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SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
THE PROPOSED WAIKATO REGIONAL POLICY STATEMENT 2010
RESOURCE MANAGEMENT ACT 1991

To: WAIKATO REGIONAL COUNCIL
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SUBMITTER: SURFBREAK PROTECTION SOCIETY INCORPORATED ("SPS")

Introduction

This is a submission from **Surfbreak Protection Society Incorporated** ("SPS") on the **Proposed Waikato Regional Policy Statement** (PWRPS)

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 "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 preservation and sustainability into policy prepared under the Resource Management Act 1991 (RMA). SPS was a successful submitter on the New Zealand Coastal Policy Statement 2010¹ (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 preservation and sustainability 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).

Surf breaks 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 coastline².

¹ 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.

² 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.*"

Approximately 7% [310,000] of New Zealanders are estimated to “surf “on a regular basis³. 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 surf breaks, therefore, contribute to amenity values/recreational amenity and natural character of the coastal environment; surf breaks and surfing enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Surf breaks under the Resource Management Act

The maintenance and protection of surf breaks is relevant to several aspects of the RMA, particularly the purpose and principles of the RMA (sections 5, 6, 7) and the purpose of Regional Policy Statements’ (RPS) (section 59).

Section 59 Purpose of regional policy statements

The purpose of a RPS is to achieve the purpose of the RMA by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region.

Section 5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Surf breaks are a “natural and physical resource” to be sustainably managed under the RMA. Surf breaks contribute to the “social, economic and cultural wellbeing” of people and

³ Figures sourced from SPARC

communities by providing for the recreation activities of surf-riders, but 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 surf breaks provide for significant social and economic benefits.

There are several places in the Waikato Region where surfing is an important element of the character and culture of the local area. Surfing is an activity which draws people to live in the local area and attracts tourists and visitors. In total, the variety and scale of surf breaks around the Waikato region contribute to the character and attractiveness of the region. The coast and beaches are consistently given as a key reason as to why people choose to live in coastal communities of the region. In some cases; the rationale to live on the regions coasts relates directly to the opportunities for surfing. However, it is clear that the accessibility of the coast and the range of different activities that are possible around the coast also contribute to the wellbeing of communities.

Globally the numbers of people involved in surfing has increased significantly over recent decades and is expected to rise. At the same time, pressure for development along the coast is growing. Ensuring appropriate management of any potential conflict between such uses of limited coastal space is part of the council's responsibility to meet the reasonably foreseeable needs of future generations, and to avoid, remedy or mitigate any adverse effects of activities on the environment.

Section 6 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 protection 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:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development: ...

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers: ...

The matters of national importance in section 6(a), (b) and (d) are relevant to the consideration of surf breaks because breaks are natural features and their use depends on

public access to the coastal marine area. Surf breaks are an element of natural character in that they rely on the natural formation of swell corridors and reefs, bars, headlands, ledges or beaches for a wave to break.

Nationally and internationally numerous surf breaks have been modified by coastal engineering activities, but they still contain a degree of natural character. The nature of the surfing experience is also affected by the natural character of the surrounding area.

In some places, the lack of built elements adds a remote, wilderness value to the surfing experience. At breaks in more developed areas, the natural elements of cliffs and vegetation along the coast contribute to this. In some places, surf breaks will also be an outstanding natural feature or part of an outstanding natural landscape.

Public access to a surf break is fundamental to its use. Such access can be enhanced by works such as walkways and car parks, or can be diminished through activities such as subdivision which block informal access.

Section 7 Other matters

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 have particular regard to—

(c) the maintenance and enhancement of amenity value⁴: ...

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources: ...

In places where surf breaks are located, they often provide a major element contributing toward the amenity value of an area. This is because they provide for the recreation of those people surfing, the pleasantness of a site, and for the enjoyment of people in a community (as well as visitors to a community) who watch surfers and waves from the land.

Therefore, maintenance and enhancement of the quality of the environment is important for retaining the significance of the surfing experience and these community values. Surf breaks

⁴ RMA Section 2 (Interpretation) - Amenity values means those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

are a finite characteristic of the environment as they only occur at specific sites. As features they are reliant on a number of natural processes. They can easily become vulnerable when these processes (which create the break) are disrupted. To date there is no reasonable technology to replicate the natural processes of a surf break, nor is there any feasible technology to replace a natural surf break.

Surf breaks are a relevant matter for inclusion in the PWRPS as the maintenance of their values depends on the integrated management of activities both in the coastal marine area (CMA) and on the adjacent land. Activities in the CMA, such as dredging, can affect the processes which result in surfable waves forming, while water quality and discharges can affect the quality and safety of the surfing experience. Activities on land, such as development and vegetation clearance, can affect the nature of the surfing experience and the access to surfing locations. Land based sources of contamination (sediment, nutrients, pathogens) can also affect the use of a surf break.

Maintenance of the coastal environment is a significant issue for the Waikato region because of the high levels of use of the coastal areas, and the importance the community place on the coast. Surf breaks are an important element of the region's coastal environment for many people and warrant specific consideration in the resource management of the region.

Recognition of surf breaks in planning processes

There is considerable evidence internationally that surf breaks can be altered or destroyed by coastal development. Surf breaks can be destroyed by large scale works, such as an LPG terminal in Mexico. The quality of a break can be affected by smaller works such as construction of seawalls (eg St Clair, Dunedin), jetties (eg Mission Bay, San Diego, California), boat ramps (eg Manu Bay, Raglan), piers (eg Oil Piers, Ventura, California) and beach nourishment (eg The Cove, Sandy Hook, New Jersey).

In the case of Mundaka, a Spanish venue for World Tour Championship competitions, the 2005 event was cancelled due to a lack of wave quality blamed on increased dredging and dumping of sand in the adjacent harbour. Any modifications to surfing break's needs to be strategic and not by chance to avoid accidentally destroying or degrading the surf break resource. In New Zealand, concerns about potential effects on surf breaks have been advanced including recent concerns on sand mining at Pakiri and Mangawhai area.

Surfers' concerns regarding the quality of the surfing experience have contributed to community pressure for upgrades to wastewater discharges in Whangamata, Raglan, Gisborne, Dunedin and Wellington. Such issues have demonstrated the depth of community concern about surf breaks and potential adverse effects from activities in the CMA or on nearby land. Decisions made at the PWRPS planning level could facilitate more expedient outcomes when such conflicts arise.

It is expected that the number of people participating in surfing will grow as the regional population grows. At the same time, there will be pressure for increased development and works along the coast in response to demands for other activities or in response to the effects of climate change.

The PWRPS 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.

A variety of factors need to be addressed in a policy on surf breaks. These include:

- access to the surf break
- water quality of the surf breaks
- integrated consideration of potential effects on the physical processes that form a surf break

Consequently, the policy needs to cover the wider swell corridor and seabed, adjacent land and facilities, as well as the area of the surf break itself.

It is important to retain the existing variety of surf break types in the region to encompass a range of surfing skill levels and provide variety in the spectrum of surfing opportunities.

There is a gradient in skill level that needs to be provided for so that beginner to advanced surfers can be accommodated.

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 but it is preferable at the more strategic (PWRPS) level to identify a variety of surf break types and to provide information on the particular values of the different venues or sites.

Explicit inclusion of surf breaks in the PWRPS will provide regional direction on the need to consider the breaks in RMA decision making. The policy will be implemented through the regional coastal plan, district plans and resource consents. It is not intended that the policy will stop all future development in the proximity of surf breaks but to ensure that adequate regard is given to potential effects.

Recognition of the breaks as an important part of the region's coastal environment will reinforce the need to consider whether new developments will enhance or adversely affect the values of the surf breaks and coastal spaces.

SPS Submissions, Reasons, Decisions Sought

SPS will be seeking changes to policies and the insertion of new policies via the changes outlined below and in the last section of the submission, to be placed in the Operative Waikato Regional Policy Statement (OWRPS),

. Relevant policies from the PWRPS include:

Policies: 7.1.1 j), -12.1, -12.2, -12.3, -12.4 e) -6.9, -6.9.1, -7.2.1 a) b) -4.1.7, -4.1.11 a), -4.1.12 a), -8.4.3 c) i) ii)

Incorporating surf break Protection into the Proposed Waikato Regional Policy Statement

Although surf breaks are not yet specifically provided for in the PWRPS; 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 preservation and sustainability 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 preservation and sustainability and enhancement of surf breaks around New Zealand.

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 breaks⁵ 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 Waikato Regional Council 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 method⁶’ was accepted as a suitable proxy for identifying nationally significant breaks. However, an established methodical approach to 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)

⁵ ‘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.”

⁶ 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.

Secondly, surf break protection must cover the coastal environment, and not be restricted to the confines of the 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 OWRPS 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 for developing artificial surfing reefs is just in its infancy, it is still 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 PWRPS, SPS submits that avoidance from inappropriate subdivision, use and development in the coastal environment is the only measure as per the requirements of Policy 16 for surf breaks of national significance

NZCPS 2010 Policy 13 - Preservation of natural character

Due to the nature of the surf breaks listed for protection in Schedule 1 and identified in Policy 16 NZCPS, the NZCPS essentially protects the 'best of the best' of 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 below):

Policy 13 in the NZCPS states:

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 restated that the preservation of the natural character of the coastal environment is a matter of national importance within section 6(a) of the RMA:

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 protection 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 NZCPS 2010 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’. 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)

The NZCPS 2010 provides a definition of ‘surf break’⁷ which is important to include in the OWRPS policy.

The definition provided in NZCPS 2010 in the glossary is:

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’.

⁷ Supra

‘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.

SPS maintains that the definition of a surf break covers a large spatial extent, far beyond the location of wave riding. The swell corridor of a surfing break can 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

The former Auckland Regional Council 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 **Appendix II** a copy of the document “Draft Auckland Regional Policy Statement Background Report – Surf Breaks⁸” (“ARC 2010”).

However, it is noted that this body of work has not resulted in policy that has gone into a proposed RPS to date, which is due to changes in the local political scene such as the formation of the Super City. To date it is still unclear whether that body of researched and agreed process will carry through to the new Super City planning documents. None the less, it is clear that ARC intended to pursue the draft policy.

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.

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.

⁸ K. Coombes & B. Scarfe, Environmental Policy and Planning, ARC March 2010.

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**.

It is SPS's submission that surfing breaks should be managed through developed spatial planning techniques, including policies and methods in PWRPSs, as well as policy methods (including rules) in Regional Coastal plan, Regional Plans, and District Plans. Without spatially allocated coastal marine zones that have controls over activities using rules, the consenting process will be required to make ad hoc consenting decisions. SPS maintain 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 RPSs 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 Bay of Plenty Regional Council (BOPRC) who employed a summer student (Bailey Perryman) to assist in developing criteria for surf break identification and developing appropriate policy and plan responses. The intention of this work is to potentially 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 Preservation and Sustainability grant.

The project draws 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, a variety of community interest groups and tangata whenua 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 preservation and sustainability 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)

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 effort⁹.

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).

While this may be baseline for determining some factors, it is preferable that clear criteria is based on solid community participation to be developed to determine other factors.

⁹ 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>

The protection 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.

Preservation and sustainability 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 values¹⁰. 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 BOI¹¹. 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 environment¹² generally.

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 of 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

¹⁰ Lazarow *et al.* 2007; Nelsen *et al.* 2007

¹¹ 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>

¹² As defined in section 2 RMA

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 PWRPS level to provide for regionally significant surf breaks. This will provide for the recognition of the diversity of surf breaks inherent to the region, and allow for policy and methods that will direct management 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 of the NZCPS 2010.

Policy 15 of the NZCPS 2010 states:

“Natural features and natural landscapes” (emphasis added in bold below):

*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:*
 - (i) natural science factors, **including geological, topographical, ecological and dynamic components**;*
 - (ii) the presence of water including in **seas, lakes, rivers and streams**;*
- (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:*

- (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, protection of surf breaks as features in themselves or as features within landscape/seascape needs to be facilitated during the PWRPS.

Monitoring of surf breaks

Monitoring of the nationally and regionally significant surf breaks and seascapes will need to be undertaken to give assurance of adequate protection. There is justification for the consideration of surf breaks in strategic planning and in baseline environmental monitoring. This also applies to the one-off assessments of environmental effects for particular developments in applications for resource consents near a surf break, all of which is due to the NZCPS. The PWRPS 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.

Summary

The NZCPS provides direction for the proposal to provide for surf breaks under Policy 13, 15 and 16. In regard to Policy 16 there are two nationally significant surf breaks in the Waikato region being Raglan and Whangamata. However, it is necessary to include policy in the proposal which is the equivalent of NZCPS Policy 16 but in a regional context. This is to ensure the preservation and protection of surf breaks, and their inherent features and characteristics that contribute toward wave quality and the surfing experience. And this must include components both landward and seaward of the MHWS in the coastal environment.

Identification and mapping areas of natural character, landscapes (including seascapes), and the extent of the coastal environment is preferred by SPS in the OWRPS. This 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, 15, 16) 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.

There is a necessity to 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 OWRPS provide for a policy and objective to identify or map outstanding natural features and landscapes in both Regional and District Plans, and in doing so provide for the geological, topographical and dynamic components of surf breaks and their transient values.

SPS raises the issue of spatial mapping during this stage of the process of the PWRPS.

SPS is mindful of the undertaking required to spatial map and assess the natural character, natural features and landscape (including seascape) of the coastal environment by the

various means outlined in these policies. SPS considers that giving effect to these policies are vital towards recognising section 6(a), in achieving the purpose of the RMA.

Therefore, SPS suggests this may not be achievable at this stage in the process.. However, there is potential to add clear signals at a later stage by variation to the OWRPS. Additionally, this may compliment the process of reviewing the Regional Coastal Plan, which must also give effect to Policy 13 and 15. This is because the variation work could coincide with detailed coastal spatial mapping in this plan. Which then, at that stage, could take place with SPS and coastal communities contributing to a robust consultative process.

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 and 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.

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 regionally significant surf breaks, including effects on water quality, and on any coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to surf breaks.

While the above is focused on the merits of the obligations highlighted in the NZCPS 2010, SPS put forward also other changes to the PWRPS as outlined in comments below including decisions sought.

SPS seeks the following decisions from the local authority.

1. Add and insert "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 and regionally significant surf breaks, including effects on water quality, and on any coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to surf breaks.

2. Give effect to the NZCPS 2010 of policy 13, 15 and 16.

3. Add NZCPS 2010 to Definitions – Surf break. -- *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.

4. Insert new policy after i) into 7.1.1 j) significant national and regionally important surfbreaks. Move previous j) to new k).
5. When applying methods to this policy ensure that they require the Regional Council and District Council to give effect to the above policy.
6. Add new Method – 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.”

7. Insert **seascapes** into Policy 12.1 Outstanding natural features and landscapes.

Identified values and characteristics of outstanding natural features and landscapes and **seascapes** of regional or local significance are protected from adverse effects, including cumulative effects, arising from activities within or adjacent to the landscape or feature.

8. Insert **seascapes** into Policy 12.2 Other landscape values.
9. Recognise that areas have landscape and **seascapes** values which add to the sense of place and amenity of an area and that these values should be maintained or enhanced where possible.
10. Insert - headlands, peninsulas, cliffs, dunes, **wetlands**, reefs, freshwater springs and **surf breaks**; into Policy 12.3

Protect natural character

Ensure that activities within the **coastal environment, wetlands**, headlands, peninsulas, cliffs, dunes, reefs, freshwater springs and **surf breaks**; and lakes and rivers and their margins are appropriate in relation to the level of natural character:

11. Insert- **surf breaks of national and regional significance** into Policy 12.4 e)
Protect areas of high amenity value

Areas of high amenity value are identified, and those values are maintained or enhanced. These may include:

- a) areas within the coastal environment and along inland water bodies;
- b) scenic, recreational or historic areas;
- c) areas of spiritual or cultural significance; and
- d) scientific and landscape features.
- e) **surf breaks of national and regional significance**

12. Delete policy 6.9 in its entirety including 6.9.1 Implementation methods.
13. Delete 15.4.3 v) in its entirety.

SPS maintains that the Blueprint Growth Strategy has not had true and meaningful consultation and has not been through the rigour of public scrutiny or adequate cost benefit analysis. Additionally there is the potential that the radically changed Thames Coromandel District Council (TCDC) incoming elected Councillors could overturn the Blueprint Growth Strategy as from the recent comments of the Mayor.

It would be inappropriate for Waikato Regional Council to impose its view of the region on TCDC without robust community participation, with all parties in agreement. SPS notes the public statement by WDC on the recently withdrawn Raglan Structure Plan as an example of community pressure.

14. Delete 7.2.1a) b) Marine water types

The regional coastal plan shall:

- a) ~~identify types of marine waters based on their capacity to assimilate discharges and establish water quality standards for each type;~~
- b) include provisions for ~~each of the~~ marine water types to ensure water quality is maintained at or above standards where it is high, or is improved to meet the minimum standards where it is degraded, ~~with demonstrable progress by 2030;~~

SPS is highly opposed to valuing water including saline and estuarine in such a manner, primarily on five points:

- a. It is offensive as the thrust of the policy is based on maintaining or enhancing the mauri and health of marine water and to protect ecosystem, amenity, and tāngata whenua values. That belittles the values of Maori and the meaning of Mauri.
- b. It is also based on assimilative capabilities of water for discharges of contaminants that in the main are, gross pollutants. The second generation PWRPS should be 'raising the bar' and not lowering the water quality.
- c. SPS is of the opinion that allowing for adverse effects to be stretched out to (2030) 19 years is totally unacceptable. Particularly as the degraded water needs to have a

target set for improvements with staged process of measurable increased enhancement yearly.

- d. SPS states that accepting diffuse and point source pollution in such a manner is not acceptable. There is 1 billion litres of wastewater pumped through discharges entering into our marine environment daily in Aotearoa (source MfE. Govt.NZ, Environment 2007), and much information is available on pollutants and the rationale that there is still “scientific uncertainties” that need to be challenged.
- e. Additionally, it is has been widely publicised that the Waikato region has the highest polluted rivers in Aotearoa. Therefore, immediate action needs to be taken rather than delayed.

15. Delete b x) 4.1.7 Managing the coastal environment

~~b x) the importance of the coastal marine area as the receiving environment for land-based discharges of sediment and contaminants and its sensitivity to them.~~

SPS is opposed to viewing the coastal marine area as an important area for discharges of sediment and contaminants. It again gives approval for this activity and no way does it offer any protection as directed by Part II of the RMA 1991. It is emphasised once more here, the second generation PWRPS should be ‘raising the bar’ on water quality.

16. Delete 4.1.11a) Economic instruments

~~a) offsets or financial contributions for adverse effects generated by consented activities;~~

SPS is opposed to financial contributions or offsets for this purpose and does not support this as an option to be investigated.(sec 32). To date there has been no evidence of financial contributions that adequately provided for avoidance, or remedying adverse effects. SPS maintains that this mechanism could lead to unsavoury practices.

17. 4.1.12 a) Offsite mitigation of adverse effects

a) public access to and along the coastal marine area and land adjacent to the coast and inland water bodies;

SPS has serious concerns regarding this policy. SPS fails to understand the rationale of creating a mechanism that could add to the ad hoc manner that coastal margins or

esplanade strips are now being allocated to DoC or District Councils through various reasons including new subdivisions. The coastal margin has already got setbacks set in some District Plans to gain marginal or esplanade strips. Additionally; there is also concern with the policy inclusion of water bodies and the extent of the area that may cover. While some offset mechanisms do have value; they can also be used to create a system of producing minimal offset in comparison to the adverse effects of the activity on the site and not be “like for like” offset as set out in case law. SPS remains concerned and will reserve the right to oppose or seek deletion at the time of the hearing.

18. Delete 8.4.3 c i)ii) Nutrient-sensitive water bodies

work with primary industry to develop property-level policy instruments, including:

- ~~i) nutrient management plans sufficiently detailed to ensure nutrient losses can be tracked and management options for landowners identified including the financial and environmental implications of meeting nitrogen and phosphorus limits; and~~
- ~~ii) roles and responsibilities for property-scale delivery of advice, support and incentives to implement property-level policy instruments.~~

SPS has concerns with the policy as working with primary industry using specific property-level policy instruments will lesson and degrade any regional, local context of improvements to the receiving environment. There is the potential for ad hoc policy instrument application throughout the whole region. It does not promote best practice and will result in diminished outcomes.

SPS wish to reserve the right to be heard and make a more detailed statement of evidence or oral evidence at the time of the hearing. Additionally, SPS wish to also make comments and further submissions at the appropriate time.

Dated 28th February, 2011

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SIGNED on behalf of

Surfbreak Protection Society Inc.

Paul Shanks

Chairperson

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Appendix I

Surf Breaks of National Significance (*emphasis added in bold for Waikato, Coromandel Region*)

SCHEDULE 1- Surf Breaks of National Significance

Northland

Peaks – Shipwreck Bay

Peaks – Super tubes – Mukie 2 – Mukie 1

WAIKATO

MANU BAY – RAGLAN

WHALE BAY – RAGLAN

INDICATORS – RAGLAN

Taranaki

Waiwhakaiho

Stent Road – Backdoor Stent – Farmhouse Stent

Gisborne

Makorori Point – Centres

Wainui – Stock Route – Pines – Whales

The Island

COROMANDEL

WHANGAMATA BAR

Kaikoura

Mangamaunu

Meatworks

Otago

The Spit

Karitane

Whareakeake

Papatowai

Appendix II

Draft Auckland Regional Policy Statement-Background Report – Surf Breaks
Prepared by Kath Coombes and Brad Scarfe, Environmental Policy and Planning, ARC March 2010