

WORKING TOWARDS THE PROTECTION OF SURF BREAKS

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New Zealand has a number of surf breaks that are of national importance and need consideration when it comes to coastal planning.

This article draws in particular from the work carried out by a team of experts in surfing issues presented on behalf of the Surfbreak Protection Society (SPS) at the Board of Inquiry into the Proposed New Zealand Coastal Policy Statement's Auckland hearing of submissions of 10th October 2008.

The team comprised of: Legal Counsel Rob Makgill (North South Environmental Law), Winston Pond (Chairman SPS), Paul Shanks (Surf industry representative and MfE Green Ribbon recipient), Dr Brad Scarfe (Coastal Scientist), Dr Shaw Mead (ASR Ltd, Coastal Scientist), Matt Skellern (Coastal Planner) and Dr Hamish Rennie (Coastal Planner). While acknowledging the importance of this team's work as a source in preparing this article, the views expressed here are those of the authors and do not necessarily represent the views of those submitters, nor does it represent the views of the organisations employing the authors.

New Zealand Coastal Policy Statements (NZCPS) are the only mandatory national policy statements under the Resource Management Act 1991 (RMA). The first became operative in 1994. In May 2008, a Board of Inquiry (BOI) was established to call for, consider and hear submissions on a Proposed NZCPS (PNZCPS) that would replace the existing NZCPS. The PNZCPS is much more prescriptive than its predecessor was and included Policy 20 specifically on surfing breaks. These breaks are listed below.

Policy 20 Surf breaks of national significance

The surf breaks at Ahipara, Northland; Raglan, Waikato; Stent Road, Taranaki; White Rock, Wairarapa; Mangamaunu, Kaikoura; and Papatowai, Southland, which are of national significance for surfing, shall be protected from inappropriate use and development, including by:

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

Many submissions from surf rider clubs, surfers' environmental organisations, local Councils and individual surfers from all around the country were received in regards to this policy¹. Four particular issues emerged from these submissions:

- is there a need for a policy specifically on surfing breaks a concern raised primarily by local authorities opposed to the policy;
- How the 6 surf breaks of national significance were identified for protection under the PNZCPS, and why other quality surf breaks possibly worthy of protection were left out;
- how to word the policy to make it work i.e., how is a surfbreak defined in a planning and legal sense; and
- did the policy go sufficiently far to provide an appropriate level of protection for surfbreaks once the level of importance had been identified. These are addressed in turn below.

The need for a specific policy on surfbreaks

Over 200,000 New Zealanders and 30,000 tourists surf. Those opposed to a specific policy on surfbreaks recognised that surfbreaks were important components of the natural character of coastal environments and contribute to coastal amenity, but they argued that there were other policies that would ensure that surfbreaks received adequate consideration in coastal planning and management. Some of these submitters argued that the inclusion of a specific policy would form an impost on local authorities as they would have to find ways from already strained budgets to meet the costs of identifying and protecting such nationally important breaks.

Submitters in support of a specific policy for surfbreaks pointed to the contribution surfbreaks made to the social, cultural and economic well-being and health and safety of people and communities. The finite nature of high quality surfbreaks and the need for diversity were also highlighted and examples given of inadvertent damage to surfbreaks by other activities (eg the construction of a boat ramp at Raglan). The planned ongoing dredging at Whangamata for the marina development was frequently highlighted as a concern and an example where a greater level of protection should have been provided to the surfbreak. This high profile case, one in which the Minister of Conservation's decision to decline the marina application was overturned on appeal by



the High Court, drew comparisons with Mundaka, a left break in Spain as the breaks share similar characteristics being a left-breaking wave at a harbour entrance peeling over a sand bar.

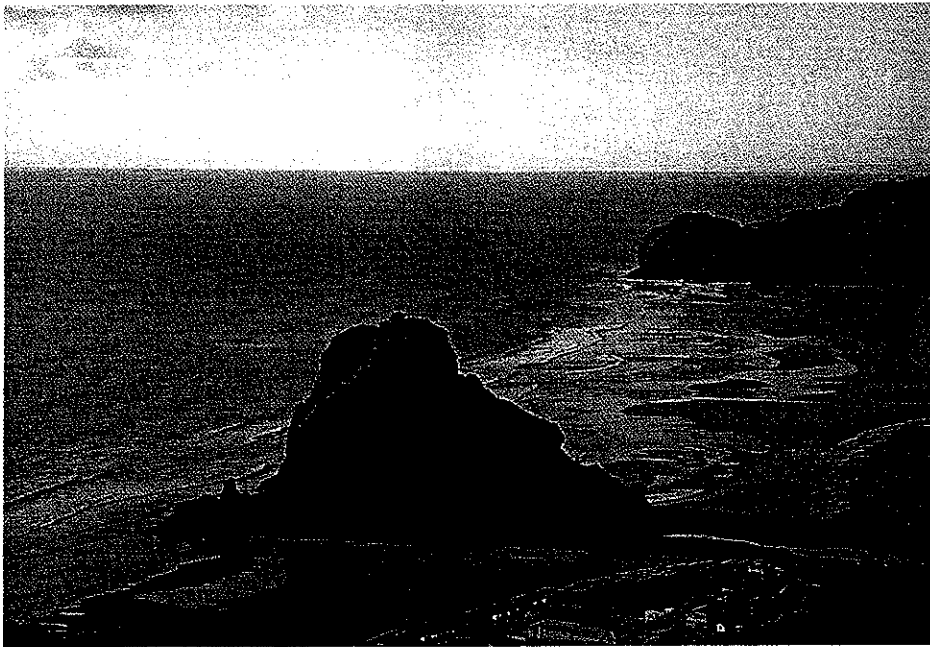
Mundaka is the venue for regular World Championship Tour competitions, however in 2005 the event was cancelled due to lack of wave quality blamed on increased dredging and dumping of sand in the harbour². The socio-economic impact on Mundaka from the loss of its surf break was considerable, and the dredging has subsequently been stopped by local authorities. Like Mundaka, the Whangamata Bar relies on its sand bar to produce world class surf. Uncertainties surround the potential affects on the Whangamata Bar of the substantial increase in ongoing dredging necessary for the Whangamata marina development. These were among the key issues in the controversy that continues to surround that project.

In summary, the argument was that (with the exception of Taranaki Regional Council who in November 2008 incorporated 83 surfbreaks into their Regional Policy Statement for protection from 'inappropriate development') there had been little sign of proactive protection of surfbreaks, and this meant that communities were forced to react, often too late and with too little resources. Such ad hoc approaches to surfbreaks were unacceptably risky and an inefficient approach given their finite nature and the surprisingly limited number of high quality breaks. They argued that any costs needed to protect surf breaks would be the same as those that the other policies would require if sufficient, effective end efficient protection was to be given. The specific inclusion of a policy that specified which breaks are of national importance would ensure that local authorities had clear guidance.

Identifying the level of importance of surfbreaks

There was general confusion over the basis for the choice of the breaks listed in Policy 20 as of national importance and the section 32 report was of little assistance, with many, including local authorities surprised at the omission of Whangamata. Many submitters sought the addition of further breaks for protection, while opponents of the policy used the lack of a clear methodology for identifying surf breaks as justification for not naming any. As a counter, the SPS argued that the 'stoke meter' rating and methodology provided in the Wavetrack New Zealand Surfing Guide be used as authoritative

ABOVE:: Shipwreck Bay, Ahipara, Northland. This surf break featured in the 1966 surf movie Bruce Browns The Endless Summer one of the first and most influential films of its genre². Photo courtesy of Jeff King



LEFT: Piha Beach, West Coast, Auckland. Venue for the 2009 New Zealand Surfing National Championships
Photo courtesy of Jeff King

OPPOSITE: Indicators, Raglan, Waikato. Rates 10 on the Wavetrack New Zealand Surfing Guide stoke meter
Photo courtesy of Matt Skellern

and that breaks with a ten stoke meter rating i.e. of international importance would be a conservative approach to identifying nationally significant breaks and that the Board of inquiry had heard sufficient evidence to determine whether others e.g. the recently 'discovered', and perhaps underrated, big wave Papatowai break should be added. The SPS did not see the identification of nationally important breaks as being a matter that should be left to regional councils to identify when a ready alternative existed.

Such an approach, however, would mean many regionally significant breaks would not be protected and the SPS argued for an additional policy that required regional councils to implement processes to identify regionally significant surfbreaks just as they identify other features of regional significance. A process to identify and protect regionally significant surfbreaks was also outlined.

Making the policy work

Surfbreaks can not only be adversely affected by activities in the coastal marine area (CMA), but they can also be adversely affected by activities outside of the CMA within the coastal environment. However Policy 20 constrains the ability to consider activities being carried out in the coastal environment landward and seaward (beyond the 12nm limit) of the CMA, by stating in Policy 20 that surf breaks of national significance

shall be protected by ensuring that activities in the coastal marine area do not adversely affect the surf breaks, thus not referring to activities in the coastal environment. To address this issue, SPS sought to change this wording by replacing the words coastal marine area with coastal environment in this part of the policy. This is because adequate public access and offshore marine development or land uses not effecting surf breaks are integral for their use and enjoyment. For example how land use discharges to the CMA effect the health of surfers is an ongoing concern or how a marine farm located offshore from a surf break could block swell from hitting a surf break. But the concept of a surf break is quite varied, and a definition of "surfbreak" that worked in the context of the RMA was obviously of concern to the Board during hearings. The natural factors that make up surf breaks and how development can affect their inherent characteristics were addressed by coastal scientists and surfers and the significance of including the coastal environment was identified. The former relates specifically to the sediment and hydrological catchments that provide the materials and currents that in combination with the oceanic swell come together to create surfable waves in particular places. The need to protect the swell corridor from activities e.g. those requiring structures or alteration of the seabed, had been highlighted in relation to aquaculture by the Surfers' Environmental Advocacy Service (SEAS)

submission and SPS sought extension of such consideration to beyond the 12nm as an advocacy policy in recognition of changes of the potential for such activities to occur beyond the outer bounds of the CMA as ocean development technology advances. The definition subsequently advanced by the SPS experts to the Board was:

'Surf break' means 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.

'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.

'Swell corridor' means the region offshore a surf break where oceanographic swell travels and transforms. Such areas are relatively easily mapped.

Adequacy of protection

Activities within surfbreaks that would clearly significantly adversely affect the relevant surfing



break, including those landward of the CMA, could be prohibited through relevant plans. This would provide protection, but may be unworkable in practice e.g. how does one prove that a particular landward subdivision would not affect a break if there is inadequate data and knowledge of local processes. Such provisions, however, could be supported by making nationally important surfbreaks 'areas of significant conservation value'. This does not prevent activities, but should ensure that adequate weight is given to the national importance of such breaks when there is doubt over the certainty or level of significance of the effects of particular activities in the coastal marine area on a break. It does not address areas outside the CMA

Unfortunately, alternatives to the RMA are not available under existing New Zealand law. Marine reserves, for instance, cannot be made for the purpose of protecting surfing breaks although such protection may be an incidental consequence of establishing a marine reserve over a break. The leading alternative to the RMA would be local or national specific Acts for surfing. This would open

the door to ad hoc and disintegrated planning and is unlikely to eventuate.

Interestingly New Zealand is at the cutting edge of international attempts at protection of surf breaks. The work of the SPS formed part of the roundtable discussion on the 5th of December 2008, at Half Moon Bay, in Northern California, where the Save The Waves Coalition "World Surfing Reserves" Program was launched. The Whangamata Bar is being considered as a candidate wave for World Surfing Reserve Status and the pioneering efforts in New Zealand for surf break protection were acknowledged by the World Surfing Reserves programme manager João De Macedo³.

Conclusion

The argument for policies on protecting surfing breaks raised many interesting conceptual and pragmatic issues for supporters and opponents of Policy 20. Whatever the outcome in terms of national policy, the information and debates about surfing provide useful material for local authorities seeking to proactively plan for the sustainable

management of marine features that are of importance to sectors of society, whether these be surfing reefs, popular fishing areas, or areas of heritage value. The evidence presented in these hearings should be drawn on as useful starting points for considering a wide range of coastal management science, monitoring, policy and planning issues.

The submissions are available online at <http://www.doc.govt.nz/getting-involved/consultations/current/new-zealand-coastal-policy-statement-2008/submissions/>

Alexander, S. 2005 "Mundaka WCT event in doubt" http://www.bbc.co.uk/cornwall/content/articles/2005/07/11/surfing_munda_feature.shtml

Footnotes

1 See <http://www.savethewaves.org/worldwaves.asp> for more on this.

2 Wikipedia – The Endless Summer http://en.wikipedia.org/wiki/The_Endless_Summer