



P.O. Box 20717 Glen Eden Auckland 0641

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**NOTICE OF SUBMISSION ON A RESOURCE CONSENT APPLICATION PUBLICLY  
NOTIFIED OR NOTICE OF WHICH WAS SERVED UNDER SECTION 94(1)**

**CONCERNING RESOURCE CONSENT**

**Renewal of Coastal Permit 3397-2**

**Resource Management Act 1991**

**TO: TARANAKI REGIONAL COUNCIL**

**NAME OF SUBMITTER: SURFBREAK PROTECTION SOCIETY INCORPORATED ("SPS")**

**INTRODUCTION**

This is a submission by SPS on resource consent applications by New Plymouth District Council ("NPDC") for coastal permits/discharge consents, as described and set out in NPDC's application dated 13 July 2001 and the document "*Application to the Taranaki Regional Council; Final Assessment of Environmental Effects and Application for Renewal of Discharge Consent; Waitara Municipal and Minor-Industrial Waste Treated at the Waitara Wastewater Treatment Plant and Discharged via the Waitara Marine Outfall*", 18 March 2010 ("the application"); the application states that consent is sought to renew NPDC's coastal permit 3397-2 and also to [expand that permit] discharge up to 11,950m<sup>3</sup> per day (138 Litres/second) of treated municipal and meat-packing wastes generated in Waitara township, and 51 Litres/second of stormwater via a marine outfall pipeline into the Tasman Sea (Coastal Management Area C) at or about GR: Q19:157-467-467 for a duration of 10 years; and to increase the upper pH limit for the discharging waste to pH12 from

the pH11.5 allowable under coastal permit 3397-2 . The location of the proposed activity described in the application is at or about GR: Q19:157-467-467.

The specific parts of the application that this submission relates to are: the proposal/proposed activity in its entirety.

## **SUBMISSION**

SPS is dedicated to the conservation of Surfbreaks. Surfbreaks are a natural characteristic, and part of the natural character, of the New Zealand coastline/coastal environment, of which there are few when compared to the total length of the New Zealand coastline<sup>1</sup>.

The proposed activity is within the coastal environment and coastal marine area ("CMA") and immediately adjacent to surf breaks at Waitara, namely the Waitara River mouth bar and Spot "X" (Boilers) Those breaks are part of the natural character and landscape and amenity values of the coastal environment within which the proposal will be located. The Waitara River and the coastal environment in the area in which the development/proposed activity is proposed to be located generally, is an area/place of very high amenity values/recreational amenity and natural character and landscape values; the surf breaks are part of, and contribute to, that existing environment. These areas are also important kaimoana gathering areas etc and the water quality of these areas should not be compromised. Surfbreaks and surfing enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Waitara River mouth bar [Waitara bar and Spot "X" (Boilers) ] are two of the 470 listed surf breaks in Wavetrack's New Zealand Surfing Guide<sup>2</sup> "(Wavetrack guide)". This publication is a recompilation of the original "A guide to surfing in New Zealand". First published in the 1970's the new Wavetrack guide is a must have for surfers touring New Zealand, both national and

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<sup>1</sup> Scarfe (2008) states that there is only: "*one surfing break every 39km to 58km. Many of these surfing breaks are only surfable a few days per month or year when the tide, wind and wave conditions are suitable.*"

<sup>2</sup> **Wavetrack New Zealand Surfing Guide**, P.B. Morse, P.Brunskill, Greenroom Surf Media Limited, November 2004; [www.newzealandsurfingguide.com](http://www.newzealandsurfingguide.com)

international. Waitara, as a surfing destination, is rated highly, and part of Taranki's Surf Highway 45, in the Wavetrack guide. An excerpt from the Wavetrack guide adequately sums up its value;

The introduction to the guide states on page 5:

*"...we do have an array of world-class breaks providing incredible consistency. New Zealand is one of the last few remaining surf destinations able to offer large, uncrowded water to surfers. Not only this, but the scenery is spectacular and the unique shape of the land presents many options to those wishing to take advantage of all it has to offer – one of which is that the drive from coast to coast rarely takes longer than three hours. This guide only scratches the surface of all that is available in this beautiful country".*

Surfing is unique in that it is considered both a sport AND recreation; most participants view it as the latter, and travel the globe seeking the "perfect wave". Surfing and surfbreaks provide high amenity values and attracts high numbers of both national and international tourists, and surfing as a sport and recreational pursuit contributes significantly to local, regional and national economies. With regard to the application SPS is, inter alia, concerned that no (or an inadequate) Assessment of Environmental Effects (AEE) has been conducted regarding, inter alia, the likely effect of the proposal generally, and the water quality more particularly, on the above mentioned surf breaks and amenity values, people's recreation, health and safety, the quality of the environment and the coastal environment/CMA in the relevant existing environment of GR: Q19:157-467-467 and Waitara River mouth bar and the other breaks noted above generally.

Sufficient particulars must be given with an application to enable those who might wish to make a submission to assess the effects on the environment, and on their own interests, of the proposed activity<sup>3</sup>. The applicant must provide the details and information necessary to enable that to be done. It is submitted that the applicant has failed to do so; for example, the applicant has provided no particulars, or an assessment of, regarding the likely effect of the proposal generally, and the

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<sup>3</sup> See: AFFCO New Zealand Limited v Far North District Council [1994] NZRMA 224

cumulative effects more particularly (especially when combined with other discharges already going into the Waitara River and/or the Tasman Sea via the relevant marine outfall pipeline, on the Waitara surfbreaks, kaimoana gathering/harvesting grounds and the coastal environment/CMA in the relevant existing environment of Waitara River and/or the Tasman Sea generally. Such effects could have significant adverse effects on amenity values and the environment. The material prepared and given by the applicant is not proportionate to the potential effects of the proposed activity and, moreover, does not allow those who might wish to make a submission (such as SPS) to assess the effects on the environment, and on their own interests, of the proposed activity<sup>4</sup>.

The sensitivity of the receiving environment to adverse effects may be affected by other potential risks to it, including likely permitted activities within the relevant catchments; the accumulating effects of the proposal, along with other possible as of right discharges, should be taken into account<sup>5</sup> and SPS submits they have not been.

SPS is highly concerned about the actual and potential adverse effects and cumulative effects that will or are likely to arise if consents are granted for the proposal; SPS submits that the 'Precautionary Principle' has been overlooked in regard to these issues and to this high public amenity factor, and that the 'Precautionary Principle' must be adopted and applied by the consent authorities in the circumstances of this case.

SPS submits that the application, if granted, will result in significant adverse affects on the 'environment' and 'amenity values' (as defined in section 2 Resource Management Act 1991 ("the Act")), natural character and landscape values and will not achieve sustainable management as defined in section 5 of the Act and guided by sections 6, 7 and 8.

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<sup>4</sup> Ibid

<sup>5</sup> Cashmere Park Trust v Canterbury Regional Council C48/04

SPS is concerned that the applicant seeks consents for activities that are significantly culturally insensitive in terms of water quality and the 'Maura' of that water in the CMA, which is public space and highly valued by the public including SPS. There are no references to the above surf breaks in the application and no proper consultation was conducted with surfers and/or other recreational users of the above areas who cherish those areas and use them on a daily basis for their health and physical well-being etc.

The relevant objectives, methods, policies, rules and standards in the relevant New Zealand Coastal Policy Statement, District Plan and Regional Policy Statement and Plans were developed and promulgated with a purpose to avoid adversely affecting amenity and landscape values, the character of areas, the natural character of the coastal environment and the environment generally; and to protect the quality of all those things and the environment from adverse effects caused by inappropriate subdivision, use and development.

If consents are granted, the proposal will have significant adverse effects on amenity and landscape values, the character of the relevant area and the environment generally; and will not protect the quality of all those things and the environment. Neither will the proposal maintain and enhance amenity values and/or the quality of the environment. The proposal is inappropriate and will not achieve sustainable management should consents be granted.

The actual and potential adverse effects of the proposal (that can in fact be ascertained and assessed) cannot be adequately mitigated by the applicant, nor, it is submitted, have they been in the proposal. The proposal will have significant adverse effects on amenity and landscape values (which include the quality of the water), the character of the area within which the site is situated, the coastal environment and the environment generally in terms of actual and potential effects and cumulative effects that cannot be adequately avoided or mitigated. The proposal fails to recognise and provide for the relationship of the tangata whenua, SPS and Waitara people generally with the

Waitara River and surrounding waters of the Tasman Sea, surfbreaks and kaimoana and recreation areas and their kaitiakitanga in respect of those places, taonga and waahi tapu.

The proposal is contrary to and inconsistent with the purpose and principles in Part 2 of the Act and the provisions of the Act generally; the proposal is contrary to and inconsistent with the provisions of the New Zealand Coastal Policy Statement 1994, the proposed New Zealand Coastal Policy Statement 2008 and the Proposed National Policy Statement for Freshwater Management; the proposal is contrary to and inconsistent with the provisions of the Taranaki Regional Policy Statement and the Taranaki Regional Coastal Plan.

The surf breaks are also recognised in the REGIONAL POLICY STATEMENT FOR TARANAKI (January 2010) as being protected from "INAPPROPRIATE DEVELOPMENT".

Section 8.1 of this POLICY STATEMENT sets out quite clearly the challenges of protecting the natural character and features of our coastline. In addition This section sets out METHODS OF IMPLEMENTATION TO the TARANAKI REGIONAL COUNCIL will use to

***Allow, regulate or prohibit activities in:***

***(a) areas of outstanding coastal values;***

***(b) estuaries;***

***(c) the open coast;***

***(d) Port Taranaki.***

Section 8.2 notes that POINT SOURCE DISCHARGES have been declining in number over the last two decades..

To approve the NPDC application will to a large extent halt this decline and allow continued fouling of the coastal marine environment for another seven years, at least.

The proposal fails to achieve the purpose of the Act: the sustainable management of natural and physical resources. The proposal is highly offensive and is basically being sought because the Applicant is disorganised and has not secured the funding (or has used funding for other matters)

to build an alternative new pipeline which has been planned for many years; the applications consideration of alternatives is accordingly also deficient. The applicant NPDC wants to continue disgraceful practices that should have been disbanded in the 1950's - and this is 2010!?

The following decisions are sought from the consent authorities: that the consent authorities refuse to grant consents for the application in its entirety.

SPS wishes to be heard in support of its submission. If others make a similar submission, SPS will consider presenting a joint case with them at the hearing.

Dated 7 May 2010

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**SIGNED** on behalf of

**Surfbreak Protection Society Inc.**

By Paul Shanks/Monique Olivier

President/Secretary



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Attention: Monique Olivier, Secretary

**Names of persons to be served:**

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