

Surf break protection in New Zealand: towards the formal recognition of surf breaks.



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The Take Off

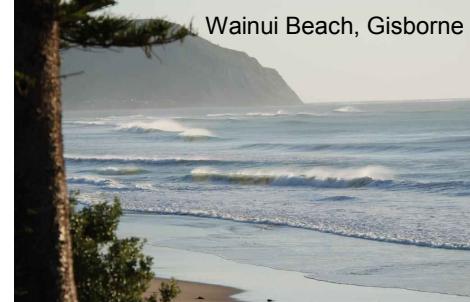
- The Surfbreak Protection Society (Surfbreak Protection) was formed in 2006 to promote the conservation and protection of surfbreaks throughout New Zealand (NZ).
- In NZ coastal development is administered by the Resource Management Act 1991 (RMA). Any such development requires a 'resource consent' which is only given after a favourable assessment of the impact of development proposals on the environment.
- Surfbreaks are NOT yet required to be taken into account in this assessment.
- Surfbreak Protection therefore embarked on seeking recognition and protection for surfbreaks at the highest level of government administration.

New Zealand – 15000km of coastline

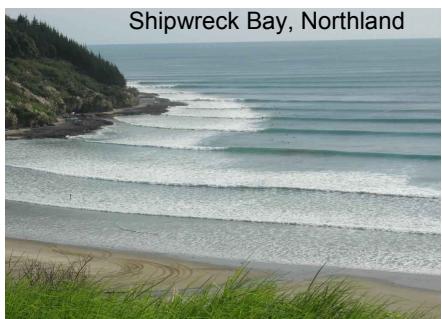
Piha Beach, west of Auckland



Wainui Beach, Gisborne



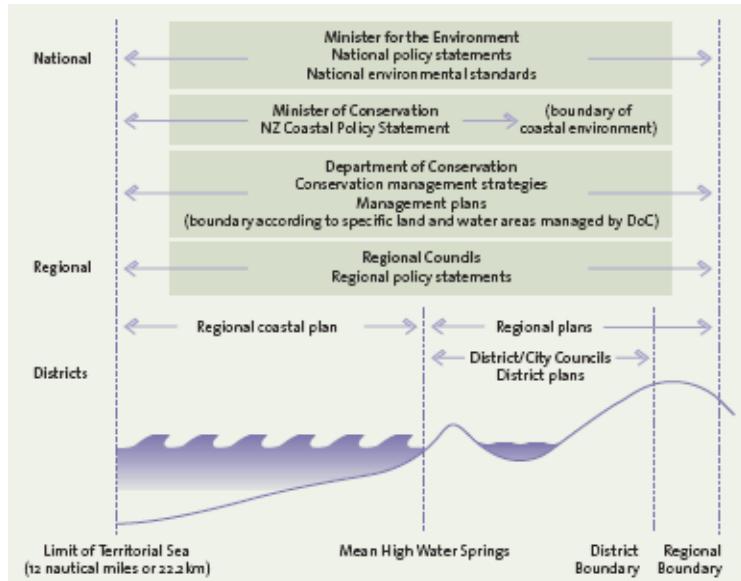
Shipwreck Bay, Northland



Mangawhai Heads



The Legislative Context for environmental protection in New Zealand.



Purpose of the RMA:

'to promote the sustainable management of natural and physical resources'.

Figure 1: Hierarchy of plans

The RMA establishes:

- a hierarchy of policy statements, and plans
- a process for granting resource consents, and
- mechanisms for monitoring and enforcement.



The RMA's hierarchy of plans: National, Regional and territorial...

- National: [national environmental standards](#) (optional) and [national policy statements](#) (optional, with the exception of a New Zealand Coastal Policy Statement.)
- Regional: [regional policy statements](#) (compulsory) and [regional plans](#) (optional, with the exception of a regional coastal plan).
- Territorial: [District plans](#) (compulsory) which are 'not inconsistent' with regional plans.

[District](#) and [regional plans](#) are required to 'give effect to' [regional policy statements](#). All these documents are in turn required to 'give effect to' national policy statements.

Maori and Surf Breaks: Tangata Whenua Participation

Legal Requirements under the RMA

- The relationship of **Maori** and their culture and traditions with their ancestral land, water, sites, wahi tapu (sacred places), and other taonga (treasures) is a matter of national importance which must be recognised and provided for (section 6(e))
- 'Kaitiakitanga' is a matter which decision makers must have particular regard to (section 7(a)). It is defined in section 2 as meaning 'the exercise of guardianship by the tangata whenua (people of the land) of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship'.
- All persons exercising functions and powers under the Act must 'take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)' (section 8)
- If the Minister for the Environment is considering preparing a [national policy statement](#) he or she must seek and consider comments from relevant iwi (tribe) authorities (section 46(a)). During the preparation of a proposed policy statement or plan, the local authority is required to consult with 'the tangata whenua of the area who may be so affected, through iwi authorities'



Surfbreak Protection Society and the Review of the New Zealand Coastal Policy Statement

- In 2007 the Ministry of Conservation embarked on the 10 yearly review of the New Zealand Coastal Policy Statement. Surfbreak Protection Society put in a comprehensive and well argued submission at the initial policy drafting stage for the inclusion of surf breaks. This resulted in the inclusion of POLICY 20 in the Draft NZCPS which reads:

"Policy 20: SURF BREAKS OF NATIONAL IMPORTANCE

The surf breaks at AHIPARA, RAGLAN, STENT ROAD, WHITE ROCK, MANGAMAUENU AND PAPATOWAI which are of national significance to surfing shall be protected from inappropriate use and development by:

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

Mobilisation of the surfing community

- Policy 20 was a first step towards protection of surf breaks in NZ. The Proposed NZCPS has flaws in its wording and is weak in not providing protection for many other worthy breaks (for example, Whangamata), both at national and regional level. Surfbreak went to work to address this through the public submission process. It also undertook a public awareness campaign to encourage as many surfers as possible to put in submissions to the Proposed NZCPS.



The NZCPS Review Hearings of submissions

- During the months of October and November 2008 a Board of Inquiry, comprising of a Environment Court Judge and Commissioners, toured the country to hear people speak to their submissions.
- Surfers were well presented throughout the country.
- Surfbreak Protection pulled together a team of professional experts in the legal, scientific and planning fields. Most being surfers themselves, all provided their expertise pro bono.

The surfing reserves of Australia as a possible model for New Zealand?

- there are three types of surfing reserve in Australia.
- The first type is exemplified by Bells Beach. It is a **surfing recreation reserve**, but is only a **land reserve**. It is similar to many local purpose reserves in New Zealand. It does not extend into water.
- **The second type of reserve** has no formal status and is effectively **symbolic**, consisting of little more than a plaque on the land. For instance Maroubra which was declared in 2006. Such a declaration may add weight in hearings but is unlikely to provide the degree of protection that is sought in New Zealand for nationally and regionally significant breaks.
- The third type is **Gazetted surfing reserves**. These are only found in New South Wales. These are areas of coastal waters that have been recognised by National Surfing Reserves Australia and the NSW Department of Lands as “iconic sites of environmental, cultural and historical significance to the Australian surfing culture”. The NSW mechanism is not applicable in New Zealand as NZ’s national reserves are restricted to land, while seaward reserves are limited under the Marine Reserves Act, which is focused strictly on biodiversity.

What happens next: Regional Policy Statements

- district and regional plans are required to 'give effect to' regional policy statements, and all these documents are in turn required to 'give effect to' national policy statements.
- Regional Plans and Policy Statements are also subject to regular reviews
- When a Plan or Policy is up for review, Surfbreak Protection will embark on the same campaign as for the NZCPS, to have surf breaks which are of local and regional significance listed.
- The aim is to have Policy 20 snowballing around New Zealand as plans come up for review.
- Taranaki is at the forefront, leading the way (see the Taranaki Experience)
- The Auckland Region has just started the review of its Regional Plan.
- The jury is still out on Policy 20 in the NZCPS. But in the process, surf breaks, as a finite resource, have been firmly etched on the conscience of New Zealand law makers and policy writers.

Surfbreak Protection founding members 2006



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