SURFBREAK PROTECTION SOCIETY – ORAL SUBMISSION

Good morning. We are here as the face of the Surfbreak Protection Society's submission
My name is Paul Shanks and I am the current chairperson of this society and also a Ministry of the Environment 2006 green ribbon award winner for services to salt and fresh water. Beside me is…

Dr Rosemary Segedin. My specialty is engineering and mathematical modelling. I am a foundation member of Surfbreak and an active member of several other community groups.

Surfbreak is a national body that was formed to protect and raise the awareness of surf breaks that are around the country. We are one of many groups representing middle New Zealand and our ranks include experts in many areas needed for the economic base of surfing and for participation in RMA type processes. We are not dissimilar to specialist groups such as Forest & Bird and Fish & Game.

We would like to thank our expert team for highlighting parts of the Bill that will impact on our vision for the surf breaks of New Zealand. We would like you to review our detailed written submission and also visit our website which is www.surfbreak.org.nz.

We are inhabitants of the inner tidal zone, where the fresh and salt water mix. This zone is dynamic, both environmentally and politically. What happens beyond this zone in a seaward direction affects us, such as sand mining and aquaculture. What happens inland also affects us, i.e. municipal wastewaters, dairy farming and coastal development. This puts us in a very precarious position and groups like ours have to be vigilant and active in many ways in order to support the social, environmental and economic needs of 250,000 plus surfers (figures from SPARC) and to keep this zone in dynamic equilibrium. We submit that this bill will upset this equilibrium.

The surfing industry has a huge actual and potential economic base. It encompasses not only manufacturing of surf products but is also a high fashion industry and a tourist draw-card. Many coastal communities are benefiting from this natural " surfbreak" resource, including giving them an economic return. Conversely, if this natural resource is damaged, it is a major loss to the local community and to the nation as a whole.

In recent times it has been realized that a national group needed to be formed so that it could present to national, regional and district bodies the potential of surfing and the effects that other development has on surfing.

However we do not want to, as in the Whangamata marina, come along only as experts at the end of an RMA process. We need to be involved at the beginning, to work collaboratively with the authorities and other community and Iwi groups to come up with better, more informed decisions that have community buy-in and avoid the community splitting, resulting in expensive processes for all in the environment court.

This is why our group has put a strong focus on participation in the first stages of the RMA process. We have successfully done this, for example, in Porirua, dealing with the issues of Titahi bay and we have worked really well with the Taranaki regional council on their new regional coastal plan and identified significant natural features in the land known as surf breaks.

We were eager participants in the government's fresh water policy statement and national coastal policy statement. We have been involved in plan design from first principles, for the Whangamata community, and were amazed at how so many very different community members could learn to work by consensus and come up with an award winning plan that all could be proud of. There are many other examples.

Many of the proposed amendments, as referred to in our submission from A to P, will inhibit community groups' participation, which is the heart of democracy. We believe that community and Tangata Whenua participation is fundamental to the RMA. This amendment seems to be in sharp contrast with the 2002 local Government Act, which further encourages community participation in district and regional development through all stages.

In some cases we have been involved in, it could be seen that the councils were predisposed to one direction, therefore resulting in inadequate AEE's. This is why the Whangamata marina application took over 12 years, not stemming from inadequacies in the RMA, which was one of the reasons given why this bill has come about.

This inadequate AEE for the Whangamata marina was highlighted in 20 February 1998 by the conservator, who said that it would result in a lengthy process, with the costs being externalised onto the community. We believe that if there had been community buy-in earlier, there could have been a much better result sooner and with less cost for everyone.

It is very important to have good information, and we have opposed any measures to inhibit this. In submitting in RMA processes, we do not want to be vexatious, but we can help the authorities understand our needs by providing them with new information; and taking this into account can serve to help other water users and sometimes the community as a whole.

If a decision needs to be questioned, it is a security to a community group to know that an appeal can be lodged, and that a court could overview the decision. However, lodging an appeal does not have to mean that all disputes will end up in an adversary arena and decided on by a judge. A very strong part of this process under the current RMA is that there is encouragement for mediation under the court's jurisdiction. We found this very helpful in the Whangamata wastewater appeal, which was resolved through mediation, with the outcome being signed off by an environment court judge. If there were a huge bond required before participating in this process, many groups would be unable to participate in this mediation. It has to be remembered that costs will be awarded if a group is found to be vexatious or frivolous, this is already in the current act and does not need amending.

From personal experience, we have been threatened by statutory bodies that we will lose our houses after making appeals, which did not happen, but the new amendments will force us to mortgage our houses before we even appeal.

We also realise that not every community member or group has the energy or expertise to be a submitter or appellant to every issue affecting our communities, but having the ability to support others through, for example the 274 clause, can be very empowering for appellants and can mean that issues are resolved using sound consensus-based processes. This should not be lost.

In this Anzac week, when we celebrate the efforts of our grandfathers and more recently the heroics of corporal Apirana, we could ask: if democracy is undermined here, where does that leave him in his fight for democracy in the world?

Participation in RMA processes is already time consuming, expensive and scary and already puts off many groups with genuine concerns. The barriers for participation put forward in this bill will further alienate people from their democratic right of consultation and robust debate and result in poorer solutions with narrower perspectives.