



P.O. Box 20717 Glen Eden Auckland 0641

17 February 2009

Chief Executive
Attention: Shelley Monrad
Waikato Regional Council
PO Box 4010
Hamilton East
Hamilton 3247.

Submission to the Waikato Regional Council Navigation Safety Bylaw 2009.

The Submitter is Surfbreak Protection Society Incorporated (SPS), a national representative group formed to protect the Surfbreaks of New Zealand and access to them.

Schedule 1.12 – Whangamata Harbour

From the time of the Whangamata marina Environment Court hearings, in 1999, surfers highlighted that safety and navigation rules at Whangamata would be required for a marina and that these rules should come before consents. Subsequently surfers put forward this view in submissions to the 2003 and 2006 Waikato Regional Council Navigation Safety Bylaws (WRCNSB).

In handling the Whangamata issues, Council staff has considered marina development outcomes taking precedence over safety bylaws that protect existing active users.

Council has never done a base line study of risk or use in the Whangamata estuary. It is now being reported that there has been an exponential rise in the presence of non powered craft, yet the rules are created around the minority who have exclusive use rights over the sea bed.

S1.12.78 Access lane for towing.

New rules within this access lane, numbered a) and b), have not been thought out. What is being advocated is dangerous and not workable. These rules are based on tenure rights and a change of

traditional rights of access for towing users. The towing lane as shown is half the size of 2006 WRNSB. The gap between the towing lane and the marina basin becomes a tidal zone. Bathers, swimmers and non powered craft can leave the beach from that area and cross the marina channel, with powered craft need to give way. It has been placed before Council previously that there will be a major safety conflict between a marina channel and a towing lane.

SPS request the Access lane for towing be returned to the width of 2006 WRNSB.
SPS request that the Council do not deny existing use rights, traditionally held.

Whangamata harbour Map 12.

The Marina channel is named in this map but there are no rules for this channel explained. Every other designation has its set of rules. SPS believe there needs to be rules for this channel, as it is a drastic change of the degrees of safety for the Whangamata estuary users. The council has created “accidents waiting to happen”.

SPS requests the Council to include an explanation of how safety at the boat ramp, the towing lane, and the shared access channel at the estuary entrance, will be organised, including where liability will sit in case of accidents.

S1.12.4 Channel.

The marina is a private concern; it is not a community asset.
Calling the access channel the marina channel is a defacto privatisation of foreshore and seabed

SPS request the channel from the Public boat ramp to the intersection with the main channel be named the Public Access Channel. Surfers have to use the natural currents and flow of the waterway, which are distinctly different when the tide is going out and when it is coming in.

SPS request the name of the Channel be changed to “shared access channel”.

S12.56 Surfzone

The Surfzone, as currently mapped, is the wrong shape. The Whangamata Bar is a natural phenomenon in a dynamic equilibrium. For example, the takeoff can fluctuate between 15 to 50 metres south of the outer marker. The right hander of the bar is surfed into that area marked Access Channel. The left hander can break over 500 meters with the wave ride having five distinct sections. Wake is contentious where the shared access channel and the surf zone blur, with boat wake destroying a natural amenity being the wave produced by the Bar.

SPS requests that the Surfzone is mapped at the outer limits of that equilibrium.

SPS note that WRC are not seeking to find or define other surf zones in their region.

SPS has never seen a description of the natural characteristics of the Whangamata Bar to provide a planning tool and criterium for Council staff members.

Council staff told the Environment Court the northern mooring zone would go. It has been retained on this map.

SPS request councillor Simon Friar abstains from making rules on navigation in Whangamata as he is a member and berthholder of the Whangamata Marina Society.

SPS request staff member David Pearkes abstains from making rules on navigation in Whangamata as he was a witness to the Environment Court. His opinion on navigation and safety rules, as well as privatisation of foreshore, is fixed by his submissions. Mr Pearkes does not bring an open mind to this process.

Yours faithfully

Monique Davis
Secretary
Surfbreak Protection Society