

Bay of Plenty Regional Navigation Safety Bylaws Review Committee

Ngā Meneti Open Minutes

- Commencing:** Wednesday 15 February 2023, 9.35am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom
- Heamana
Chairperson:** Cr Andrew von Dadelszen - Bay of Plenty Regional council
Toi Moana (BOPRC)
- Heamana Tuarua
Deputy Chairperson:** Cr Toi Kai Rākau Iti - BOPRC (via Zoom)
- Ngā Kopounga
Members:** Cr Kevin Winters - BOPRC
Cr Jane Nees - BOPRC (via Zoom)
Raewyn Bennett - Tangata Whenua Representative
Patrick Young - Tangata Whenua Representative
- In Attendance:** Reuben Fraser - General Manager Regulatory Services,
Kataraina O'Brien - General Manager Strategic Engagement,
Toni Briggs - Senior Project Manager, Jon Jon Peters - Bay of
Plenty Harbourmaster, Dan Rapson - Bay of Plenty Deputy
Harbourmaster, Scott Robinson - Maritime Operations Team
Leader, Monique Brooks - Legal Counsel, Georgia Thomson -
Community Engagement Advisor (via Zoom), Claudia
Cameron - Committee Advisor.
- Ngā Hōnea
Apologies:** Micah Tawhara - Tangata Whenua Representative for
absence.

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by Patrick Young.

2. Ngā Hōnea Apologies

Resolved

That the Bay of Plenty Regional Navigation Safety Bylaws Review Committee:

- 1 **Accepts the apology from Micah Tawhara for absence tendered at the meeting.**

**Bennett/Winters
CARRIED**

3. Whakapuakanga o Ngā Take Whai Taha-Rua Declaration of Conflicts of Interest

None declared.

Minute Note: In relation to Agenda Item 8.1 - at the subsequent meeting, 27 April 2023, Raewyn Bennet retrospectively declared her whānau position as shareholders in the TAHEKE 8C land block.

4. Minutes

Minutes to be Received

4.1 Bay of Plenty Regional Navigation Safety Bylaws Review Committee Minutes - 20 September 2022

Resolved

That the Bay of Plenty Regional Navigation Safety Bylaws Review Committee:

- 1 **Receives the Bay of Plenty Regional Navigation Safety Bylaws Review Committee Minutes - 20 September 2022.**

**Winters/Young
CARRIED**

5. Presentations

5.1 Maritime Operational Perspective

Presentation: Bay of Plenty Harbourmaster Team: Objective ID A4311133 [⇒](#)

Presented by: Jon Jon Peters - Bay of Plenty Harbourmaster
Dan Rapson - Bay of Plenty Deputy Harbourmaster
Scott Robinson - Maritime Operations Team Leader

Key Points:

- The restricted channel of Tauranga harbour, combined with its busy port, made its management a challenge

- The issue of small pleasure crafts not giving way to large container ships was highlighted. An incident causing a large ship to ground had the potential to disrupt port activity and cause an environmental disaster. Incidents of this nature were usually due to risk takers, not a lack of education. Education had been increased, including Pilots sharing their experiences. The fine for not giving to large ships way was \$200, set in 2012, it was recommended the committee consider its increase
- Maritime patrols currently took place during holiday weekends and over summer. Year-round patrols were being considered, but contracting issues made this a challenge
- Evidence was required to convert a breach of bylaw into an infringement offence, the increased infringement rate demonstrated the improved training of the Patrol Team. Lower numbers of speed infringements were due to the difficulty in proving boat speed
- A successful summer education programme had taken place; however, bylaw breaches were often by amateurs or people visiting the area. The aggression faced by the team when patrolling was highlighted
- Special water events required exemptions from the bylaws, with each application assessed by the Harbourmaster Team. Events must not cause danger to persons or property, which created a high threshold to allow events
- Navigational aid numbers were being increased, with over 900 currently operational. Aids in the shipping channel were installed, maintained and paid for by the port, the on-going maintenance of other aids were the responsibility of the Harbourmaster Team
- The Port of Tauranga assisted with the removal of logs fallen from logging ships but the removal of other hazards, such as fallen trees was the responsibility of the Harbourmaster Team
- BOPRC was able to assist with tier one and two oil spills through the oil spill contingency plan (reviewed every three years), but tier three, such as from the Rena, required a national response
- Tauranga was well resourced to deal with oil spills, but the eastern BOP area was under resourced. The neglect of boats with a large oil holding capacity was an environmental concern as BOPRC did not have the equipment to quickly lift these boats from the water once wrecked
- Mooring areas and the associated challenges were identified, mooring locations were outlined by the coastal plan, and inspection and audit conducted by the Harbourmaster Team
- The removal of wrecked and abandoned vessels was an on-going cost. There was no mandate to remove a boat from a mooring under the bylaws, the Harbourmaster Team were able to manage the mooring from the perspective of safety only. The mooring block to the water line was included in the mooring ownership
- The high workload of the Harbourmaster Team was emphasised, in addition to 'business as usual' the team supports other teams with the supply of boats and crew, both internally and to external organisations such as the Police
- Tightening the bylaws would allow the Harbourmaster Team to work more efficiently, and the increase of infringement fees would give the Harbourmaster Team the tools to disincentivise behaviours.

Key Points - Members:

- Suggested the use of pilot boats in the same way as pilot vehicles on roads, however, the unmaneuverability of large ships made the port more challenging

- Identified the need for increased Harbourmaster Team patrol in Ōhiwa harbour and recognised the danger of boats close to kaimoana beds, it was recommended a strategy to improve safety be developed
- Noted that a full Maritime Team report, which included all breaches of bylaws, would be provided to a future Monitoring and Operations Committee meeting
- Expressed some frustration over the moorings' challenges, and potential environmental issues of wrecked boats due to owner negligence, but appreciated the bylaws only provided a mandate based on navigation safety, not environmental safety.

In Response to Questions:

- The Harbour Wardens scheme had been discontinued as it had become a challenge under the Health and Safety at Work Act 2015, current patrols were conducted by contractors
- The Harbourmaster Team had requested equipment and support from Maritime NZ and the Ministry for Primary Industries to better resource the Eastern area of the BOP.

Items for Staff Follow Up:

- Staff to approach Maritime NZ to gauge infringement fees across the country
- Members requested bylaw data for Ōhiwa Harbour, including infringement rates and patrol numbers.

11.00 am - the meeting **adjourned.**

11.15 am - the meeting **reconvened.**

6. Verbal Updates

6.1 Field Trip Planning - From late Summer 2023

*Presentation: Navigation Safety Bylaws Review Committee Meeting Presentation -
15 February 2023: Objective ID A4311131 [↗](#)*

Presented by: Toni Briggs - Senior Project Manager

Key Points:

- Suggested areas to visit included:
 - Hunters Creek ski lane
 - The lower Kaituna River, the bar and new wetlands, with particular focus on speed uplifting
 - Ōhiwa Harbour and the Ihukatia Trust
 - The Port of Tauranga.

Key Points - Members:

- Suggested areas to visit included:
 - Ōmokoroa, and any ski lane alternatives to Hunters Creek

- Matahi spit and lake Rotomā, although the issues were only present at busy times
- Kaimoana gathering locations which intersected with water sports areas, for example Rangiweae Island channels and Ōhope
- Recommended speaking to local residents of the Kaituna during the visit, including Taheke 8C

Minute Note: In relation to Minute Item 6.1 (Agenda Item 8.1) - at the subsequent meeting, 27 April 2023, Raewyn Bennet retrospectively declared her whānau position as shareholders in the TAHEKE 8C land block.

- Future development projects and their potential impact needed to be considered, however it was noted the bylaws would be reviewed again in five years. Projects included:
 - The Ōpōtiki harbour development
 - Te Tumu development
 - The potential Tauranga Port extension
- Recommended staff talking to local residents to hear concerns and collating the data to bring back to the committee, particularly around ski lane safety concerns.

In Response to Questions:

- Although Te Mana O Te Wai, the principle of Mahinga Kai and the Navigation Safety Bylaws were concerned with freshwater management, it was noted that the bylaws related only to navigation safety
- Noted the available days and locations visited would depend on Harbourmaster Team availability.

6.2 Engagement Update

Presented by: Georgia Thomson - Community Engagement Advisor, supported by
Toni Briggs - Senior Project Manager

Key Points:

- Introduced the Participate Webpage which was used to gain feedback from the community
- The bylaws review had the highest participation rate on the website, which demonstrated good community engagement
- The data from people residing outside of the BOP region had been removed
- No suitable alternative to Hunters Creek had been recommended
- Opinions around ski lanes in Ōhiwa was polarised, however the sample pool was only 20 people
- Pop up engagement had been beneficial, and it was expected the community members engaged with would pass the information back to their communities
- Iwi, Hapū, Trusts and more specific groups, such as sports groups, had not been engaged with yet, this would occur during phase two, which was about to commence.

Items for Staff Follow Up:

- Members requested a list of groups to be consulted.

6.3 Feedback on Actions from the Previous Meeting

Presented by: Toni Briggs – Senior Project Manager

Key Points:

- There had been summer educational campaigns to improve boat safety
- A Regional Coastal Environment Plan Change would be required to extend, update or move mooring areas. There was currently an issue with capacity, however this was not within the scope of the bylaws
- The scope and mandate of the bylaws was reiterated, with the purpose to ensure navigation safety
- The final decision on bylaws adoption was made by full Council, through a Committee recommendation
- The Terms of Reference of the Navigation Safety Bylaws Review Committee included engagement with key stake holders, although rules around engagement were clear and required balanced conversations, non-expression of opinion and no opinion of the potential outcome of the process
- The review process was transparent to reduce the potential for challenge to the bylaws.

7. Reports

Information Only

7.1 Feedback from previous meeting actions – Including the inclusion of tangata whenua in the Bay of Plenty Region Navigation Safety Bylaws Review Committee

Presented by: Toni Briggs – Senior Project Manager

Key Points:

- The bylaws impacted a high proportion of tangata whenua, and many of the issues were challenging
- Te Ao Māori added enrichment to the bylaws review process through additional viewpoints
- Assurance was given that the bylaws would have all the appropriate rules to manage the new harbour developments in Ōpotitki and Whakatāne, and would be fit for purpose.

Key Points - Members:

- Concern was expressed over intoxicated skippers and unlicensed skippers, assurance was sought that the bylaws did not have scope to cover these issues.

In Response to Questions:

- Harbourmasters had been advocating for the Life Jackets for Children and Young Persons Bill to be presented to Parliament but it had been delayed.

Items for Staff Follow Up:

- A written legal opinion was requested to formally acknowledge that the Navigation Safety Bylaws did not have the legal mandate to contain rules around skipper alcohol intoxication and mandatory skipper training.

Resolved

That the Bay of Plenty Regional Navigation Safety Bylaws Review Committee:

- 2 Receives the report, Feedback from previous meeting actions - Including the inclusion of tangata whenua in the Bay of Plenty Region Navigation Safety Bylaws Review Committee.**

**Winters/Bennett
CARRIED**

7.2 Challenge Areas in the Regional Navigation Safety Bylaws Review

Presented by: Toni Briggs - Senior Project Manager

Key Points:

- An options analysis will be conducted by staff, and recommendations for changes to the bylaws will be workshopped by the Committee with the focus on Tier 1 issues
- Additionally, a formal submission, hearing and deliberation process would be conducted, with the Committee making a recommendation to full Council.

Key Points - Members:

- It was requested that more information be provided around the potential crossover of the National Policy Statement for Freshwater and the Navigation Safety Bylaws
- Recommended the consultation process asked the public to offer potential solutions, particularly around legacy issues.

Items for Staff Follow Up:

- Staff were requested to provide legal advice to confirm Marine and Coastal Area Act applicants were not at risk of a conflict of interest through their involvement with the Navigation Safety Bylaws Review Committee.

Resolved

That the Bay of Plenty Regional Navigation Safety Bylaws Review Committee:

- 1 Receives the report, Challenge Areas in the Regional Navigation Safety Bylaws Review;**
- 2 Recommends the Tier 1, Tier 2 and Tier 3 decision making and information receiving approach as outlined in the Report attachment.**

**Winters/Young
CARRIED**

**8. Ngā Take Tōmuri Hei Whakaaroaro
Consideration of Items not on the Agenda**

**9. Karakia Kati
Closing Karakia**

A karakia was provided by Patrick Young.

12.40 pm - the meeting closed.

CONFIRMED 27 APRIL 2023

Cr Andrew von Dadelszen
Chairperson, Bay of Plenty Regional Navigation
Safety Bylaws Review Committee