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**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR  
THE PROPOSED BAY OF PLENTY REGIONAL POLICY STATEMENT 2010  
SECTION 79 AND CLAUSE 6 OF FIRST SCHEDULE  
RESOURCE MANAGEMENT ACT 1991**

**To:** Bay of Plenty Regional Council  
C/- Proposed Regional Policy Statement  
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**Submitter:** SURFBREAK PROTECTION SOCIETY INCORPORATED ("SPS")

**Introduction**

1. This is a submission from **Surfbreak Protection Society Incorporated** (“SPS”) on the **Proposed Bay of Plenty Regional Policy Statement** (“the proposal”).

SPS is a representative group of surfers and friends dedicated to the conservation of the "treasures" of the New Zealand Surfing Community (and public generally) - our surfbreaks - through the preservation of their natural characteristics, water quality, marine eco systems and low impact access for all. We strive to be Aotearoa's Kaitiaki "Guardians - Trustees" of our surfbreaks and the natural environments that complement them. Since its establishment in 2006, SPS has successfully been involved with incorporating surf break protection into policy prepared under the Resource Management Act 1991 (RMA). SPS was a successful submitter on the New Zealand Coastal Policy Statement 2010<sup>1</sup> (NZCPS) containing national direction on surf break protection.

SPS has also been involved with a number of cases protecting the qualities and enjoyment of surf breaks from inappropriate subdivision, use and development in the coastal environment. This is in regard to issues such as maintaining water quality, access to breaks and wave quality of breaks. SPS is the leading surf break protection organisation in New Zealand and a key 'stakeholder' / surfing interest group in the coastline, with our purpose of protecting surf breaks now mandated by national policy direction in the NZCPS (and by regional policy direction, for example, in the Taranaki Regional Policy Statement 2009).

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<sup>1</sup> The New Zealand Coastal Policy Statement 2010 was issued by notice in the New Zealand Gazette on 4 November 2010 and took effect on 3 December 2010.

Surfbreaks are a natural characteristic, and part of the natural character and landscapes, of the New Zealand coastline/coastal environment, of which there are few when compared to the total length of the New Zealand coastline<sup>2</sup>.

Approximately 7% [310,000] of New Zealanders are estimated to “surf “on a regular basis<sup>3</sup>. Surfing makes a valuable contribution to the wellbeing of New Zealanders by promoting health and fitness, cross cultural and intergenerational camaraderie and a sense of connection to, and respect for, New Zealand’s coastal environment and resources. In terms of Part 2 RMA ssurfbreaks, therefore, contribute to amenity values/recreational amenity and natural character of the coastal environment; surfbreaks and surfing enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. However all this sophistication and latterly commercial activity is based on a very simple experience - riding a wave, in particular a wave with the right characteristics for surfing - a “Surfbreak”. It’s said that “only a surfer knows the feeling”.

We understand that the territorial jurisdiction of Bay of Plenty Regional Council (in respect of the proposal and the surfbreaks we refer to in this submission) stretches over 150 kilometres from approximately Orokawa Bay, near Waihi Beach to Waihou Bay just North of East Cape.

The above described area features a range of surf breaks including beach, reefs, points and river bar breaks. Though this area gets its share of storms, the Bay of Plenty (and wider area noted above) is on the wrong side of the North Island to get the same regular

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<sup>2</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>3</sup> Figures sourced from SPARC

Southern Ocean swells that places like Gisborne enjoy. The Bay of Plenty has a comparatively limited window for swell and survives on northeast and east groundswells, stormy wind swells and sometimes tropical cyclones generally during summer months. Accordingly, in SPS's submission it is even more critical that the surf breaks (including swell corridors) identified in this submission are factored in to the proposal in terms of the relief sought in our submission. On its day, when conditions are right, the Bay of Plenty has many breaks capable of producing superb surf. For much of the Bay the roads run next to the coast making access to surf breaks easy. The Bay also offers a range of quality island breaks which generally require boat access. During the summer in particular the Bay suffers a population explosion. Waihi, Mount Maunganui and Whakatane are, for example, popular summer holiday destinations for New Zealander's and tourists who come for surf, sand and sun. Each of those towns (and others) offer a range of surf shops, surfboard and wetsuit manufacturers, surf schools, and anything else a travelling surfer may need<sup>4</sup>.

SPS generally supports most aspects of the proposal (in whole or part) but submits that the proposal is also lacking in certain aspects which form the basis for this submission.

### **SPS Submissions, Reasons, Decisions Sought**

2. The specific provisions of the proposal that SPS's submission relates to are:

- (i) Part 2 - page 21 - 2.2.2 - Natural character and the ecological functioning of the coastal environment;
- (ii) Part 3 – Policy CE 2A: Preserving high natural character within the coastal Environment;
- (iii) Part 3 – Policy CE 7B: Ensuring use and development avoids adverse effects on the natural character of the coastal environment;

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<sup>4</sup> Wavetrack New Zealand Surfing Guide, November 2004, PB Morse & P Brunskill, Greenroom Surf Media Limited, page 230.

- (iv) Part 3 – Policy CE 10B: Allocating public space within the coastal marine area;
- (v) New Policy X – Protecting Surf breaks;
- (vi) New Policy XX – Surf breaks of regional significance;
- (vii) New Policy XXX – Assessment criteria;
- (viii) New Method X – Baseline Monitoring of Surf breaks;
- (ix) Appendix A – Definitions – Surf break.

3. SPS's submissions, and reasons for its views, are set out below as follows;

### **Incorporating surf break protection into the new Regional Policy Statement**

Although surf breaks are not yet specifically provided for in the proposal the recent release of the NZCPS requires the proposal to give effect to its provisions for surf breaks.

There is minimal guidance on surf break protection within local government, as it is a new concept in statutory RMA terms. However the knowledge and understanding of surf break protection is substantially founded and well researched. There are a number of specialists around the country that contribute toward the field who work with SPS to promote the protection and enhancement of surf breaks around New Zealand.

The intention of this submission is to provide Bay of Plenty Regional Council (BOPRC) with background into work that exists in terms of surf break protection, and seek ways that it be can provided for in the proposal.

### **NZCPS 2010 Policy 16 – Surf breaks of national significance**

There was a significant response from surfers and surfing organisations to the review of the NZCPS in 2008 by the Minister of Conservation. This resulted in Policy 16 “**Surf breaks of national significance**” in the NZCPS, which states:

*Protect the surf breaks<sup>5</sup> of national significance for surfing listed in Schedule 1, by:*

- (a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and*
- (b) avoiding adverse effects of other activities on access to, and use and enjoyment of the surf breaks.*

There were some key note changes made through the development of Policy 16 from what was originally drafted with policy 20 in the Proposed NZCPS 2008. This resulted from submissions that SPS and others put to the Board of Inquiry (“BOI”) to ensure surf breaks were to be adequately provided for. These are issues that need to be considered by BOPRC in providing for surf breaks in the proposal.

First, the breaks identified in above mentioned policy 20 [now refined as Policy 16 NZCPS] appeared unfounded and required rationalisation. In the absence of any established criteria, the ‘Wavetrack method<sup>6</sup>’ was accepted as a suitable proxy for identifying nationally significant breaks. However, an established methodical approach to

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<sup>5</sup> ‘Surf break’ is defined in the Glossary of the NZCPS: “A natural feature that is comprised of swell, currents, water levels, seabed morphology, and wind. The hydrodynamic character of the ocean (swell, currents and water levels) combines with seabed morphology and winds to give rise to a ‘surfable wave’. A surf break includes the ‘swell corridor’ through which the swell travels, and the morphology of the seabed of that wave corridor, through to the point where waves created by the swell dissipate and become non-surfable. ‘Swell corridor’ means the region offshore of a surf break where ocean swell travels and transforms to a ‘surfable wave’. ‘Surfable wave’ means a wave that can be caught and ridden by a surfer. Surfable waves have a wave breaking point that peels along the unbroken wave crest so that the surfer is propelled laterally along the wave crest.”

<sup>6</sup> All breaks with a rating of 10 out of 10 on the ‘Stoke Meter’ in the ‘Wavetrack New Zealand Surfing Guide’ (supra) were scheduled for protection under Policy 16. The guide identifies 16 of the 470 listed breaks, as having a 10 out of 10 ‘stoke’ or surf quality rating. This was accepted by the BOI as the most authoritative guide to New Zealand surf breaks. The surf break of Papatowai is included as an exception to the Wavetrack method that was protected for its growing international profile as a high performance big wave break. 17 surf breaks were scheduled in total.

the identification and management of surf breaks is required. This is supported in the BOI recommendations, which states:

*We conclude that there should be no criteria in the (NZCPS) policy for selecting further surf breaks of national significance given that there could be developments in the methodology in identifying and rating natural surf breaks. For example, we note the strong plea by many submitters for ensuring diversity of surf breaks so that all surfing skill levels are provided for. (DoC 2009b)*

Secondly, surf break protection must cover the *coastal environment*, and not be restricted to the confines of the Coastal Marine Area (“CMA”). This is because activities beyond the CMA can potentially effect surf breaks such as land based discharges effecting water quality and sedimentation, and restriction of public access to a break. These are issues that need to be provided by land use controls in Regional and District Plans, as well as using management areas in Regional Coastal plans. Therefore the proposal is the appropriate tool for providing this necessary guidance in applying principles of Policy 16.

Thirdly, the ‘*remedying and mitigating*’ of effects on surf breaks is not considered practicable. While the technology exists for developing artificial surfing reefs, it is not feasible to replace the values provided by a natural break. Hence the change to ‘*avoiding*’ made by the BOI when drafting Policy 16. Therefore, in developing policy for the proposal, SPS submits that avoidance from inappropriate subdivision, use and development in the coastal environment is the only measure as required by Policy 16 for surfing breaks of national significance (but in the context of the proposal on a regional basis for the purpose of these submissions).

### **NZCPS 2010 Policy 13 - Preservation of natural character**

Due to the nature of the surf breaks listed for protection in Schedule 1 in Policy 16 NZCPS, the NZCPS essentially protects the 'best of the best' for our high performance waves in New Zealand. However, the NZCPS has made provision in Policy 13 "Preservation of natural character" to provide for the comments made by the BOI in relation to ensuring a diversity, of representative range, of breaks are protected. This is where the proposal, RPS's generally, and other planning documents are required to take direction from. We submit that second generation RPSs are planning tools to further develop criteria and methods for managing representative types of surfing breaks for regions, considering aspects of the surfing experience such as the wave breaking type, height range, geology, and skill levels required. Policy 13 in the NZCPS states (emphasis added):

*Preservation of natural character*

- (1) *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
  - (a) **avoid** adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
  - (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment;  
*including by:*
    - (c) assessing the natural character of the coastal environment of the region or district, by **mapping or otherwise identifying** at least areas of high natural character; and
    - (d) ensuring **that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.**
- (2) *Recognise that **natural character** is not the same as natural features and landscapes or amenity values and **may include matters such as:***
  - (a) *natural elements, processes and patterns;*
  - (b) *biophysical, ecological, geological and geomorphological aspects;*
  - (c) *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and **surf breaks**;*
  - (d) *the natural movement of water and sediment;*
  - (e) *the natural darkness of the night sky;*
  - (f) *places or areas that are wild or scenic;*
  - (g) *a range of natural character from pristine to modified; and;*
  - (h) *experiential attributes, including the sounds and smell of the sea; and their context or setting.*



This policy recognises that surf breaks form part of the natural character of the coastal environment. This provides the framework for the proposal to include surf breaks within it. In achieving the purposes of, and giving effect to, Policy 13, it should also be noted that the preservation of the natural character of the coastal environment is a matter of national importance within section 6(a) of the RMA, which states:

*Matters of national importance*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development....*

The matters listed in Policy 13 also include factors that contribute to the quality and integrity of the natural processes that create a surf break, such as ‘the natural movement of water and sediment’. For example the Whangamata Bar surf break where dredging for a new marina within the inner harbour has altered sediment flows that shape ‘the Bar’ creating this nationally significant break. This is compromising the wave quality of the break, effecting its enjoyment and natural character. This is also supported in the BOI working papers in the statement as follows:

*The quality of the wave can potentially be compromised by developments in the swell corridor seaward of the break, and the enjoyment of surf breaks by surfers compromised by discharges, limitations on access, and changes to natural character. (DoC 2009b)*

It should be noted that specific aspects of the NZCPS definition of ‘surf break’<sup>7</sup> are important concepts to include in an RPS policy and in the proposal. For example:

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<sup>7</sup> Supra

- Swell, currents, water levels, seabed morphology, and wind are all components of surf breaks and any activities that impact these physical processes could adversely effect surfing wave quality and consistency.
- The definition of a surf break covers a large spatial extent, far beyond the location of water riding. The swell corridor of a surfing break could extend far out to sea (beyond the 12 nautical mile mark), and activities such as aquaculture, dredge spoil disposal and wave energy infrastructure at certain scales could block or modify waves traveling through the swell corridor.

### **Developing a robust policy approach**

To date there is no consistent way or agreed method by which policy makers and planners identify and provide for surf breaks in the New Zealand Resource Management context.

Auckland Regional Council have carried out background work on surf break policy, which can be used for guidance and which SPS adopts for the purposes of these submissions in the context of these submissions and in the context of the proposal. We **attach** as **Annexure 1** a copy of the document "Draft Auckland Regional Policy Statement Background Report – Surf Breaks<sup>8</sup>" ("ARC 2010"); and, as noted, we adopt this document (and incorporate same) into these submissions in the context of the proposal together with such other changes as are necessary and consequent in the

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<sup>8</sup> K. Coombes & B. Scarfe, Environmental Policy and Planning, ARC March 2010.

context of these submissions. However, it is noted that this body of work has not resulted in policy that has gone into a proposed RPS to date.

As mentioned above, Taranaki Regional Council (TRC) is the only region with an operative RPS addressing the protection of surf breaks of regional significance. TRC have identified surf breaks that are important to the region using the council's inventory of Coastal Areas of Local or Regional Significance in the Taranaki Region (2004), the Wavetrack New Zealand Surfing Guide and by consultation with local surfers (TRC 2009, Appendix II). The 81 breaks are mapped showing the location of an individual surf break or by a line extending along the coast where there is a protected surf zone. Some breaks are within a yellow shaded area identified as a "coastal area of local or regional significance" but it is not clear if the extent of the shading reflects the spatial area of the surf break.

No information is provided within the Taranaki RPS 2009 regarding the values of the different breaks or whether some are more significant than others.

In terms of the policy approach TRC has taken to protect these breaks they are referred to in RPS explanations, but not in objectives, policies or methods. This approach has some advantages and disadvantages. The explanations can include examples and description of what is meant by policies and provide useful context for them. In addition, having more general objectives and policies allows a more concise form of RPS than is created if a greater level of specific detail is included within the statutory provisions. However, it is the objectives, policies and methods that actually have statutory weight and this approach does not give any greater statutory recognition of surf breaks than was present before the amendments were made in response to submissions. This

approach could result in a lack of recognition of surf breaks unless plan users continually refer back to the background sections of the RPS. There is also no statutory link between the wording of the policies and the surf breaks shown in the RPS maps.

It is SPS's submission that surfing breaks should be managed through developed spatial planning techniques, including policies and methods in RPSs, as well as policy methods (including rules) in Regional Plans and District Plans. Without spatially allocated coastal marine zones, with controls over activities using rules, the consenting process will be required to make ad hoc consenting decisions. It is our belief that these decisions should be made at a strategic level in plans where possible.

It is considered preferable to explicitly recognise surf breaks within policies rather than only in explanations and background sections of an RPS. Using only explanations continues the approach of relying on consideration of general values such as natural character and water quality that are important throughout the coast. Such values are important at surf breaks, but the break should also be recognised as a relatively unique location where natural processes create an important recreational resource that has social and economic benefits for the wider community (ARC 2010).

With the advent of the new NZCPS recognising surf breaks and many Regional Policy Statements and various Plans going into their second generation, there is a need to establish a methodical approach towards this identification.

This need has been recognised by Gisborne District Council and the BOPRC who have employed a summer student (Bailey Peryman) to assist in developing criteria for surf break identification and developing appropriate policy and plan responses. The intention

of this work is to feed into these regions policy and for information sharing to guide other Councils on robust policy approaches. SPS have supported the student by awarding him the inaugural *SPS Surfbreak Protection Grant*.

The project will draw on existing work and knowledge from experts in the field of surf break protection, while involving consultation with surfing communities and industry members. The project will identify the different values associated with breaks through consultation with local surfers, which can then be used by other local authorities for doing so. From this research the social, economic and cultural factors that contribute to surf breaks can be adequately identified by the community so that the breaks deemed most appropriate for protection are identified. From here natural and physical features which make up different breaks can be identified for management purposes.

### **Methodology for surf break identification**

Local authorities are tasked with ensuring sustainable management of any potential conflict between different uses within limited coastal spaces and the coastal environment. This is to meet the reasonably foreseeable needs of future generations while avoiding, remedying or mitigating any adverse effects of these activities on the environment. In the particular case of Policy 16 in the NZCPS; the requirement is to 'avoid' adverse effects on access to, use and enjoyment of the surf breaks.

The working papers for the BOI's recommendation to the Minister of Conservation also support further investigation into New Zealand's surf breaks through RPSs, coastal and district plans, which states:

*We agree that the matters of national importance – particularly preserving the natural character of the coastal environment and outstanding natural features from inappropriate subdivision, use and development - involves more than protecting surf breaks of national significance. Surf breaks not identified and protected as nationally significant under policy 20 [now 16] are also likely to require consideration under other policies, such as natural character, outstanding natural features and landscapes, public open space and public access. (DoC 2009a)*

As already mentioned, there have been some recent developments around criteria for identifying the different values of surf breaks. This has introduced the concept of applying a more biological sense to the identification of surf breaks. This is also briefly outlined to the BOI in the evidence given during the combined SPS submission effort<sup>9</sup>.

There is a combination of factors applicable for determining the level of significance attributed to a surf break and the values the surfing break possess. These include: rarity, representativeness, quality (stoke rating), nature of use – i.e. nursery break/contests/popular town beach, cultural heritage, local social and economic significance and associated activities (ARC 2010). The preservation of the natural character of the coastal environment implies that sufficiently representative breaks in their natural context should be protected. This requires an understanding of the diversity of breaks to ensure that representation is complete. Those breaks that are rare should have a greater level of significance and priority for protection than those that are common<sup>10</sup>.

In consulting with interested parties, an effective method could be affording a rating to a range of factors such as amenity, rarity, consistency to all known surf breaks in the region and identifying their different characteristics. Once aggregated, these individual

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<sup>9</sup> See evidence of Hamish Rennie, retrieved October 20, 2010 from <http://www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/evidence/133-nzcps-evidence-7-7.pdf>

<sup>10</sup> See evidence of Hamish Rennie, retrieved October 20, 2010 from <http://www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/evidence/133-nzcps-evidence-7-7.pdf>

ratings could give the break an overall rating. The model for this methodology has been developed by the Auckland Regional Council in its background work (ARC 2010). From this you could potentially deem a surf break to be nationally significant, or regionally whatever the case may be.

Once these values are defined and substantiated, this can then be used to manage the surf breaks. This is through appropriate policies, objectives and rules in the relevant plans supported by a description of values and characteristics of identified breaks (for example in appendices). The immediacy of the threat, magnitude of the potential loss, and the significance of the potential loss could be applied to assess the potential for adverse effects of an activity on the quality, use and enjoyment of surf breaks. These would be determined via a range of economic, social, cultural and environmental factors.

### **An effective model for engaging with communities**

It is appropriate for local communities to be consulted and have the opportunity for input into determining management approaches for surf breaks. This is because they are the people who frequently access the breaks, know their history, understand the inherent qualities and how they contribute to the fabric of the local surfing community and surf industry. Different beaches have different values and so do different surfing breaks.

SPS is supportive of a consultative approach based on meaningful engagement with surfing interests and the various communities they are seated within. This includes a desire to establish feedback loops with local authorities for developing surf break policy and how it relates to draft coastal policies or new policy altogether. SPS understands the need to place surf break protection and management in a wider integrated coastal

management framework both within the RMA and in other pieces of legislation such as the Local Government Act 2002. The Whangamata Community Plan is an example of this that provides for its unique surfing community and surf break.

**Protection of a representative range of values and “surfing nurseries”**

Surf breaks are finite natural resources that contribute to the social, environmental economic and cultural wellbeing of people and communities.

Surfers rely on surf breaks to recreate. Not only this, but they also have wider benefits in terms of the economic activity of the local area and creation of a distinctive ‘sense of place’ and identity for communities close to surf breaks. International research demonstrates that surfing breaks can have significant social and economic values<sup>11</sup>.

This was also recognised by the BOI, which stated:

*The economic value of surfing to tourism and the social benefits should not be underestimated. (DoC 2009a)*

The need for ‘protection in order to preserve’ was addressed by SPS in evidence given to the BOI<sup>12</sup>. Surf breaks are finite and vulnerable geographical features that help constitute the natural character of the coastal environment. Increasing pressures in the life of the NZCPS may lead to damage and destruction of surf breaks. Therefore a level of protection is required if the natural character of the coastline is to be preserved as well as maintaining and enhancing amenity values and the quality of the environment<sup>13</sup> generally.

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<sup>11</sup> Lazarow *et al.* 2007; Nelsen *et al.* 2007

<sup>12</sup> See evidence of Hamish Rennie, retrieved October 20, 2010 from <http://www.doc.govt.nz/upload/documents/getting-involved/consultations/current-consultations/nzcps/evidence/133-nzcps-evidence-7-7.pdf>

<sup>13</sup> As defined in section 2 RMA



For surfers, protecting surf breaks that foster surfing communities and cater for all levels of ability is required to provide for their social, economic and cultural wellbeing, as well as sustaining the needs for future generations. ‘Nursery’ breaks have high recreation value for a variety of reasons. They are frequented by surfers of all levels, whereas the NZCPS breaks are mainly advanced level breaks. For example, a locally or regionally significant break could include popular town beaches or ‘consistent’ surf breaks suitable for holding contests.

It is important to protect a variety of surf break types in the region that cater for a range of surfing skill levels and provide variety in the spectrum of surfing opportunities. This is to ensure the values of the surfing experience and its enjoyment can be maintained all the way through from beginner level to the advanced. It would be inappropriate to only protect surf breaks of the highest quality or skill level, or only those in highly natural settings or those closest to the urban area. Such attributes should be considered in any assessment of effects. Therefore it is preferable at RPS level to identify a variety of break types and allow for policy and methods that provide for the variety of values that exist at different sites.

### **Surfing breaks as a geographical feature and landform**

The natural character and landscape of an area includes surf breaks. This does not mean that surf breaks should only be considered in the context of their contribution to natural character. They are also a transiently legible part of the seascape, which includes the geological, topographical and hydrodynamic components. These components are specifically reflected in Policy 15 “**Natural features and natural landscapes**” of the NZCPS which states (emphasis added):

To protect the natural features and natural landscapes (**including seascapes**) of the coastal environment from inappropriate subdivision, use, and development:

- (a) *avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- (b) *avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:*
- (c) *identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
  - (i) *natural science factors, **including geological, topographical, ecological and dynamic components**;*
  - (ii) *the presence of water including in **seas**, lakes, rivers and streams;*
  - (iii) *legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;*
  - (iv) *aesthetic values including memorability and naturalness;*
  - (v) *vegetation (native and exotic);*
  - (vi) ***transient values**, including presence of wildlife or other values at certain times of the day or year;*
  - (vii) *whether the values are shared and recognised;*
  - (viii) *cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
  - (ix) *historical and heritage associations; and*
  - (x) *wild or scenic values;*
- (d) ***ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and***
- (e) *including the objectives, policies and rules required by (d) in plans.*

Seascapes are not simply the bit of water bounded by land, nor are outstanding features simply those that are permanently above water or on dry land. Consequently the recognition and protection of surfbreaks as features in themselves or as features within landscape/seascape needs to be facilitated when drafting and finalising the proposal.

### **The History of Tikanga Māori and surf breaks in New Zealand**

Surfing is interwoven within ancient Polynesian culture and Māori cultural heritage. In Māori mythology Te Wai Pounamu (the South Island) is the Great Maui's Waka. In this waka, Maui fished up Te Ika a Maui (North Island). Kaikoura is Maui's foot thwart which busted out on the waka as he pulled the fish up. That indicates Maui was balancing his pressure on the waka on his feet, like a surfer.

The South Island was then (pre the year 500a.d.) referred to as Te Waka o nga Ariki (the waka of the Gods), and it was once a double hulled waka which flipped and one hull was lost, the other surviving hull is Te Wai Pounamu (then named Aotearoa). The South Island (as can be seen by the ocean floor scaring) travelled the entire Oceanic rim (as an ocean vessel), before crashing on a reef where we presently are. So this indicates some of the earliest ocean uses, began in Te Wai Pounamu.

In tracing history of Maori carrying out the practice of wave riding, articles and some informants describe early Maori riding waves for leisure, regularly having kaitiaki like whales or dolphins. The joint activity of using Waka Ama and Long (Oro/Orooro) or Short (Papa Ariki) surf riding equipment, was described as Whakarerere.

Te Papa Tongarewa Museum has written evidence on their website stating the use of Poha (blown up kelp bags) for recreational riding of waves. Two bags were tied together, placed over the shoulders so one is on each side, then waves were ridden into shore in a bird like position. These traditions are believed to have been practiced as early as 1200a.d. (the pre fleet period or earlier) up to the 1700's (1770a.d. Cooks arrival).

Duke Kahanamoku visited New Zealand in the early 1900's, and it is understood that forms of surfing were already being practiced at the time. The 'Duke', as he was known, was a Hawaiian Olympic Gold medallist in swimming. He was internationally recognised for breathing life back into the dying art of surfing, one of the favourite ancient past time of his Polynesian ancestors, of which some Māori in Aotearoa descend.

Surfing is part of New Zealand's cultural heritage, as the art of wave riding/surfing, was a necessary entry and exit skill for any and all Waka navigation. Internal knowledge and skill is still shared among Polynesian ocean users, i.e. reading vibrations in the ocean (with ones waka hoe/paddle) to determine where land is, ancient chants recalling the working physical and environmental working dynamics between ourselves and the natural world cycle, obtainable through the surfing experience.

Surf breaks play a major role for indigenous surfers in New Zealand today. National Māori competitions are held and Māori teams compete at international indigenous surfing events.

Section 6(e) of the RMA states that the relationship of Maori with their ancestral lands, water, sites, waahi tapu and other taonga shall be recognised and provided for as a matter of national importance. Under section 7(a) 'Other Matters' particular regard to

kaitiakitanga shall be had in regard to natural resources (that include surf breaks), in achieving the purposes of the RMA. Therefore in providing for surf breaks in the proposal, SPS recommends that the relationship of tangata whenua to surfing and surf breaks be recognised and provided for.

### **Monitoring of surf breaks**

Scarfe *et al.* (2009a) emphasised the need for consideration of surf breaks in strategic planning and in baseline environmental monitoring, as well as in one-off assessments of environmental effects for particular developments near a surfing break. The RPS is an important means of requiring such consideration as it can influence planning for the land and the coastal marine area, and guide decision making in resource consents and other processes.

An interesting initiative run through the surfing website [www.surf2surfco.nz](http://www.surf2surfco.nz) may also have merit in application to monitoring consistency of wave quality (See: 'October Surf Review', retrieved 26 November, 2010 from <http://www.surf2surf.com/blogs.php>).

### **Specific comments in relation to the proposal**

The NZCPS provides direction for the proposal to provide for surf breaks under Policy 13 and 16. In regard to Policy 16 no nationally significant surf breaks are recorded in the Bay of Plenty. However it is necessary to include policy in the proposal which is the equivalent of NZCPS Policy 16 but in a regional context to protect surf breaks and their inherent features and characteristics that contribute wave quality and surfing experience,

including components both landward and seaward of the MHWS in the coastal environment.

SPS submit that, as a minimum, the surf breaks listed in Wavetrack New Zealand Surfing Guide from pages 233-270 – **attached** as **Annexure 2** – i.e. from Orokawa-Homunga Bay to Waihou Bay (in terms of the jurisdiction discussed earlier in this submission) be included for protection in the proposal within a policy equivalent to NZCPS 16 (amended for the regional context). Public access is also required to be maintained there to ensure the enjoyment of the breaks is not diminished.

SPS also submit that the assessment criteria on page 15 (under heading “3.1 Assessment criteria”) of ARC 2010 (see Annexure 1) also be incorporated into the proposal to identify any new surf breaks that should also be protected but that are not already listed in the above mentioned pages of Wavetrack New Zealand Surfing Guide in Annexure 2. To effectively provide for surf breaks they need to be mapped in the new RPS so that their extent can be identified. This, along with supporting assessment criteria and policy then provides the necessary direction to the Coastal Plan and District Plans to more specifically provide for surf breaks at a management level.

Mapping areas of natural character and the extent of the coastal environment in the RPS will provide the clearest form of guidance to local authorities and decision makers on where development is appropriate and inappropriate. To date, coastal development has regularly been carried out on an ad hoc basis through lack of guidance on what is appropriate or inappropriate development. The NZCPS provides clear guidance on what makes up natural character, therefore mapping these areas (including surf breaks as per NZCPS Policy 13) within an area identified as the coastal environment would provide the

guidance required to reduce ad hoc development and better provide for sections 6(a), 6(b) and 6(d) and Part 2 generally of the RMA.

Include reference to seascapes in the proposal. As mentioned above the NZCPS Policy 15 includes seascapes as natural landscapes. It would not be appropriate to adopt the status quo, as restricting identification of outstanding natural features and landscape areas to District Plans would exclude seascapes, creating an inconsistency with the NZCPS. It is recommended that BOPRC provide for identification of outstanding natural features and landscapes in both Regional and District Plans and the proposed RPS, and in doing so provide for the geological, topographical and dynamic components of surf breaks and their transient values.

In terms of areas for monitoring that the discussion document covers, SPS recommends that BOPRC include provision for baseline collection of data around surf breaks to provide for their on-going management and strategic planning in development of the new RPS.

### **Drafting surf break policy in the proposal**

The importance of including surf breaks at RPS level must be emphasised as activities in the coastal environment above and below MHWS have the potential to adversely affect surf breaks. This was acknowledged by the BOI in drafting the NZCPS, which intentionally applies 'coastal environment' to Policy 16 for this purpose.

As mentioned earlier the most effective mechanism in providing for surf breaks is inserting dedicated policies into the proposal. In drafting a thread of policy for surf break

protection in the proposal, it would naturally fall under an objective the aims to protect the natural character of the coastal environment. A draft policy that SPS recommends is:

***Protecting surf breaks***

*The natural character, landscape, recreational, amenity, and economic values of regionally significant surf breaks shall be maintained and enhanced by taking into account any existing and potential effects of activities on land, in fresh water ways, estuarine systems or in the coastal marine area on access to, and use and enjoyment of surf breaks identified in Map series X, including effects on water quality, and on any coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to surf breaks.*

In accompaniment to this policy the surf breaks identified in Annexure 2 be included within a map series appended to the proposal and the assessment criteria in Annexure 1 also be included as “back up” to identify other surf breaks not already identified in Annexure 2. SPS would be happy to assist BOPRC in the further identification of surf breaks in accordance with the assessment criteria recommended in Annexure 1. And further we would encourage a consultative approach with local surfers, tangata whenua, local board riders clubs and other surfing organisations to ensure all surf breaks are adequately identified.

In giving effect to this policy a method is recommended that directs the Coastal Plan and District Plans to provide for this policy in these plans, including via rules. An associated explanation would also be required in accompaniment to the policy.

**Definitions**

To facilitate public understanding, the definitions of surf breaks provided in the NZCPS should be reproduced in the “**Appendix A - Definitions**” of the proposal. Surf breaks



should also be added to the inclusive description of components provided in the definition of “coastal environment”.

### **Rationale Summary**

Policy makers require a recognised set of criteria that supports a substantive rating relative to the level of natural character attributable to any given surf break. Assessment of surf breaks against these criteria would be led by surfing communities, preferably facilitated by local authorities during formal and informal consultation processes.

A surf break policy would specifically focus on a component of the natural environment and address the need to protect that component from the negative effects of other activities on it. It is not intended that the policy will stop all future development in the proximity of surf breaks, but will ensure that adequate regard is given to potential effects. It would adequately recognise and provide for surfers to meet their social and cultural needs, and for other people and communities to meet their economic needs, as well as providing for the foreseeable needs of future generations.

There is a requirement to protect and also to preserve surf breaks in the region, as they form part of the natural character, landscape and amenity values of the coastal environment. This involves ensuring that the outstanding qualities of a variety of surf breaks are recognised and provided for when drafting the proposal. This will ensure that the NZCPS is effectively given effect to, and that the purpose of the RMA is achieved.

We would invite the opportunity to consult with you further on these matters. And further we ask that SPS be involved with any development of policy and identification of surf

breaks for the purposes of the proposal. We consider this would enable SPS and BOPRC to achieve the best outcome for surf breaks in the Bay of Plenty region.

SPS submits that the reasons above and the decisions sought below are consistent with both the broad purpose and principles of the Resource Management Act 1991 (“the Act”) in Part 2 of the Act, and the purpose of regional policy statements as specified in section 59 RMA.

Moreover, SPS submits that the reasons above and the decisions sought below are consistent with the NZCPS and that implementation of the decisions sought below is required to give effect to the NZCPS. Under section 62 RMA a regional policy statement must, inter alia, give effect to a national policy statement or New Zealand Coastal Policy Statement (section 62(3) RMA).

4. SPS seeks the following decisions from the local authority:

- (i) Part 2 - page 21 - 2.2.2 - Natural character and the ecological functioning of the coastal environment;

In the above 2.2.2 - after the words “sand dunes” - and before the word “estuaries” - insert the words “*surf breaks*”.

- (ii) Part 3 – Policy CE 2A: Preserving high natural character within the coastal Environment;

First, after the word “Protect” - delete the word “high”. All natural character in this context is important to preserve and protect; section 6(a) RMA does not include the word “high” and neither does Policy 13 NZCPS. The proposal must give effect to the NZCPS and achieve Part 2 of the RMA. The qualification in the proposal’s Policy CE 2A caused by use of the word “high” is inconsistent with both the RMA and NZCPS and is unnecessary and uncertain and should be deleted.

Secondly, after the words “natural character” - add the words “*and surf breaks of regional significance*”.

- (iii) Part 3 – Policy CE 7B: Ensuring use and development avoids adverse effects on the natural character of the coastal environment;

First, after the current sub-clause (d) and before the current sub-clause (e) (which will need to be consequently amended to be sub-clause (f)) add a new sub-clause (e) as follows:

*“(e) avoiding adverse effects on access to, and use and enjoyment of the surf breaks;”.*

Secondly, in [current] sub-clause (e) (ii) – after the words “rocky reef systems” – before the words “and areas” – add the words “*surf breaks*”.

- (iv) Part 3 – Policy CE 10B: Allocating public space within the coastal marine area;

After current sub-clause (k) - add a new sub-clause (l) as follows:

*“(l) Surf breaks, including the swell corridor of a surf break.”*

- (v) New Policy X – Protecting Surf breaks;

Add into the Coastal Environment Policies in Part 3 of the proposal a new policy as follows:

***“Policy X: Protecting Surf breaks***

*The natural character, landscape, recreational, amenity, and economic values of regionally significant surf breaks shall be maintained and enhanced by taking into account any existing and potential effects of activities on land, in fresh water ways, estuarine systems or in the coastal marine area on access to, and use and enjoyment of surf breaks identified in Map series X, including effects on water quality, and on any coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to surf breaks.”*

And, include the new above mentioned “*Map series X*” in the proposal.

- (vi) New Policy XX – Surf breaks of regional significance;

First, add into the Coastal Environment Policies in Part 3 of the proposal a new policy as follows:

***“Policy XX: Surf breaks of regional significance***

*Protect the surf breaks of regional significance for surfing listed in Schedule X, by:*

*(a) ensuring that activities in the coastal environment do not adversely affect the surf breaks; and*

*(b) avoid adverse effects of other activities on access to, and use and enjoyment of the surf breaks.”*

Secondly, with reference to “*Schedule X*” above include a new Schedule (or equivalent Appendix) in the proposal which lists all of the surf breaks included in Annexure 2 to this submission as the surf breaks of regional significance in the context of the policy and the proposal.

- (vii) New Policy XXX – Assessment criteria;

Add into the Coastal Environment Policies in Part 3 of the proposal a new policy as follows:

**“Policy XXX: Assessment criteria**

*Identify on an ongoing basis new surf breaks of regional significance and when assessing new surf breaks of regional significance for identification and listing in Schedule X (which are not already listed in Schedule X referred to in Policy XX (Surf breaks of regional significance)) particular regard shall be given to the criteria contained in Appendix X in order to identify new surf breaks of regional significance.”*

Or words to similar effect.

And, with reference to the above new Policy XXX - add a new above mentioned “*Appendix X*” to the proposal – which shall incorporate the assessment criteria included in Annexure 1 to this submission (and referred to earlier in this submission i.e. the assessment criteria on page 15 of ARC 2010) into that new “*Appendix X*”.

- (viii) New Method X – Baseline Monitoring of Surf breaks;

Add a new method into the proposal as follows:

**“Method X: Baseline Monitoring of Surf breaks**

*Regular baseline environmental monitoring of the regions surf breaks shall be undertaken. Encourage working with surf break organisations and surfing interest groups in forming an environmental monitoring programme for the regions surf breaks.*

- (ix) Appendix A – Definitions – Surf break.

Add into Appendix A – Definitions of the proposal a new definition for “**Surf break**” which is exactly the same wording as the earlier mentioned definition of “Surf break” now provided in the Glossary of the NZCPS.

**And**, such other changes as are necessary and consequent on these decisions being granted.

**Summary**

5. SPS wishes to be heard in support of this submission.

6. If others make a similar submission, SPS will consider presenting a joint case with them at a hearing.

Dated            8th    February            2011

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**SIGNED** on behalf of

**Surfbreak Protection Society Inc.**

By Monique Davis

Secretary

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