

05/03/2011

The Chairman
Hawkes Bay Regional Council
Private Bag 6006
Napier 4142

Dear Sir

Notification of Resource Consent for Groyne at West Shore Reef

Today it was brought to our attention that Napier City Council has applied to the Regional Council for a resource consent to carry out coastal protection works near the West Shore reef in the form of a seawall extension off Whakarire Road.

This reef, commonly known as 'City-reef', is an iconic surf break in the Hawkes Bay region and is recognised nationally as a high quality surfing venue. The break contributes positively toward the health and well-being of a large population of people in the Hawkes Bay community who use it for recreational purposes. The break contributes to the amenity of the local area and provides social, cultural and economic benefits to the region.

Some of the influential factors contributing to the breaks significance are that it is regarded as the premier surf spot in Napier; its rare break type being a reef break; the ease of access to the break; its situation in the inner city; and that it caters for a wide range of surfing abilities from beginner level to advanced.

Surf break Protection Society is a stakeholder in the coastline. As a non-profit organisation we represent our membership in New Zealand in the preservation and sustainability of all New Zealand surf breaks. We have represented surfers on various issues to many district and regional councils around the country where surf breaks have been threatened by development. We were a successful submitter to the New Zealand Coastal Policy Statement 2010 (NZCPS), gaining policy that provides for the protection and preservation of surf breaks in our country.

In developing the NZCPS 2010, surf breaks were singled out as an important coastal resource that has not been well managed. Their importance in contributing toward the health and wellbeing of people and communities was highlighted by the social, cultural and economic benefits that surf breaks have.

This has resulted in national level policy to ensure surf breaks are protected from the adverse effects of coastal activities, as surf breaks in New Zealand and throughout the world have been damaged or destroyed by coastal engineering practices. NZCPS Policy 16 'Surf breaks of national significance' affords protection to New Zealand's top high performance surfing waves, which are listed in Schedule 1 of the NZCPS.

In its recommendations to the Minister of Conservation the Board of Inquiry also recognised the need to protect and preserve the values of a diverse range of surf breaks that provide recreational value to a wide range of users. This has been provided for in the NZCPS by including surf breaks as part of the natural character of the coastal environment. This encompasses surf breaks that are locally or regionally

significant to an area, and breaks commonly referred to as 'nursery breaks'. These breaks were intentionally not identified in the NZCPS, as this role was more suited to regional councils and territorial authorities, with the expectation that suitable criteria for doing this would be developed over time. It is noted here that the Taranaki Region have 81 regionally significant surf breaks recognised in their operative regional policy statement and several other regional councils are investigating the identification of surf breaks for similar purposes.

Therefore, at this time we would like to turn the provisions in the NZCPS that provide for the preservation and protection of surf breaks as part of the natural character of the coastal environment.

Policy 13 'Preservation of Natural Character', states (bold for emphasis):

"(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;*

...

"(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**;...*

Further to this, surf breaks are defined in the glossary of the NZCPS as:

"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."

As well as forming part of the natural character of the coastal environment, by definition of the NZCPS, surf breaks are natural features within the seascape. Policy 15 of the NZCPS, 'Natural features and natural landscapes', provides for the protection of natural features and seascapes. Policy 15 states:

"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;...*

These provisions are relevant to the proposal because the application for the proposed erosion control works at West Shore acknowledges that the proposal will result in adverse effects on the wave quality at City-reef. This is well documented. Therefore, in processing the application the Regional Council must decide on whether or not these adverse effects are more than minor for the purposes of section 95 of the Resource Management Act 1991 (the Act).

The Regional Council is required to give effect to the NZCPS under the Act. As a result, the above national level provisions serve as a guide to the Council in arriving at its decision on notification. For the reasons mentioned above, SPS consider that City-reef is regionally significant surf breaks and an area with outstanding natural character, and further that it is an outstanding natural feature in the coastal environment.

Therefore, the focus of the provisions in the NZCPS relevant to this application, are on avoiding adverse effects. Because the application does not avoid adverse effects on the wave quality at City-reef, it is likely that adverse effects on the surf break will be more than minor. In particular the proposal will have significant adverse effects on swell, seabed morphology and the surf breaks swell window, which are critical to functioning.

It is of most concern that the proposal will have adverse effects on the surf break during small swell conditions. These are the conditions in which City-reef most commonly breaks making it an important resource for a wide range of surfers and in particular learners nursery break. This will result in less days being surfed, and reduce its 'nursery break' appeal. This will result in significant adverse effects on the use and enjoyment of the surf break, which will have flow on social, cultural and economic adverse effects on the community. For example it will detract from the local economy as there will be fewer surfers coming to the reef who spend money in the local area.

Due to City-reefs significance as a top quality reef break, community asset and its high recreational value, public notification is required so that the adverse effects from the loss of wave quality can be fully understood and tested. This can only be done by giving the public the opportunity to have its say on the application. This will then enable the Regional Council to arrive at a decision that is transparent that will meet the requirements under Part II of the Act, and achieve the Acts purpose under section 5.

The Hawkes Bay Regional Coastal Plan states that activities of this nature are generally publicly notified. Due to the large scale of works being proposed in a sensitive coastal location, high expenditure of public money and for the other reasons set out in this letter, we expect that the Regional Council will publicly notify the application in the interests of best resource management practice, if the applicant has not already requested this.

We are also aware of the high level of public interest in this application, as demonstrated by news paper articles, and letters to the editor and radio shows. We are also aware of a well supported petition circulating in your community in support of

this popular Reef, therefore consider it is in the best interests of the application that it be publicly notified.

SPS considers that it is an affected party and asks that it is given the opportunity to be heard on this matter through the submission process. SPS also requests that it be served a copy of the application at your closest convenience.

We look forward to further contact with on this matter.

Yours sincerely,

Paul Shanks, President