



P.O. Box 58846 Botany A.K. 2163

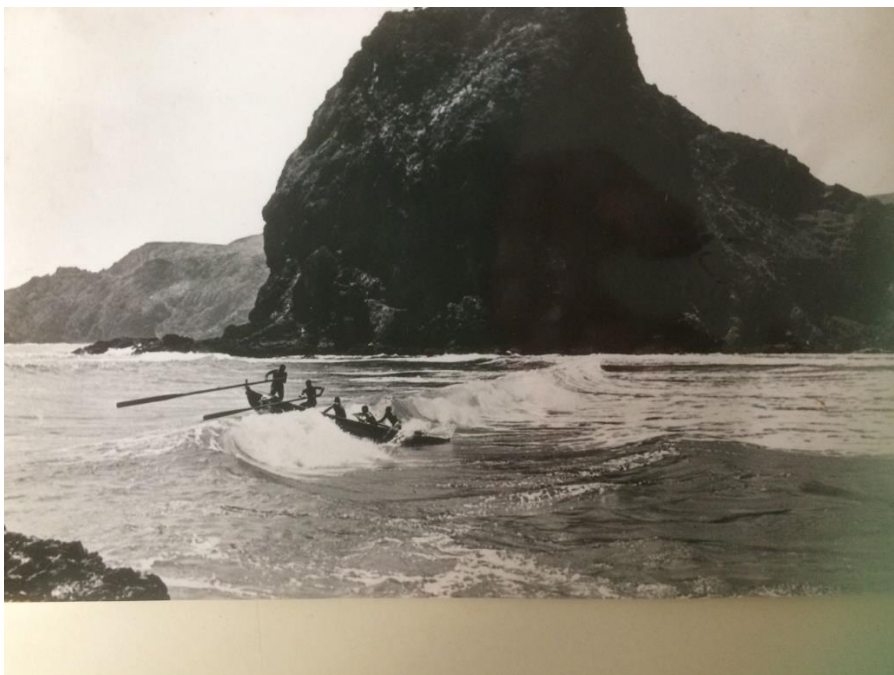
16 – 08 -2017

To whom it may concern

The granting of consents BUN60303194, LUC60070555, CST60303195 to undertake re-contouring works and to lower the height of sand dunes at Piha Beach (South) to improve sightlines from the Piha Surf Life Saving Club control (observation) room, non-notified was a flawed decision.

The Surfbreak Protection Society (SPS) were the only surfing organisation to submit on the Auckland Unitary Plan (AUP). SPS should have been invited to submit on the above listed consents as an affected party.

Since the nineteen nineties a number of local surfers have been highlighting the negative impact to the Piha beach system by the way of human intervention in the natural movement of sand to create artificial primary sand dunes (land reclamation seaward), thus effecting the surf breaks of “Surfers Corner”, The “Piha Bar” and the peaks either side of Lion Rock.



Surfers Corner before surfing – Circa 1940's- photo courtesy Jesmond Shanks

The World's first professional surfing contest was held at Piha in 1976.

NZ Surfing National Champs have been held at Piha 5 times over the last 8 years. 2009, 2012, 2013, 2015, 2017. Before that was 1970's 1990 2004.

Up to 2009 all competitions had heats in Surfers Corner ("Surfers Corner" is inclusive of "Piha bar" and the "Reform"). The artificial sand dune work started in the southern end of the beach in 2010 and by the 2012 Nationals, waves no longer broke inside the Pakiti Rock.

By creating these artificial primary dunes and lowering the water volume of the Moana stream the beach profile has changed, and surfing wave quality has deteriorated markedly.

The Artificial sand dunes created by Auckland Council at Piha are in breach of the AUP, particularly policies relating to Natural Character regarding surf breaks and natural processes.

The artificial primary dunes have been constructed by way of poles, ropes and shade cloth, without any consideration of the existing coastal processes and natural features in Piha's coastal environment.

The impact of the structures and modification to the beach profile also in breach of the New Zealand Coastal Policy Statement (NZCPS) in relation to (but not limited to) Policies 3, 13, 14, and 15.

Surf breaks are recognised as Outstanding Natural Features (ONF's) in their own right¹, and are attributes of Natural Character.

As a requirement of policy 13 (1) (c) in the New Zealand Coastal Policy Statement 2010, The Auckland Council have identified Auckland's regionally significant surf breaks (ONF's) in [Appendix 6.3](#) AUP including Piha.

In a survey² conducted by Auckland Council in 2011 out of 1500 submissions Piha was voted The Auckland Regions top surf break.

¹ Page 130 NZCPS-2008-board-of-inquiry-vol-2 <http://www.doc.govt.nz/Documents/getting-involved/consultations/closed-consultations/nzcps/NZCPS-2008-board-of-inquiry-vol-2.pdf>

² <http://www.piha.co.nz/calling-all-surfers-name-your-best-surfbreaks/>



World Junior Champs, Piha, January 2010

The New Zealand Wavetrack Guide was recognised as a legitimate proxy for the identification of surf breaks for the New Zealand Coastal Policy Statement 2010 schedule of nationally significant surf breaks. The Wavetrack Guide describes Piha as;

South Piha features a quality left hand bar break of Camel Rock (or the beehive) shifting sandbars produce a sucky wedge takeoff and long workable walls ending with a heavy shorey.

Lion Rock Features left and right double ups formed from backwash off the rocks.

You will find it an easy paddle using the current next to the rock. On big maxed out days, there can be a good chunky right hand reform next to Patiki Rock.

Piha has featured in a number of surf movies including “Out of the Blue” by Tim Murdoch, “Children of the Sun” by Andy MacAlpine, “A beautiful Day” by Andy MacAlpine, “Playgrounds in Paradise” By Ross Guy, “On any Morning” David Sumpter.

Restoration of Natural Character in relation to the New Zealand Coastal Policy Statement (NZCPS)

Under the NZCPS, objective 2 encourages restoration of the coastal environment, and policy 14 gives direction for Councils to restore Natural character where it has been affected by Human interference;

- 14 (iv) *rehabilitating dunes and other **natural coastal features or processes**, including saline wetlands and intertidal saltmarsh;*

[emphasis added - note: there were no dunes west of the fence in need of rehabilitation – The dunes were installed to increase the foot print of the car park]

- (v) *restoring and protecting riparian and **intertidal margins**; or*
- (vii) *removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or*
- (viii) *restoring cultural landscape features; or*
- (ix) *redesign of structures that interfere with ecosystem processes; or...*

These clauses are there to facilitate giving direction to Auckland Council to restore the beach system and surf breaks of Piha, in the NZCPS.

The AUP has reflected policy 14 of the NZCPS within 4.3.1 Natural character of the coastal environment Policies and structures 5.1.4, (listed in part at the end of this document).

While the AUP has failed to reference surf breaks as natural features as directed by the NZCPS, They can be attached to the objectives and policies associated with natural features in the AUP, surf breaks can be considered in the Policies pertaining to Outstanding Natural Features in the AUP - D10.2. Objectives [rcp/dp] (as referenced at the end of this document).

The Surfbreak Protection Society is of the view that The Auckland Council are obligated to restore the Outstanding Natural Features and Outstanding Natural Character of Piha – it's surf breaks.

Kind Regards

Mike Gunson and Paul Shanks

4.3.1 Natural character of the coastal environment Policies

- ³11. Avoid significant adverse effects and avoid, remedy and mitigate other adverse effects on [HNC](#) areas by:
- a. protecting the physical and visual integrity, and natural processes of the location
 - d. maintaining the physical, visual, and experiential values that contribute significantly to the wilderness and scenic value of the area
 - e. maintaining the integrity of landforms, [geological features](#) and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes wetlands, reefs, fresh water springs, streams or rivers, and [surf breaks](#)
 - f. maintaining the **elements, processes, and patterns that exist** or operate across the [MHWS](#) and connect land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, composition and movement of biota, including between marine and freshwater environments.
- substrate

5.1.4 Disturbance of the foreshore and seabed Background

Activities and works, including drilling, piling, tunnelling, or the construction, maintenance or removal of structures, can have adverse effects on the foreshore and seabed, including:

6. Avoid disturbance of the foreshore and seabed that will result in significant changes to natural coastal processes that will have adverse effects on significant [surf breaks](#) identified in [Appendix 6.3](#), or cause or exacerbate coastal erosion.

5.1.15 Structures Background

Structures in the [CMA](#) are necessary to provide for our social, economic and cultural well-being and can enhance use and access to the coast. Auckland is dominated by coastal harbours and inlets and therefore structures associated with [infrastructure](#) often need to be located in the [CMA](#).

The coast is a finite resource which is under pressure for use and development. To ensure efficient use is made of coastal space, and because the coast is public commons, structures need to have a functional need for a coastal location and to provide for multiple use where practicable, taking into account the purpose and use of the structure.

Objectives

³ [4.3.1 Natural character of the coastal environment Policies](#)

[rcp]

1. Structures are limited to those that have a functional need to be located in the [CMA](#), other than structures associated with [infrastructure](#) that cannot reasonably or practicably be located outside the [CMA](#).
2. Structures, other than those restricted by location or functional requirements, provide for public access and multiple-use where practicable.
3. Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and [Mana Whenua values](#) of the [CMA](#), and avoid, to the extent practicable, the risk of being affected by coastal hazards.
4. Structures are strategically provided in appropriate locations to enhance public access and amenity values, or enable customary uses and cultural activities by [Mana Whenua](#).

The growth of Auckland and people living next to the coast means there is an on-going demand for new structures in the [CMA](#). These can affect natural character, coastal processes, landscape and public access, and result in adverse effects from a proliferation of structures.

Structures must be designed to take into account coastal processes and hazards, including the expected effects from climate change and sea level rise

Policies

Ensuring structures are appropriately located and designed

6. Require structures to be located to avoid adverse effects on the values of:
 - a. areas identified as having significant value
 - b. significant **surf breaks** identified in [Appendix 6.3](#), including the recreation, amenity and economic values, and taking into account any effects on coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to significant **surf breaks**.

Natural Features in the AUP

D10. Outstanding Natural Features Overlay and Outstanding Natural

Landscapes Overlay

D10.1. Background

These provisions give effect to Policy 15(a) of the New Zealand Coastal Policy

Statement 2010, and the Regional Policy Statement objectives and policies in B4.2

Outstanding natural features and landscapes.

The objectives and policies in this chapter apply to all activities undertaken in areas identified in the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, both above and below mean high water springs.

The factors in Policy B4.2.2(4) have been used to determine the features that have outstanding natural feature values. Areas with outstanding natural feature values are shown on the Plan maps and identified in Schedule 6: Outstanding Natural Features Overlay Schedule.

The factors in Policy B4.2.2(1) have been used to determine the areas with outstanding natural landscape value. Areas with outstanding natural landscape values are shown on the Plan maps and identified in Schedule 7 Outstanding Natural Landscapes Overlay Schedule.

The rules that apply to use and development in areas scheduled as outstanding natural landscapes are contained in D11 Outstanding Natural Character and High Natural Character Overlay.

D10.2. Objectives [rcp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of

Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

- (1) Auckland's outstanding natural features and outstanding natural landscapes are protected from inappropriate subdivision, use, and development.

- (2) The ancestral relationships of Mana Whenua with outstanding natural features

and outstanding natural landscapes are recognised and provided for.

(3) Where practicable the restoration and enhancement of outstanding natural features and outstanding natural landscapes, including in the Waitākere Ranges Heritage Area and the Hauraki Gulf /Te Moana-nui o Toi/Tīkapa Moana, is promoted.

(4) Existing rural production activities are recognised as part of landscape values including in outstanding natural features and outstanding natural landscapes.

D10.3. Policies [rcp/dp]

[The regional coastal plan [rcp] provisions (for activities or resources in the coastal marine area) are not operative until the Minister of

Conservation has formally approved the regional coastal plan part of the Auckland Unitary Plan.]

(1) Protect the physical and visual integrity of outstanding natural landscapes by:

(a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to the values of the outstanding natural landscape;

(b) maintaining the visual coherence and integrity of the outstanding natural landscape;

(c) maintaining natural landforms, natural processes and vegetation areas and patterns;

(d) maintaining the visual or physical qualities that make the landscape iconic or rare; and

(e) maintaining high levels of naturalness in outstanding natural landscapes that are also identified as outstanding natural character or high natural character areas.

(2) Protect the physical and visual integrity of outstanding natural landscapes while taking into account the following matters:

- (a) the extent of anthropogenic changes to the natural elements, patterns, processes or characteristics and qualities;
- (b) the presence or absence of structures, buildings or infrastructure;
- (c) the temporary or permanent nature of any adverse effects;
- (d) the physical and visual integrity and the natural processes of the location;
- (e) the physical, visual and experiential values that contribute significantly to the natural landscape's values;
- (f) the location, scale and design of any proposed development; and
- (g) the functional or operational need of any proposed infrastructure to be located in the outstanding natural landscape area.

(3) Protect the physical and visual integrity of outstanding natural features, including volcanic features that are outstanding natural features, by:

- (a) avoiding the adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to an outstanding natural feature's values;
- (b) ensuring that the provision for, and upgrading of, public access, recreation and infrastructure is consistent with the protection of the values of an outstanding natural feature; and
- (c) avoiding adverse effects on Mana Whenua values associated with an outstanding natural feature.

(4) Protect the physical and visual integrity of outstanding natural features, while taking into account the following matters:

- (a) the value of the outstanding natural feature in its wider historic heritage, cultural, landscape, natural character and amenity context;
 - (b) the educational, scientific, amenity, social or economic value of the outstanding natural feature;
 - (c) the historical, cultural and spiritual association with the outstanding natural feature held by Mana Whenua;
 - (d) the extent of anthropogenic changes to the natural characteristics and qualities of the outstanding natural feature;
 - (e) the presence or absence of structures, buildings or infrastructure;
 - (f) the temporary or permanent nature of any adverse effects;
 - (g) the physical and visual integrity and the natural processes of the location;
 - (h) the physical, visual and experiential values that contribute significantly to the outstanding natural feature's values;
 - (i) the location, scale and design of any proposed subdivision, use or development; and
 - (j) the functional or operational need of any proposed infrastructure to be located within the outstanding natural feature.
- (5) Enable use and development that maintains or enhances the values or appreciation of an outstanding natural landscape or outstanding natural feature.

- (7) Encourage the restoration and enhancement of outstanding natural landscapes and outstanding natural features where practical, and where this is consistent with the values of the feature or area.

D10.4. Activity Table

Table D10.4.2 Activity table specifies the activity status for use and development in areas identified as outstanding natural features on land above mean high water springs pursuant to section 9(3) of the Resource Management Act 1991.

The rules that apply to use and development in outstanding natural features and outstanding natural landscape areas below mean high water springs are contained in Chapter F Coastal.

The rules that apply to use and development in outstanding natural landscape areas are contained in D11 Outstanding Natural Character Overlay and High Natural Character Overlay.

The rules that apply to land disturbance activities in outstanding natural features and outstanding natural landscape areas are contained in E12 Land disturbance - District.

The rules that apply to vegetation management in outstanding natural features and outstanding natural landscape areas are contained in E15 Vegetation management and biodiversity.

The rules that apply to network utilities in outstanding natural features and outstanding natural landscape areas are contained in E26 Infrastructure.

Table D10.4.1 Outstanding Natural Feature Code for activity tables applying to outstanding natural features

Feature code	Feature Type	Brief Description
A1	Large landforms in working rural environments	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact and which are currently used in working rural environments.
A	Large landforms	Landforms that are sufficiently large and robust to withstand small-scale land disturbance or constructions without significant impact.

V (V1 and V2)	Large volcanic landforms	V1: The publicly owned and mainly unmodified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields, including all areas zoned as open space. V2: The privately owned and partially modified portions of the scoria cones, explosion craters and tuff rings of the Auckland and South Auckland volcanic fields.
B	Smaller more fragile landforms	Small landforms or other features that could be damaged or destroyed by relatively small-scale land disturbance or constructions.
C	Dynamic landforms and features	Landforms or features that rely on the continuation of natural physical processes beyond the feature for their continued existence such as shell spit, sand dune, and spring.
D	Exposures of geological material	Natural or man-made exposures that are sufficiently large and robust that small-scale land disturbance or rock sampling will have no significant impact, such as coastal cliffs.
E	Fragile exposures of geological	Small, natural or man-made exposures or high value portions of exposures that could be damaged or destroyed by small-scale, land disturbance, sampling or construction.
F (F1 and F2)	Caves	Caves, such as lava and sea caves and their entrances, may, depending upon their depth underground, be susceptible to damage from significant land disturbance or constructions above them, or from changes in their catchments. Caves are divided into interior areas within 5 metres of the entrance F1, and exteriors F2.

D10.5. Notification

(1) Any application for resource consent for an activity listed in Table D10.4.2 Activity table will be subject to the normal tests for notification under the relevant sections

of the Resource Management Act 1991.

(2) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

D10.6. Standards

There are no standards in this section.

D10.7. Assessment – controlled activities

There are no controlled activities in this section.

D10.8. Assessment – Restricted discretionary activities

D10.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application.

- (1) The nature, form and extent of proposed works.
- (2) Effects on the landscape values of the feature.
- (3) The degree of geological modification.
- (4) The need for, or purpose of, the proposed use or development
- (5) Alternative methods and locations.
- (6) Protection or enhancement of the feature.
- (7) Effects on Mana Whenua values.

D10.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below.

- (1) The extent to which the nature, form and extent of the proposed use or development adversely affects the criteria or values for which the feature was scheduled taking into account all of the following:
 - (a) whether the use or development will result in increased erosion, of the feature;

- (b) whether the use or development will result in increased compaction or erosion of the feature, or changes to the vegetation will adversely affect the values for which the feature is scheduled;
 - (c) whether the use or development will result in ground disturbance or earthworks that will affect the values for which the feature is scheduled; and
 - (d) whether the use or development will interfere with natural processes associated with the feature.
- (2) The extent to which the proposed use or development will cause adverse visual effects, or adversely affect landscape values associated with the feature.
- (3) The extent to which the proposed use or development will cause any significant loss of geological value of a feature, taking into account the extent a feature has already been modified and whether further modification will cumulatively result in a significant loss of geological value.
- (4) The extent to which modification of a feature is necessary to provide for the proposed use or development and the proposed structure has a functional or operational need to be in the location proposed.
- (5) The extent to which the proposed use or development has a specific connection or relationship to the scheduled feature.
- (6) Whether there are alternative methods and locations available to undertake the use or development that will not affect a scheduled feature.
- (7) Whether any site/s resulting from a subdivision can be developed without adversely affecting the values for which the feature is scheduled.
- (8) The extent to which the proposed works will protect the feature from damage, such as providing for erosion protection, or remediate previous damage, excluding any damage resulting from the use or development itself.

(9) The extent to which the proposed use or development will adversely affect
Mana Whenua values.

(10) The extent to which, having had regard to the objectives and policies in E20
Māori Land, the proposed use and development provides for Mana
Whenua, matauranga and tikanga values.

**D10.9. Special information
requirements**

(1) Any application for resource consent must be accompanied by a site plan
showing the location of the Outstanding Natural Feature Overlay and the
location of the proposed activity.