

**In the Matter of:** The Resource Management Act 1991

**And** Proposed Plan Change 61:  
Private Plan Change Request

**Application By:** The Wainui Bay Spat Catching  
Group

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**STATEMENT OF EVIDENCE BY**

**John Robert Hudson**

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8 August 2016

## **INTRODUCTION**

1. My name is John Hudson. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in this field for over 30 years. I have a Bachelor of Arts Degree in Geography from Victoria University and hold post graduate diplomas in landscape architecture and business administration from Lincoln and Victoria Universities respectively. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects, and have also held the roles of member and chairman of the Institute's professional examination committee for ten years, as well as judge for the Institute's biennial awards and member of the Fellow selection panel.
2. I have recently renewed my Making Good Decisions certificate from the Ministry for the Environment, have previously attained the Chairing Endorsement, and have been engaged as an independent commissioner for several large consent applications. The largest was an appointment by the Minister for the Environment to the Board of Inquiry hearing Mighty River Power's Turitea Wind Farm consent application, which was Called In as a project of national significance.
3. My practice consults on projects throughout New Zealand, with particular focus on landscape assessment, subdivision, large scale design, and infrastructure. I regularly appear as an expert witness at both Council hearings and Environment Court appeal hearings.
4. I confirm that I have read and am familiar with the Environment Court's Code of Conduct Practice Note 2014. I agree to be bound by that Code of Conduct and confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express in the following evidence.
5. I have been engaged by the Wainui Bay Spat Catching Group to provide expert witness evidence with regard to the proposed private plan change 61.

## **SCOPE OF EVIDENCE**

6. In my evidence I will outline the development of landscape provisions in Golden Bay, and consider the values that underpin those assessments. I will then explain why the spat catching site in Wainui Bay has a limited effect on the values of the landscape and is,

therefore, appropriate in that location. Finally, I will comment briefly on conditions proposed by the applicant to address effects on amenity.

## **BACKGROUND**

7. Bullet pointed below is a potted history of the development of landscape provisions for Golden Bay. This starts with identification of Landscape Priority Areas in the notified 1996 Tasman Resource Management Plan, and travels right through to the current notification of a Draft Plan Change containing the results of the Small Working Group's assessment of Outstanding Natural Landscapes (ONL's) and Outstanding Natural Features (ONF's). There has been very limited assessment of Natural Character, with the main work being that undertaken in 2012 where a sample of 7 inlets throughout the district was considered using the Quince Method. I note that mussel spat was first farmed at Wainui Bay around 1980, well before the development of landscape provisions and maps.

### **1996: Tasman Resource Management Plan**

- Initially included Landscape Priority Areas (Not Outstanding Natural Landscapes/Features), but these did not eventuate.

### **2001: Environment Court Decision 150 (Judge Kenderdine)**

- States that Golden Bay is an Outstanding Natural Landscape/Natural Feature

### **2005: Tasman District Landscape Character Assessment (Boffa Miskell)**

- Consider the classification of the Wainui character area as an outstanding natural landscape.

### **2008: Environment Court Appeals Resolution (In relation to the Tasman RMP) and Consultation**

- Council agreed to identify ONFL's in Golden Bay and the Northwest Coastline, and undertake a Plan Change to protect ONFL's.
- At this time Council were also undertaking engagement with community stakeholders

### **2010-2011: Council Community Engagement with Large Working Group**

- Made up of about 40 key interest groups (including Marine Farming representatives)

### **2011: Golden Bay Outstanding Natural Landscape and Features Assessment (Boffa Miskell)**

- Consider the classification of the Wainui area as an Outstanding Natural Landscape, and the Wainui Bay Inlet as an Outstanding Natural Feature.

### **2012: Refining the QINCCE methodology for measuring coastal natural character using case studies in Tasman District (Victoria Ann Froude and Chris Richmond)**

- Consider the classification of coastal natural character on 7 sample inlets in the Tasman District. Wainui Bay was not one of the 7 areas sampled.

### **2012: Golden Bay Outstanding Natural Landscapes and Features Study (Andrew Craig)**

- Assessment undertaken which identified the Golden Bay Marine area as an ONL, and the Wainui Bay Inlet (including the existing Marine Farm) as an ONF/ONL.

**2012-2015: Council Community Engagement with Small Working Group**

- This comprised of 8 members of the original Large Working Group, who were tasked with identifying ONFL's in Golden Bay.

**2014: Expert Panel Wainui Bay Workshop**

- The outcome of this workshop was that the 5 Landscape Architects could not decide whether the Wainui Bay coastal landscape was an ONF or not but agreed that the inability to reach a conclusion was due to the lack of contextual information on landscape values within Golden Bay and the wider Tasman District, so that relative values could be taken into consideration.

**2015-2016: Small Working Group Report Findings and present to the Council**

- The Council have now accepted the recommendations of the Small Working Group. That has identified the waters of Wainui Bay as part of the Golden Bay Mohua Coastal ONL, the terrestrial areas of Wainui Bay as part of the Abel Tasman ONL, and the Wainui Bay waters and coastal margin as an ONF.

**2016: Draft Plan Change – Golden Bay Landscape Project**

- The draft Plan Change has been prepared by Council and has adopted the Small Working Group Recommendations.

8. The net result is that, despite reports and assessments by various parties, there are no statutory maps identifying Outstanding Natural Landscapes (ONL's) or Outstanding Natural Features (ONF's) within the Golden Bay area of Tasman District. Nor are there any comprehensive studies, statutory, proposed or draft maps for Natural Character.
9. The Draft Plan Change of the Golden Bay Landscape Project is the culmination of community led work that started as a Large Working Group in 2011 and continued as a Small Working Group in 2013 (Figure # 1). The results of this work has now been put out for consultation by the Tasman District Council. Their work evaluated the 2012 report (Figure 2) of Andrew Craig (Landscape Architect) and has been tested against the sounding board of the Large Working Group before being presented to Council in April 2015.
10. At the outset of my evidence, I would like to acknowledge the work of the Small Working Group and those that have contributed to the output that is currently notified as the Draft Plan Change of the Golden Bay Landscape Project. I have seen many community efforts over time in many locations throughout the country and, in my opinion, the Group should be proud of the output they have achieved and the documentation that supports it. While it has been said that Outstanding Natural Landscapes should be so obvious that expert analysis is

unnecessary, the Group appears to have wrestled with and successfully reached agreement on the many areas where self-evidence contains shades of grey. Ultimately, what are Outstanding Natural Landscapes must be up to the community, and the Small Working Group have done an excellent job to date of identifying landscapes that consider professional outcomes and accord with community values. Continuing the process through the plan change will provide the opportunity for wider community feedback and acceptance of the group's outcomes.

11. The Small Working Group takes the Court finding of the entire marine area of Golden Bay as an Outstanding Natural Landscape and adds to it a number of additional areas (Figure 3): generally the land based area of Kahurangi National Park, the marine area of the upper West Coast, a portion of the Abel Tasman National Park and the landward area of Wainui Bay (which includes a small portion of Abel Tasman National Park). As Outstanding Natural Features it adds the marine area of Whanganui Inlet on the West Coast (Figure 4), Farewell Spit (Figure 5), the inner marine area of Wainui Bay and the coastal land based edges of outer Wainui Bay (east and west including Abel Tasman Point) (Figure 6), plus the coastal features of Tarakohe Cliffs (Figure 7).
12. There has also been an expert workshop in 2015 which considered the specific situation of Wainui Bay in terms of Landscape and Natural Character. This was attended by 5 landscape architects (including myself) and representatives from DoC and Tasman District Council. The outcome of this workshop was to conclude that Wainui Bay did not meet the threshold for Outstanding Natural Character, but was inconclusive as to whether it reached the threshold for Outstanding Natural Landscape. The reason for the inconclusive outcome regarding Outstanding Natural Landscape was:

*'due to the lack of contextual information on landscape values within Golden Bay and the wider Tasman District, so that relative values could be taken into account.'*
13. A key means of gathering this contextual information is through community input in order to determine the 'shared *and recognised values*' (using the Pigeon Bay terminology). The findings of the Small Working Group provide a vital contribution to filling this acknowledged information gap.
14. The Small Working Group's findings have been notified by the District Council as a Draft Plan Change. When the Small Working Group undertook their work, they received input from 3

landscape architects during their considerations. They were Frank Boffa, Andrew Craig, and Liz Kidson. Dr Mike Stevens was also invited to explain his views on naturalness.

15. The output from the Small Group, as shown in their report and the notified Draft Plan Change, has defined three levels of Outstanding Landscape/Feature in relation to Wainui Bay:

- The Mohua Coastal Marine ONL, which covers the wider marine area of Golden Bay, including the marine area of Wainui Inlet (Figure 8)
- The Abel Tasman ONL, which covers the Wainui Bay valley and extends a total length of 23km as it heads south, well beyond its boundary with the Abel Tasman National Park (Figure 9).
- The Wainui Bay Inlet, which essentially covers the tidal area of the inlet plus a linkage along the coastal edges to the eastern and western headlands of the Bay (Figure 10).

16. Starting with the large scale, the Group accepted the Court's decision that the entire marine area of Golden Bay/Mohua is an outstanding natural landscape/seascape.

17. At the intermediate scale, they considered the area they defined as the Abel Tasman ONL (Figure 11). This is a long strip of land that extends for 23km, starting from Wainui Bay in the north, extending south along the ranges until it meets the Takaka Hill Road. Abel Tasman National Park forms its eastern boundary for much of this length, with the Takaka Valley forming much of its western boundary. The work by Andrew Craig, which the Small Working Group referenced when it began its work in 2013, identified a similar character area by the same name (Figure 12). He divided the area into 3 main sub-areas, with the most northern one being Wainui Bay. This was essentially the Wainui Bay visual catchment, which extended 4km inland from the tidal edge.

18. The report commented about the characteristics and values of Wainui Bay within the wider Abel Tasman ONL, saying:

*"Much of the catchment is regenerating indigenous forest, with a small component (9%) of pastoral use. Important high tide roosts are located at the tops of both spits, and banded rail, marsh crake and South Island fernbird are also found here. There are important historic connections with early contact between Iwi and Europeans, and a urupa is a particularly important cultural site for Iwi (P27).*

*".. the Group chose to include the farmland of Wainui Bay within the [Abel Tasman] ONL because of its relative scale and sense of enclosure. This is supported in recent case law, specifically the Man O'War decision. The Group were advised that 'the marine processes are evident, and there is diverse vegetation, presence of whitebait*

*and native snails. Transience, vividness and coherence are high, with very high legibility'(p16).*

19. When the scale of their focus increased to just be the Wainui Bay Inlet (Figure 13), the Group states (at p14):

*We considered an ONF designation and concluded, because of the surrounding ONL landscape status both seaward and landward (which extends up into the Abel Tasman National Park) and the unusual form – being both a bay and an inlet – agreed to adopt the outstanding natural feature status.*

20. When describing Wainui Bay Inlet, they had the following to say:

*Wainui Inlet is a moderately-sized (215ha), shallow estuary with a small tidal arm. It is surrounded by highly erodible Separation Point granite. Together with open bay it is an outstanding natural feature, and is described in more detail in the next section. .... Important high tide roosts are located at the tops of both spits, and banded rail, marsh crake and South Island fernbird are also found here. There are important historic connections with early contact between Iwi and Europeans, and a urupa is a particularly important cultural site for Iwi. (p27)*

*The highly exposed golden sands create strong transience. This inlet is unusual in combining both a bay and an inlet. There are areas around Wainui Bay and Inlet of cultural significance to Iwi (the urupa) and of historic importance relating to first encounters between Iwi and Europeans. P30*

21. To review the key factors so far, it can be seen that there are strong associational and transient values associated with the Inlet, influenced by tidal patterns, exposed golden sands, birdlife, tidal action, historic connections and Maori cultural sites. It can also be seen that it has the unusual feature of being both a bay and an inlet, surrounded by highly erodible granite cliffs. Additionally, it accommodates a degree of modification, but the Group considers the scale of this to be insufficient to prevent the area being Outstanding.
22. In terms of the presence of modifying elements in an Outstanding Natural Landscape and their effect on an adjacent Outstanding Natural Features, the Small Working Group considered the case of Port Tarakohe (Figure 14). This is clearly a modification that sits within the wider Mohua Coastal Marine ONL, which encompasses all of Golden Bay, and is adjacent to the Tarakohe Cliffs ONF (Figure 15). Referencing the Environment Court's thinking, the report states (p13):

*The Golden Bay Coastal Marine ONL is across a very large landscape which, in the finding of the Environment Court, was seen to be able to absorb the influence of activities such as aquaculture and remain outstanding in quality. Case law has also*

*established that it is not justified to excise small areas from a larger whole. As with all of the wharves and ports in the study area of Golden Bay, the Group notes that the port at Tarakohe extends out into the coastal marine ONL and as it is such a relatively small area, excising it would be unjustified.*

23. As a further comparison to the spat catching proposal, the Port is an activity within the CMA which also requires a coastal permit, is within an ONL and is adjacent to two ONF's.

## **VALUES**

24. When assessing Outstanding Natural Features and Landscapes, it is necessary to consider the characteristics and values that cause the area to be outstanding. The characteristics are well documented in the Small Working Group's report, and to some extent so too are the values. These are both further documented in the background report prepared by Andrew Craig, which the Small Working Group referred to. When these two sources are combined, plus the findings from the Expert Workshop that I attended in 2015, the following values can be assigned to Wainui Bay. The marine part of Wainui Bay is considered as being the tidal area and the open bay out to the headlands, while the land part is considered to include the cliffs and slopes from the headlands back to the sand spit (Figure 16).
25. Wainui Bay has significant transient values which are a result of; the ephemeral presence of endemic wildlife (roosts, birds, seals and dolphins), the perception of character through varying sea and light conditions, and the appreciation of tidal processes displayed by the golden sands, islands, cliffs, sandspit and inter-tidal zone/estuary which have clear elements and patterns.
26. The transient qualities mentioned above are most expressive within the inter-tidal zone. When combined with the clearly legible landform of the containing headlands (Figure 17), with their strong vertical character and steeply sloping cliffs that define the bay, this creates an aesthetically coherent and vivid landscape. The bay also has strong containment due to the clearly defined landform that define the bay to the east and west (Figure 18), while remaining open to the wide expanse of the Mohua Coastal Marine ONL to the north.
27. The bay has the unusual feature of containing both open water and an inlet. These are enclosed by steeply sloping hills either side that define the extent of the water and flat valley floor. The clear change in gradient between the enclosing hills and the valley floor in the inner part of the bay, as well as a high contrast of form between the cliffs/steeply sloping

hills and sea in the outer part of the bay, combine to create the clear legibility of Wainui Bay within the wider Golden Bay context (Figure 19). It is this legibility that is a defining value of the outer bay, while transience is the key value for the inner bay. The strength of the elements and scale of the bay is such that the Wainui Bay Inlet as a whole remains Outstanding despite the modifying elements within it.

28. This last point is an important one to note. There have been a number of assessments covering Golden Bay and commenting on Wainui Bay, with the assessments carried out to varying depths and scales. Of the ones that I am familiar with, they have all accepted Wainui Bay Inlet as potentially an Outstanding Natural Feature despite the presence of the spat catching site. Just as the Small Working Group commented, the scale of Mohua Coastal Marine ONL is sufficient to absorb such facilities and remain outstanding in terms of the wider Golden Bay setting. Just has been found by the expert workshop and the Small Working Group, the presence of the existing farms is of sufficiently small scale not to prevent the Wainui Bay Inlet from remaining outstanding.
29. That is not to say that there aren't certain locations from which views can be obtained that are adversely affected by the farms. One such location may be that of the two neighbours to the west, who both submitted against the current application. Although I have not been to either house, I have viewed the site from the Abel Tasman Drive. By stopping a vehicle and walking back up the road about 100m, it is possible to obtain an expansive view across Wainui Bay, from the spit in the south right around towards Farewell Spit in the north (Figure 20). The site lies in the middle distance about 500m away and is viewed from an elevated position. In my opinion, the view from these houses may be adversely affected, just as there is some adverse effect on the view from the road.
30. But being able to see the site from one location does not necessarily mean that it is inappropriate. This is but one view, albeit a prominent one, but only one within a wide bay and in which the defining values of the bay remain intact. The values of transience are little affected by the farms, with this value primarily relating to the inner inlet and inter-tidal zone. The value of legibility remains intact, with the defining hills on the eastern side of the bay and the cliffs on the western side still being the dominant features that contain the bay.
31. Within the bay are a number of modifying elements, such as the row of houses along the foreshore, roads, steep road cuts, farmland, buildings, rock retaining walls. But the area is

still considered to to be outstanding despite these due to the dominance of the values that cause the outstanding classification.

32. Views from other locations that include the spat catching site, such as the eastern end of the spit, are so distant and form such a low angle that the site is virtually impossible to see (Figure 21). In the right weather conditions, views can be obtained from the Totaranui Road or the Coastal Track (Figure 22), both at distances of several kilometers or more. The farms have a limited effect on the values of the ONL when seen from these distances.

## **CONDITIONS**

33. Several submitters have commented on the operational aspects of the spat catching facility, particularly the noise, hours of operation, lighting and rubbish. The de Lambert submission comments on these. It is beyond my expertise to comment on noise, but as a general principle I would agree that steps should be taken to minimize adverse amenity effects where feasible. For example, if lighting can be directed downwards towards the working area and avoid light spill, then this would appear reasonable and not detrimental to the operator. Additionally, debris should not be discarded into the sea in the first place, so a regular shore cleanup of debris that has made its way overboard would also appear reasonable. While I understand the benefits of having work hours that fit in with calmer times of the day, it would also appear reasonable to limit operation time so that either early morning or early evening times can be used, but not both. Hours limited to 12 hours per day would potentially achieve this. In making these comments, I must however defer to the site knowledge and experience of Hika, the barge operator, who is also giving evidence for the applicant.

## **CONCLUSION**

34. In conclusion, it is my opinion that the key value of the inner bay is transience and the outer bay is legibility. Despite the presence of the spat catching site, these values will not be affected due to the scale of the bay and the strength of these values. The findings of the Small Working Group are that Wainui Bay Inlet is an Outstanding Natural Feature and the presence of the existing spat catching site has not prevented them from reaching this conclusion. The output of the expert workshop was that contextual information on the wider Golden Bay landscape was needed before deciding if Wainui Bay was an Outstanding Natural Landscape, but the presence of the existing spat catching site has not prevented

them from reaching this conclusion either. The output of the Small Working Group contributes the contextual information that the expert workshop acknowledged was missing. While I cannot speak for the other experts that participated in the workshop, in my opinion, this information confirms the relative status of Wainui Bay and aligns with that of the Small Working Group.

John Hudson

12 August 2016