

10 July 2012

Environment Waikato

PO Box 4010

Hamilton East

HAMILTON 3247

Dear Mr Laing

Re: Resource Consents 121398 and 121399

1. Resource consent numbers 121398 and 121399 were granted on 1 September 2010. The consents allow the disturbance of no more than 10,000 m³ per year of natural marine material from the bed of the Whangamata Harbour for maintenance dredging purposes, and, the deposit of up to 10,000 m³ per year of clean sand on the foreshore of Whangamata harbour.
2. The Surfbreak Protection Society Inc (“the Society”) has expressed concerns for some time that the exercise of these consents is causing adverse effects on the Whangamata bar.
3. The Society has sought legal advice from the Environmental Defence Society (“EDS”) in respect of this issue. A copy of the memorandum from EDS outlining our legal options is attached to this letter (Appendix 1).
4. The Society has produced a report entitled *The Whangamata Bar: Dredging of the Moana anu anu Stream and Observed Adverse Effects on the Whangamata Ebb Tidal Delta* (“the Report”). A copy of this report is attached to this letter (Appendix 2).
5. The Report provides evidence that the exercise of resource consents 121398 and 121399 is causing adverse effects on the Whangamata bar, recognised as a surf break of national significance in the New Zealand Coastal Policy Statement 2010.
6. Conditions 23 and 26, of resource consents 121398 and 121399 respectively, provide that the Waikato Regional Council may, within two months either side of 01 September 2012, serve notice on the consent holder under section 128(1) of the Resource Management Act 1991, of its intention to review the conditions of this resource consent for the following purposes:
 - a) to review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the exercise of this

- resource consent and if necessary to avoid, remedy or mitigate such effects by way of further or amended conditions; or
- b) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove or reduce adverse effects on the surrounding environment; or
 - c) to review the adequacy of and the necessity for monitoring undertaken by the consent holder.
7. In these circumstances the Society seeks an undertaking from the Waikato Regional Council that it will formally review the conditions of resource consents 121398 and 121399 with a view to making changes to the consent conditions as required to avoid or mitigate the adverse effects on the Whangamata bar.
8. EDS has offered to host a “without prejudice” workshop to discuss this matter, in order to assist the parties to reach a common understanding on the physical processes that are occurring, if this is required.

Yours Sincerely,

Paul Shanks
President
Surfbreak Protection Society
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0641