

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER OF an application to the Rodney District Council by Te Arai
Coastal Lands Trust (formally the Te Uri o Hau & New
Zealand Land Trust) for a private plan change change
number 105: Introduction of the special 17 (Te Arai) Zone.

SUBMISSIONS FOR SURFBREAK PROTECTION SOCIETY INCORPORATED
AND BRIEF OF EVIDENCE OF JOHN WISTAR SHAW IN SUPPORT OF
SUBMISSION OF SURFBREAK PROTECTION SOCIETY INCORPORATED



SUBMISSIONS AND STATEMENT OF EVIDENCE OF JOHN WISTAR SHAW
FOR AND ON BEHALF OF
SURFBREAK PROTECTION SOCIETY INCORPORATED



Introduction

1. My name is **John Wistar Shaw**. I have been an active surfer in and around the Auckland and Rodney regions for nearly 30 years. I am married to Kathleen and have two sons.
2. I am a committee member of **SURFBREAK PROTECTION SOCIETY INCORPORATED** and as an Auckland resident I represent the Society's Auckland regional interests and the interests of the large surfing community that uses the local coastline for their surfing enjoyment.
3. I have been authorized by Surfbreak Protection Society to provide these submissions and statement of evidence in support of its original submission in opposition to proposed Rodney District Plan change number 105: Introduction of the special 17 (Te Arai) Zone; a copy of

Surfbreak Protection Society original submission dated **29th August 2007** is attached as **Appendix 1**.

Surfbreak Protection Society Aims and objectives

4. The Surfbreak Protection Society is dedicated to the protection and enhancement of New Zealand's surf-breaks for the benefit of the New Zealand surfing community and for all New Zealanders.

5. Our objectives are set out below;
 - a. *The society will promote the conservation and protection of the unique **natural characteristics** of surfbreaks throughout New Zealand/Aotearoa.*
 - b. *The society will promote the maintenance of **water quality** at surfbreaks sufficient for human health and the healthy functioning of local marine life and ecosystems.*
 - c. *The society will promote the protection of **local marine life and ecosystems** at surfbreaks.*
 - d. *The society will promote the **public right to low impact access** to surfbreaks throughout New Zealand.*
 - e. *The society will promote the public recognition of the unique **values of surfbreaks** and their contribution to New Zealand's cultural, spiritual and economic well being.*

6. Surfbreak Protection Society was formed in 2006 by a group of senior surfers with long standing experience in the surfing community from both recreational and economic aspects. Our guiding committee has diverse professional backgrounds including Lawyers, DOC Regional Manager, Surfboard Manufacturer, Retired Senior Fire Fighter and School Teacher.
7. Our collective experience dates back to the earliest days of surfing, and it's genesis in New Zealand as a recreational and lifestyle phenomenon associated with the counter culture of the 1960's and 70's. Surfing has transformed itself through to today's inter-generational 'tribe' of surfers with an established competitive surfing subculture and it's attendant international surf brands.
8. The ethos of surfing and it's associations with personal freedom, self expression and a positive connection to nature have become highly marketable attributes in today's society – visit any shopping mall, especially in a coastal location.
9. However, all this sophistication and latter commercial activity, is based on one simple experience – riding a wave, in particular the right natural characteristics for surfing, ie. a 'surfbreak'. It has been long said that “only a surfer knows the feeling”.

Submission and Statement of Evidence

10. This is a submission by Surfbreak Protection Society on Rodney District's proposed District Plan change number 105, introduction of the special 17 (Te Arai) zone. The location of the

proposed activity is at Te Arai beach and it's hinterland. Surfbreak Protection Society is opposed to the proposed District Plan change in its entirety.

- 11 The site on which the proposed activity will be undertaken is within the coastal environment and immediately adjacent to surf breaks at Te Arai Beach. The importance of the ecological features and the remote and natural character of Te Arai must be retained. Te Arai is a place of very high amenity value in terms of the coastal recreational opportunities it provides, its outstanding natural landscapes and natural character. The excellent sea water qualities of Te Arai are part of, and contribute to the existing environment. Significantly increased traffic volumes, the use of insecticides, herbicides and sewerage management processes have the potential to damage water quality and the ecosystems in and around the surfbreaks at Te Arai. Sea water quality is essential to a pleasurable and life enriching surfing experience. On golf courses golfers are simply told not to lick their golf balls and to wash their hands straight after playing. You can't simply tell a surfer to stay out of the water. Water immersion is a significant part of the surfing experience. In fact, without water surfing is not possible. The buzz of being able to interact with marine life in its natural environment is a special feeling for a surfer – be it surfing with Dolphins in the line up, watching whales glide nearby or glimpsing a Stingray or other fish while flying down the line on a wave are some of surfing's very special moments. Just glimpsing the rocks and sand through crystal clear water as you fly by is special in itself. Reduced water quality has the potential to destroy these experiences. Surfbreaks and surfing enable people and communities to provide for their social, economic, and cultural wellbeing, and for the maintenance of their health and safety.

- 12 A highly intensive residential and visitor style development including golf courses will potentially have significant adverse effects on the water quality of Te Arai during the construction period. Rainfall events during construction will result in stormwater runoff being generated to the CMA that will adversely effect the clarity of seawater. The unique crystal clear water quality at Te Arai and Forestry that is experienced by surfers and other marine users is a special quality that Surfbreak Protection Society seeks to ensure is maintained for future generations. In the long term the development will provide a constant source of overland flow of stormwater, combined with potential adverse effects on water quality from wastewater that may in turn adversely affect the existing natural water qualities of Te Arai Beach.
- 13 It cannot be assured that non point source pollution won't adversely affect the groundwater and seepage into the Pacific Ocean at Te Arai Beach and the surrounding surfbreaks. Surfbreak Protection Society request that the interactions of waters from or near the proposed development site, and their potential impact on the surfbreaks, are understood. This includes periods of heavy rain.
- 14 Surfbreak Protection Society is of the view that preservation of the natural character of Te Arai and the protection from inappropriate subdivision, use and development, as a place for wilderness surfing has the potential for long term environmental and economic sustainability in Rodney District. The Te Arai wilderness is arguably the only coastal area of it's kind remaining on the east coast between Auckland and Whangarei. As other surfbreak locations in Rodney have become areas of sub division the popularity of Te Arai has increased for the reason that it is a place of natural character and wilderness. As a surfer I enjoy the freedom

that a place like Te Arai offers. There is a huge attraction among the surfing community for wilderness surfing, the feeling of being at one with nature both in and out of the water. This attraction includes the view from land looking out to sea and the view from the sea looking inland. Very few locations in the greater Auckland and Rodney regions still exist for this opportunity. Te Arai still does.

15 This Te Arai area is contained within the 470 listed surfbreaks in Wavetrack's New Zealand Surfing Guide¹ "(Wavetrack guide)". This publication is a re-compilation of the original "A guide to surfing in New Zealand" first published in the 1970's. The new Wavetrack guide is a 'must have' for surfers touring New Zealand, both national and international. Te Arai, as a surfing destination, is rated highly in the Wavetrack guide. This excerpt from the Wavetrack guide adequately sums up its value;

The introduction to the guide states on page 5:

"...we do have an array of world-class breaks providing incredible consistency. New Zealand is one of the last few remaining surf destinations able to offer large, uncrowded water to surfers. Not only this, but the scenery is spectacular and the unique shape of the land presents many options to those wishing to take advantage of all it has to offer – one of which is that the drive from coast to coast rarely takes longer than three hours. This guide only scratches the surface of all that is available in this beautiful country".

¹ **Wavetrack New Zealand Surfing Guide**, P.B. Morse, P.Brunskill, Greenroom Surf Media Limited, November 2004; www.newzealandsurfingguide.com
sg1000-1/180943/SG

16 Surfbreak Protection Society is therefore, inter alia, concerned that no (or an inadequate) Assessment of Environmental Effects (AEE) has been conducted regarding, inter alia, the likely effect of the proposed plan change generally, and the water quality issues noted above more particularly. Sufficient particulars must be given with an application to enable those who might wish to make a submission to assess the effects on the environment, and on their own interests, of the proposed activity, to do so². The applicant must provide the details and information necessary to enable this to be done. It is submitted that the applicant has failed to do so. For example, the applicant has provided no particulars, or an assessment regarding the likely effects of the proposal generally, and the likely effects on the water quality of Te Arai Beach more particularly. It cannot be ascertained that non point source pollution won't adversely affect the groundwater and seep into the Te Arai Stream or Pacific Ocean at Te Arai Beach, and the Te Arai surfbreaks. The AEE does not include enough details on what the affects of the water draw will be on ground water levels. The AEE does not give enough information on the existing quality (baseline) of the freshwater stream. SPS submit that the interactions of those waters on the surfbreaks need to be understood (this includes times of heavy rain). Such effects could have significant adverse effects on amenity values and the environment. The material prepared and given by the applicant is not proportionate to the potential effects of the proposed activity, and moreover, does not allow those who might wish to make a submission (such as SPS) to assess the effects on the environment, and on their own interests of the proposed activity³.

² See: AFFCO New Zealand Limited v Far North District Council [1994] NZRMA 224

³ Ibid

17 Surfbreak Protection Society is very concerned about the actual and potential adverse effects that will or are likely to arise if this plan change is granted for the proposed activity. This could result in significant adverse affects on the 'environment' and 'amenity values' (as defined in section 2 Resource Management Act 1991 ("the Act"), natural character and landscape values. The environment that surfers and other recreational users experience when at Te Arai is one of remoteness and wilderness, which contributes to the areas high level of amenity value. Surfbreak Protection Society seeks that this level of amenity be maintained by rejecting the proposed District Plan change, so ensuring that these amenity values, including the feeling of remoteness and wilderness can be experienced by future generations of surfers and other recreational groups.

18 The proposed development can only be described as "ad hoc", a "spot development" in a remote location that does not fit in with surrounding land use and does not support the general planning provisions for the area. The Te Arai Beach and hinterland is a significant ecological corridor for the Rodney District and New Zealand as a whole. The development is not considered to be sustainable as it does not build on any existing infrastructure, rather it will establish a large amount of infrastructure catering for a small number of people (180 units, plus visitors) in a natural and unspoilt environment that is a unique feature of the Auckland Region and Rodney District, as it would be the last open east coast surf beach of its kind to be developed in the region. The development will interrupt an ecological corridor that is home to endangered species. Visually it will have significant adverse effects by interrupting a large portion of intact forest between Te Arai Point and Mangawhai for resort development. For these reasons, the plan change is not considered to be a sustainable

development.

- 19 The relevant objectives, methods, policies, rules and standards in the relevant Regional Policy Statement and Plans were developed and promulgated with a purpose to avoid adversely effecting amenity and landscape values, the character of areas, the natural character of the coastal environment and the environment generally; and to protect the quality of all those things and the environment from adverse effects caused by inappropriate subdivision, use and development.
- 20 If the plan changes are adopted by Rodney District Council for Te Arai, the proposed activity will have significant adverse effects on amenity and landscape values, the character of the relevant area and the environment generally, and will not protect the quality of all those things and the environment. Neither will the proposal maintain and enhance amenity values and/or the quality of the environment. The proposal is inappropriate particularly (but not limited to) in terms of scale and will not achieve sustainable management should the plan change be adopted. The actual and potential adverse effects of the proposed plan change (that can in fact be ascertained and assessed) cannot be adequately mitigated by the applicant. The proposed plan change will have significant adverse effects on amenity and landscape values, the character of the area within which the site is situated, the coastal environment and the environment generally in terms of scale, actual and potential effects and cumulative effects that cannot be adequately avoided or mitigated.

- 21 The proposed activity is contrary to and inconsistent with the purpose and principles in Part 2 of the Act and the provisions of the Act generally. The proposed activity is contrary to and inconsistent with the provisions of the New Zealand Coastal Policy Statement 1994, the proposed New Zealand Coastal Policy Statement 2008, the Proposed National Policy Statement for Freshwater Management and the Auckland Regional Policy Statement.
- 22 For these reasons we are adopting the Rodney Planner's recommendations. The proposal fails to achieve the purpose of the Rodney District Plan and as expressed earlier, does not support the general plan for Te Arai, most notably the sustainable management of natural and physical resources and the substantial amenity value, both current and future, of the area. Furthermore the proposed plan change does not achieve a level of sustainable management. There is already substantial subdivision in Mangawhai with current infrastructure to support this type of development and to cater for its demand. There are also areas like Omaha nearby that offer similar opportunity. Developing Te Arai, would be ad hoc and unsustainable. There are other areas in the Auckland Region more appropriately placed to support such commercial and residential development.
- 23 The following decision is sought from the Rodney authorities: that the Rodney District Council rejects the proposed district plan change 105 and proposed variation 62 Te Arai Special Zone for the proposed activity in its entirety.

Dated 9 February 2009

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JOHN WISTAR SHAW

for and on behalf of

Surfbreak Protection Society Inc.