Te Tumu Landowners Group (TTLG)

pRCEP Appeal Mediation

Kaituna Cut Surf Break

Without Prejudice for the Purpose of Mediation Only on 11 February 2016

TTLG Appeal

Relief Sought:

‘Delete the Kaituna Cut Surf Break from Schedule 5.’

Reasons:

‘The surf break located at the Kaituna Cut is not of sufficient quality to warrant recognition under Schedule 5. The Appellant presented evidence at the hearings on the Proposed Plan that locals report that the Cut is very infrequently used by surfers, while the Coastguard had never seen surfers there. The Cut has limited periods when it is useable for surfing and the presence of anglers surfcasting off the groyne wall represents a hazard for surfers. The Appellant considers the Kaituna Cut is not a regionally significant surf break as such.’

TTLG Mediation Position

1. Regulatory & pRCEP Context

The identification of Regionally Significant Surf Breaks provides for the protection of the identification of these Surf Breaks through Policy RAl that:

a) Requires any activities (in the Coastal Environment) requiring Resource Consent that have the potential to have a significant adverse effect on the quality of, or access to, these surf breaks, on a permanent or on-going basis to be avoided, and

b) Restricts activities requiring Resource Consent in the CMA within a 1km radius of the surf break to demonstrate the proposed activity will not have a significant adverse effect on wave quality, consistency or rarity values associated with natural character (such as coastal processes, currents, water levels and seabed morphology), amenity or cultural heritage that contribute to the characteristics of the surf break.

The identification of Regionally Significant Surf Breaks adopts a protective and restrictive regime that impacts both public and private property interests. Accordingly TTLG submit that like the other protective overlays they should be subject to a robust evidentiary based assessment that is transparent, defensible and can be used for an accurate assessment of potential activities. For the reasons stated below TTLG submit that this isn’t the case for the Regionally Significant Surf breaks generally and specifically the Kaituna Cut Surf Break.
The Regionally Significant Surf Breaks have been identified on the pRECP Maps as overlays alongside the following other protective overlays:

- Outstanding Natural Features and Landscapes.
- Historic Heritage.
- Indigenous Biological Diversity Areas A&B.
- Areas of Significant Cultural Value.

As overlays associated with protecting important values and attributes and in turn applying a restrictive policy and rule regime for activities they have been:

- Through a thorough research, analysis and factual based assessment;
- Established through the development and testing of clear and measurable criteria and values which are in most cases listed in either the pRCEP or RPS to allow effects to be measured in assessing the potential impact of activities;
- Through a robust scientific evaluation process (where appropriate) that provides an evidential base for the protection of the identified values and attributes and in turn for them to be mapped as overlays;
- Identified and mapped relative a robust investigation of the entire Bay of Plenty area.
- Measured, ranked and benchmarked to establish the significance (or otherwise) of the features sought to be mapped and protected.

As detailed below, we submit that these processes have not been carried out for Regionally Significant Surf Breaks.

2. **Surf Break Assessment Report 2011**

The basis for the identification of the Regionally Significant Surf Breaks in the pRCEP is the Bay of Plenty Surf Break Study 2011 as found on the BoPRC website.

We comment as follows on the key aspects of the Report that we would expect to form the basis for identifying a Regionally Significant Surf Break:

a) **Criteria (also refer Appendix B)**

The report states that the criteria development:

- Was carried out through two community workshops each attended by 13 people (pp45-49).
- Was applied to establishing the list of Regionally Significant Surf Breaks through interviews with 12 people (pp50-52).

It also noted:

- The possible need for weightings (p47).
- That criteria may be more effective as a guidance too (p47).
- Criteria are likely too complex for lay-people (p47).

**TTLG Comments:**

The criteria:

- Were only established through a very limited consultation process.
- Have limited relationship to the attributes referred to in the Surf Break definitions in both the pRCEP and NZCPS.
- Were not tested or peer reviewed.
b) **Assessment (also refer Appendix B)**

The report states that the assessment to Regionally Significant Surf Breaks:
- Was through interviews with 12 people (pp50-52).
- Was also done from the Wave Track Guide (p63).

**TTLG Comments:**
- There was no mention on how the assessment was verified.
- There was no benchmarking carried out with either other regionally significant surf breaks or nationally significant surf breaks.
- There was no significance assessment noted.
- There was no ranking of the identified surf breaks.
- The assessments were seemingly only anecdotal, with no expert assessment from any experts in ocean/wave hydrodynamics or coastal morphology.
- The was no comparative assessment for the highly rated criteria/outstanding aspects with other similar surf breaks in the region to establish significance.
- There was no indication of sample size for each regionally significant surf break other than the commentary that the assessment was through interviews with 12 people as well as based on the Wave Track Guide.

c) **Kaituna Cut Surf Break (also refer Appendix B)**

The assessment of the Kaituna Cut Surf Break is:

*Kaituna Cut (p69)*
- 1 - Wave quality rating: 6/10
- 2 - Consistency rating: 5/10
- 3 - Rarity rating: 6/10

**Description:** River mouth break situated at the mouth of the Kaituna River. Significant to the local surfing community associated with areas such as Te Puke and Maketu and other breaks frequented by locals in this area.

**Outstanding components:**
- 8 - Local community and competition

**Description of regionally significant surf breaks (p64)**

**Notes:**
- a) Final numerical ratings displayed in the description of each break are scaled to reflect the relative values of the criteria of wave quality, consistency and rarity. This is compulsory assessment criteria that can be attributed to any surf break. 10 is the highest value, 0 is the lowest.
- b) The description of each break is a brief summary of the values and characteristics of a break.
- c) Outstanding components are attributes taken from the optional assessment criteria that are unique to the surf break.

**TTLG Comments:**
- Appendix 8: Surf break assessment criteria; states:
  - 'NB: this is the final resolution of the criteria set for assessing the features, characteristics and values of surf breaks in the Bay of Plenty.'
  - and lists the 10 criteria to be used in the assessments. This doesn’t include rarity yet the Kaituna Cut Surf Break Assessment (and the others) uses a ‘rarity rating’.
There is no guide as to what score results in Regionally Significant or otherwise. The guidance notes mention scaling, however the basis and benchmark for the scaling isn’t mentioned.

The other eight criteria are not used and there is no weighting identified between the first three criteria and the other seven criteria.

There is no record of field visits, field testing, site mapping or site verification of the assessment outputs.

In this context a recommendation of the Report (p30) was:

‘8.5 Mapping

The map series (Appendix 11) developed for this report is indicative only and should only be used for the purposes of this study to show the location of surf breaks identified in the study.

a) For any statutory purposes, mapping is required to accurately plot the location of a surf break with GPS co-ordinates.

b) At Coastal Plan level, mapping would need to include the spatial extent of surf breaks, along with natural physical components that contribute to their functioning including swell corridors, access points, sediment paths, seabed features and hydrological features.

c) Catchment mapping in regional plans need to highlight locations where discharges and waterways exit into the mixing zones of regionally significant surf breaks.’

This mapping work has not been done.

The description and outstanding components note importance to the local community not regional importance.

The description does not correlate with the descriptions of the Kaituna Cut in either:

i. New Zealand Wavetrack Guide (see Appendix C); or

ii. The Good New Zealand Beach Guide North Island (see Appendix C)

The description does correlate with the observations of a commercial fisherman and the Maketu Coast Guard who regularly uses the Kaituna Cut (see Appendix D).

3. TTLG Conclusion

There is no robust evidentiary based assessment that is transparent and defensible to identify the Kaituna Cut Surf Break as a Regionally Significant Surf Break.