 ('RMA'). She believed it represented an unreasonable alienation of public space and stood to adversely affect navigation, recreation and enjoyment of amenity and visual values in the area to a significant degree .*

*3.4 Nothing has changed. In fact, the head of Clova Bay is probably now used more that it was in 1995. Attachments 4, 5 and 6 illustrate recreational activity in the Bay.*

*3.5 We note that some weight has been put on the fact that there have been no reported navigational incidents with the spat farm. The reality is that incidents with marine farms are not infrequent but they are seldom reported to anybody. This is because people do not want to report that they have got tangled in or hit a mussel farm, and if they do they do not know how to report it. This farm is a particular navigational hazard and inconvenience because:*

- o It is mid bay – whereas virtually all other marine farms are constrained to a coastal ribbon. As noted, this is one of the reasons it was originally declined – because it was (significantly) more than 200 metres from shore and stood to cause considerable navigational inconvenience.*
- o As you navigate toward the head of the bay at night the lights from this site frustrate the identification of the lights on the inside and outside of the farms along the neck of the bay. This is because you cannot define visual depth well from marine farm lights at night. The result is that you have no ability to determine whether what you see as a light blinking is coming from a light on a mussel farm along the neck of the bay or a light on the spat farm coming from the middle of the head of the bay.*
- o It encroaches into the navigational path of boat traffic to the Manaroa jetty.*
- o It is in the middle of a recreationally active area over the summer and autumn months. Sailing and water sport activities are significantly curtailed when the marine farm surface structures are in place.*
- Navigational incidents I can personally recall involving this farm include the following:*
  - o April/May 2006 – my father, an elderly yachtsman, strikes a rope up to 100 metres long that is trailing off the southern side of the spat farm. He is struck by the boom in the turmoil and nearly capsizes his yacht. A potentially serious incident that was reported to the MFA. The rope was retrieved a couple of days later but was trailing around in the open water again within another couple of days.*
  - o Also around April 2006 – Night rescue of local Jackson family members having boat difficulties. The vessels entangle in the spat farm trying to get to the Manaroa Road jetty.*
  - o Easter 2008 or 2009 - I am called out at 10.00pm by Maritime New Zealand to assist a boat in difficulties stuck within the spat farm in a southerly wind.*
  - o 2009 – The Picton Float Plane is blown into the spat farm whilst taxiing to the Manaroa Road jetty. This was not reported, but the pilot subsequently objected to an adjacent marine farm renewal (Site 8552 in the CMZ 2 zone) and the incident should be reported in that hearing file.*

3.6 *I note there are other navigational incidents with this particular farm recorded in other submissions that have been made against this particular application."*

*Attachment 5- Recreational Activity Clova Bay*



Photo Showing Watersport and Navigation Activity taken from Manaroa Wharf, Clova Bay 13 January 2009.

Foreground right: jetski,  
Background from left: launch, ski boat, windsurfer and small yacht.





*Attachment 2 – Residential Development Clova Bay*

**Clova Bay Dwellings Map**

