

Meeting: Bay of Plenty Regional Navigation Safety Bylaws Review Committee Workshop

Meeting Date: 14 March 2023

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Regional Navigation Safety Bylaws Committee

14 March 2023





Purpose

Decide options for consultation on Kaituna and Hunters Creek.



- Narrow scope for Bylaws – *for the purpose of navigation safety.*
- Long history with some topics.
- Current Maritime team is relatively small – doing a wide range of operational functions.
- Which ever option is proposed communication with key stakeholders will be essential.



Updates

- Internal legal opinion on DIC of vessels
- Stakeholder list (tabled document)
- Field trips
- NPSFM and Navigation Safety Bylaws



Whats in our toolbox?



- The Regional Navigation Safety Bylaws
- Maritime Transports Act and Maritime Rules
- Best Practice
- Education
- Infringement regime
- International law
- Local Government Legislation e.g. RMA
- Relationships with TA's and other entities
- Relationships with iwi, hapu and trusts
- Regional Plan
- Coastal Environment Plan
- Natural Resources Plan



Hunters Creek



Current Situation - 2017 Bylaws

- 3.6.4 *The area designated as the Hunters Creek Ski Area in Schedule 3 is a reserved area for skiing, except during the period being two hours before and after low tide when no person shall be towed and a 5 knot speed limit applies to all vessels within 200m of shore.*
- 3.6.5 *For the purposes of Clause 3.6.4, low tide means that tide measured at Salisbury Wharf in Tauranga Harbour.*



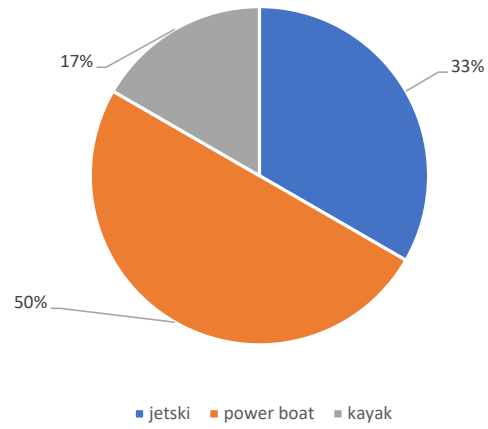
Current Situation - Community

- Observed behaviour seems to highlight that area users do not know the rules
- Maritime officers cannot be constantly in the area to provide continuous monitoring and compliance
- The ski lane is close to area where residents swim
- Occupants of vessels land on shore and leave rubbish, light fires and go to the toilet or provide property
- Otapu is seen as the hapū's Kapata kai. Gathering conflicts with vessels in same areas as swimmers and waders.
- Hunters creek is an increasingly popular area for a wide range of vessels including pleasure boats (without skiers); jet skiers,

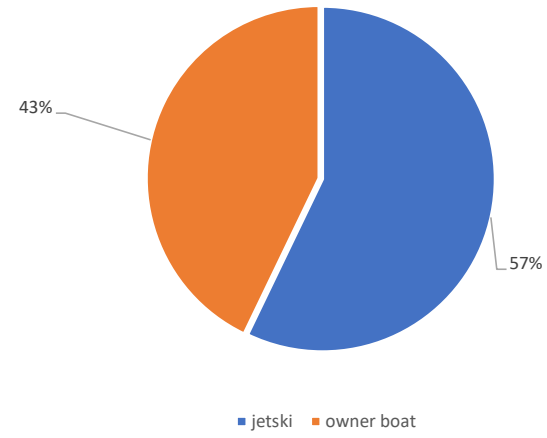




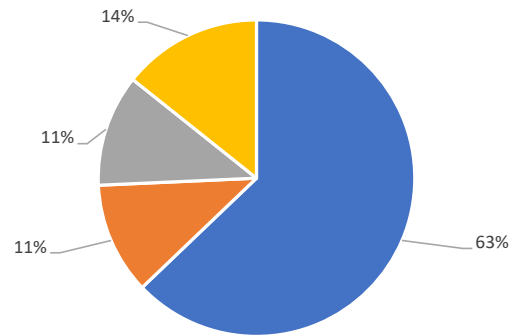
21-22 Season BoBs Hunters Creek



22-23 Season BoBs Hunters Creek



Hunters Creek 22-23 Interactions





Option 1: Status Quo

Keep the Rule as:

3.6.4 *The area designated as the Hunters Creek Ski Area in Schedule 3 is a reserved area for skiing, except during the period being two hours before and after low tide when no person shall be towed and a 5 knot speed limit applies to all vessels within 200m of shore.*

3.6.5 *For the purposes of Clause 3.6.4, low tide means that tide measured at Salisbury Wharf in Tauranga Harbour.*

Pros	<ul style="list-style-type: none"> • Having the ski area there makes it easier to manage operationally, as there is availability of several rules that restrict bad behaviour and designation of summer patrols
Cons	<ul style="list-style-type: none"> • Some of the issues will continue and in fact, might increase as this has become a popular sport for pleasure boats and jet skis
Implications	<ul style="list-style-type: none"> • Local residents will need further engagement to explain • Education is still needed, therefore there is a cost
Risks	<ul style="list-style-type: none"> • Bad behaviour continues, the local trusts and hapū's are still angry and contributes to council reputational risk (mitigation would need to include good communications and engagement around rationale for status quo). • Judicial review of Bylaws document if Matakana communities perceive they don't have the right engagement.



Option 2: Status Quo – increased monitoring/compliance

Keep the Rule as:

- 3.6.4 *The area designated as the Hunters Creek Ski Area in Schedule 3 is a reserved area for skiing, except during the period being two hours before and after low tide when no person shall be towed and a 5 knot speed limit applies to all vessels within 200m of shore.*
- 3.6.5 *For the purposes of Clause 3.6.4, low tide means that tide measured at Salisbury Wharf in Tauranga Harbour.*

- Change Maritime team practices to increase monitoring.
- Build inter-agency integrated management plans.
- Increase infringement fees for crucial rules incl. speeding.

Pros	<ul style="list-style-type: none"> • Increases likelihood of capturing non-compliance • Cover wider spectrum of nuisance etc, through inter-agency mandate
Cons	<ul style="list-style-type: none"> • Increase in workload for Maritime Team for one small area
Implications	<ul style="list-style-type: none"> • Relationships with other agencies are needed to manage some of the problems – and they need budget and inclination • Larger budget (and resourcing) for Council’s Maritime Activity to enable increases patrolling, education, navigation aids etc.
Risks	<ul style="list-style-type: none"> • Increased patrols and interagency management do not curb bad behaviour



Option 3: Move ski Lane to alternative location

Delete all Rules applying to a reserved ski area at Hunters Creek

- All other rules still apply, including speed etc.

Pros	<ul style="list-style-type: none"> • Ski Area is removed from Hunters Creek area
Cons	<ul style="list-style-type: none"> • Other activities are still able to be undertaken in the area - boating, jetskis, beach landing • Patrols and monitoring are still needed • Are we moving problems to another area? Another community?
Implications	<ul style="list-style-type: none"> • Bad behaviour is moved to another area and a new community has the same problems as Matakana Island residents • Bad behaviour from other water activities continues
Risks	<ul style="list-style-type: none"> • Bad behaviour increases due to perceived lack of <i>reserved area</i> rules • Moving the ski area to another location make the Harbour as a whole,



Option 4: Remove all together

Delete all Rules applying to a reserved ski area at Hunters Creek

- All other rules still apply, including speed etc.

Pros	<ul style="list-style-type: none"> • Ski Area is removed from Hunters Creek area
Cons	<ul style="list-style-type: none"> • Removing the ski lane doesn't solve the issues • Patrols and monitoring are still needed
Implications	<ul style="list-style-type: none"> • Monitoring and patrols are still needed • One group of disgruntled community members is swapped for another
Risks	<ul style="list-style-type: none"> • Bad behaviour increases due to perceived lack of <i>reserved area</i> rules

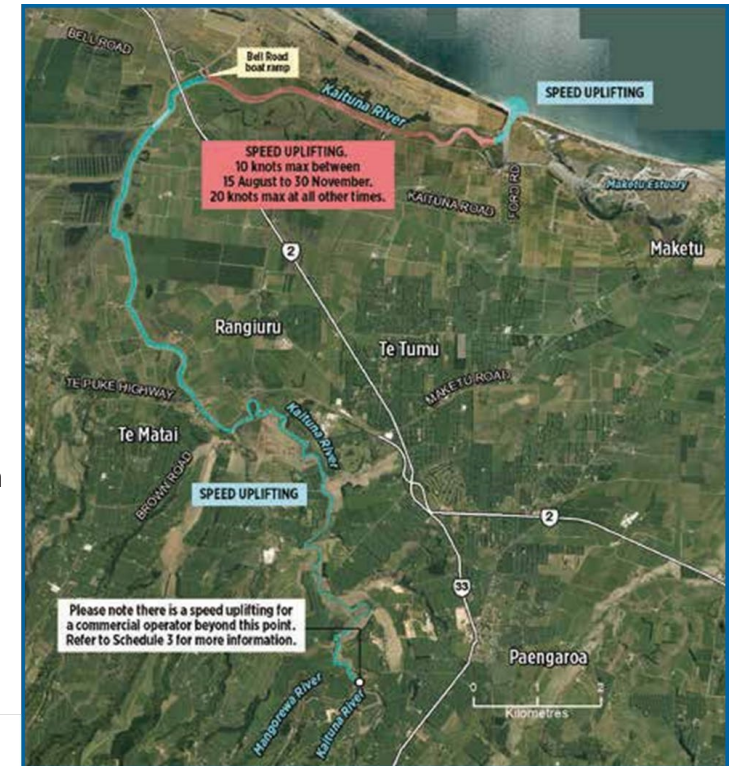


Kaituna River



Current Situation - 2017 Bylaws

- **Upper Kaituna River – Upstream of Mangorewa Confluence**
 The Kaituna River from the confluence of the Mangorewa River to the first set of rapids 12.5km upstream of the confluence, subject to these conditions:
 - The speed uplifting applies to commercial operators operating under Maritime Rule Part 82, provided that they also hold a relevant resource consent from Western Bay of Plenty District Council, its successor or delegated authority; and
 - (a) The speed uplifting applies only from 9.00am to 5.00pm inclusive; and
 - (b) The five knot speed limit still applies 50m either side of the Maungarangi Road bridge; and
 - (c) The five knot speed limit will apply on the first Sunday of each month.
- **Lower Kaituna River**
 A maximum speed of 20 knots is allowed for all navigable waters of the Kaituna River downstream of the Bell Road boat ramp to a line across the river from the north-eastern point of the island adjacent to Fords Cut except that during the period 15 August to 30 November the maximum speed is 10 knots.







Current Situation - 2017 Bylaws

Schedule 3: Access Lanes, Reserved areas and Areas Subject to Speed Uplifting:

All navigable waters of the Kaituna River upstream of the Bell Road boat ramp to the Mangorewa Confluence.

The Kaituna River downstream of a line across the river from the north-eastern point of the island adjacent to Fords Cut to a line 200m to the seaward side of the Kaituna River Mouth.



Current Situation - Community

- It is widely perceived that jet boating causes bank erosion - reports
- Safety of Swimmers is of real concern (Jet boats and an increasing number of jet skis)
- An increasingly wider range of users on, and in, the river (fishing, jet boating, jet skiing, swimming, kayaks, rafting, whitebaiting, cultural practices, boat launching, commercial fishing launch)





Maritime Rules

Part 91 – Navigation Safety Rules

91.20 Permanent speed upliftings

- (1) A person may apply to have any speed limit prescribed in rule 91.6 or navigation bylaws uplifted from waters specified in the application—
 - (a) where navigation bylaws are in force, by application in writing to the appropriate regional council; and
 - (b) where navigation bylaws are not in force, by application in writing to the Director.
- (2) An application under rule 91.20(1) must not be granted unless the regional council or the Director, as applicable, is satisfied that—
 - a) the application has been publicly notified; and
 - (b) affected persons have had reasonable opportunity to comment on the application; and
 - (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process and any measures taken to address the concerns raised; and
 - (d) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.



Option 1: Status Quo (Current Situation)

Keep the speed uplifting in **schedule 3** as:

"Areas subject to speed uplifting: All navigable waters of the Kaituna River upstream of the Bell Rd boat ramp to Mangorewa confluence

The Kaituna River downstream of a line across the river from the north-eastern point of the island adjacent to Fords Cut to a line 200m to the seaward side of the Kaituna River Mouth."

Pros	<ul style="list-style-type: none"> • Provides for community enjoyment of river over a range of activities • Allows jet boat trips up the river that are quicker than 5 knots per hour (5 hours for whole length of river)
Cons	<ul style="list-style-type: none"> • There continues to be a perception that jet boat wakes at speed causes erosion • Continues to be a safety concern for swimmers • Doesn't address any of the ongoing concerns of erosions and swimmer safety
Implications	<ul style="list-style-type: none"> • Council are seen as unhelpful or bias by the local community
Risks	<ul style="list-style-type: none"> • Swimmers and people in the water continue to be at risk



Option 2: Remove Speed Uplifting for Entire River

“All navigable waters of the Kaituna River upstream of the Bell Rd boat ramp to Okere Falls are 5 knots:

- a) within 50 metres of any other vessel, raft, floating structure or person in the water; or*
- b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys marking a 5 knot restriction...”*

Pros	<ul style="list-style-type: none"> • Removes the safety risk for swimmers • May decrease the contribution of speed boat wakes to the erosion problem
Cons	<ul style="list-style-type: none"> • It takes vessels 5 hours to reach the falls from the mouth
Implications	<ul style="list-style-type: none"> • A need for increased patrols and monitoring • A need for increased education
Risks	<ul style="list-style-type: none"> • Council seen as restricting access to upper reaches of the River



Option 3: Status Quo and the application of passive recreation areas identified and designated as reserved for swimmers (i.e. vessel speed must be 5 knots)

“All navigable waters of the lower Kaituna River, down stream of the the Mangorewa confluence, are subject to speed uplifting unless the area is designated a reserved area, then rule 3.10 applies. These areas are:

- xxxx is designated a swimming area - where the 5 knot rule applies*
- xxxx is designated a passive recreation area - where the 5 knot rule applies*

Pros	<ul style="list-style-type: none"> • Swimmers are protected by rules • Signage will display 5 knot speed areas
Cons	<ul style="list-style-type: none"> • Harder to manage and monitor
Implications	<ul style="list-style-type: none"> • Need to increase patrols and monitoring
Risks	<ul style="list-style-type: none"> • Vessels still don't slow down



Additional information

- **Need to address erosion reports with Catchment Management Team (integrated management approach)**
- **Kaituna River is a challenge to patrol - are there are other options to explore - drones? Cameras?**
- **Education is key for users**
- **Feedback from communities is essential**



Rule 3.10

1. Special Designated Areas

1. In a non-watersports area, no person shall operate a Personal Watercraft or hovercraft, or land aircraft, or tow people or devices from vessels for recreational purposes other than equipment used for fishing.
2. In a passive recreation area, no person shall operate a power-driven vessel and all vessels must give way to swimmers.
3. In a swimming area, no person shall operate a power-driven vessel.
4. In a surfing priority area, no person shall operate a vessel when surfers are present and using the area.
5. In a water ski area, no person shall operate a vessel at a proper speed greater than 5 knots unless towing into the area in an anticlockwise direction from shore.
6. In a transit only area, no person may anchor or moor a vessel, and shall transit through the area without undue delay.

Wakeboards not being towed:



If a wakeboard is not being towed by a boat but is 'wake surfing' by surfing on the wake of a speeding powered vessel:

- All standard speed rules apply to the boat - 5 knots within 200m of shore and 50m of a person, another vessel, raft, floating structure (as in clause 3.2.)
- Cannot use a designated ski lane as they are not in a 'towing' situation (as in clause 3.10.5)
- Technically does not have to wear a lifejacket (as in clause 2.1.5 (a)) but should wear a wetsuit that provides buoyancy (as in clause 2.1.5 (b))

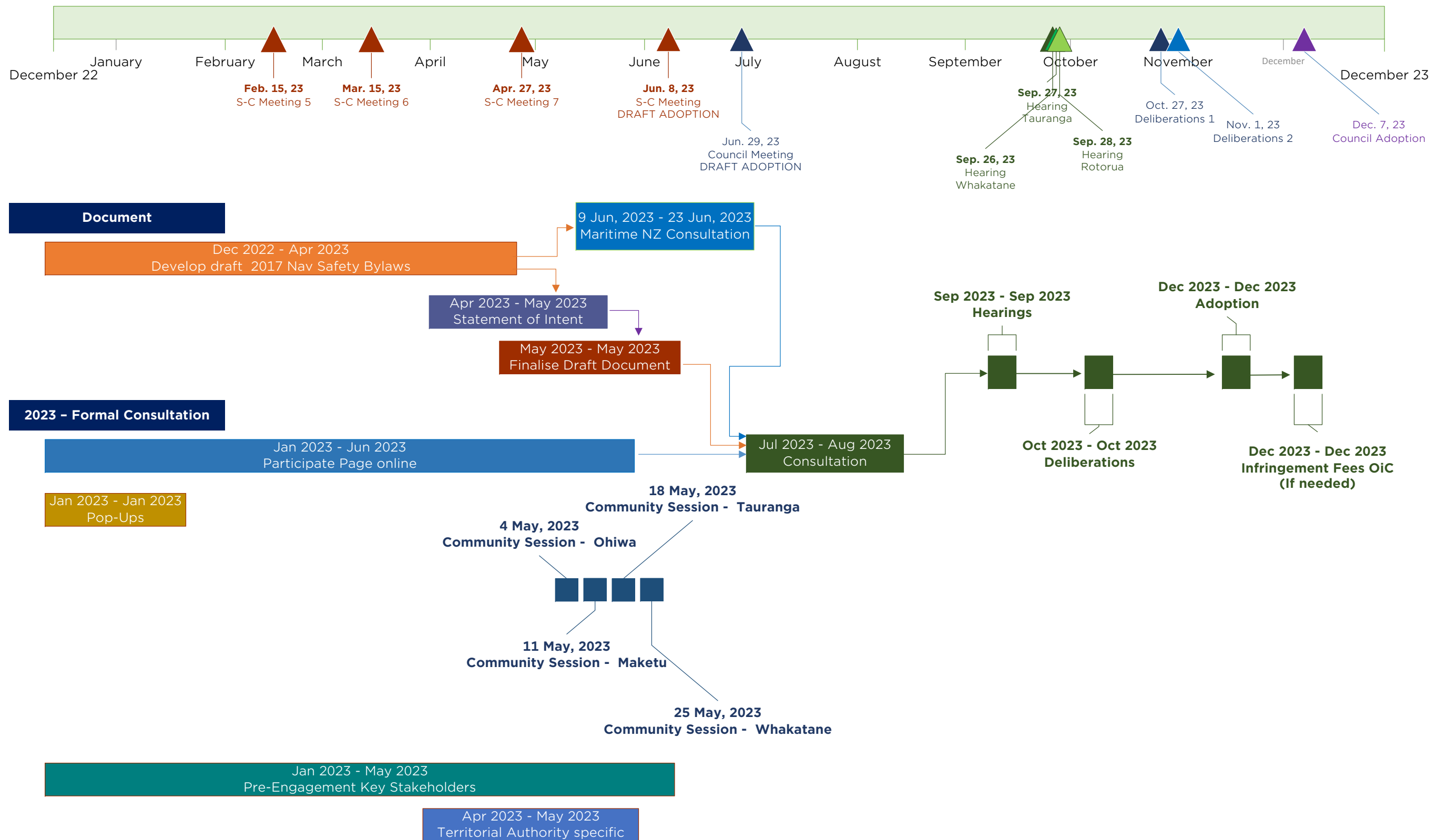
Wakesurfers should also follow accepted safe practices for the sport. including:

- Use the right gear - this greatly impacts the amount of control surfers have.
- Wear a lifejacket.
- Always have a spotter.
- Always use an open area of the water as specially designed wakeboarding vessels created larger wakes.

Check out this Maritime NZ webpage - a great resource for current boating statistics:

<https://www.maritimenz.govt.nz/content/recreational/safety/recreational-research.asp>

Navigation Safety Bylaws Review Project Timeline 2023



File Reference: 7.00007

Significance of Decision: Low



Report To: Operations, Monitoring and Regulation Committee

Meeting Date: 23 March 2011

Report From: Ken Tarboton, Group Manager Environmental Hazards

Tauranga Harbour Navigation Safety Review

Executive Summary

Council adopted the Regional Navigation Safety Bylaw on 15 July 2010. In doing so they asked staff to conduct an immediate review of the water ski areas on Tauranga Harbour. The purpose of the review was to ensure Council's decisions made through the Bylaw adoption process met the community's needs.

Council agreed to adopt the Bylaw and then complete a partial review of Tauranga Harbour because there were other urgent matters that the Bylaw needed to address before the start of the summer boating season. The review focused on the location of water ski areas and the impacts it has on the adjacent land. Staff also took the opportunity to look at all other navigation issues that the community wanted to discuss.

The review confirmed that there are tensions between user groups, the biggest issue being speeding powercraft. Changing the Bylaw will not address these issues. Council needs to support a visible education and enforcement programme to improve compliance with the Bylaw. Staff will work with the city and district councils, landowners, and iwi on initiatives to make all harbour users aware of their responsibility to know the water safety rules, reduce fire risk while on land, remove their litter, respect private property, and be courteous to other users.

1 Recommendations

That the Operations, Monitoring and Regulation Committee under its delegated authority:

- 1 Receives the report, Tauranga Harbour Navigation Safety Review.**
- 2 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**
- 3 Agrees to maintain the current Regional Navigation Safety Bylaw 2010 for five years from the adoption date to allow public to adjust to the changes, unless legislative changes or further staff monitoring advise otherwise.**

Tauranga Harbour Navigation Safety Review

- 4 Agrees that staff consider effective and practical education and enforcement initiatives to incorporate into the Maritime Operations programme for the upcoming Ten Year Plan review.**
- 5 Agrees that the Harbour Master works with WBOPDC, Matakana Island Forestry Wardens, and private landowners to improve signage at key 'hotspots' to address site specific issues, such as Hunter's Creek, Matakana Island and Motuhua Island.**
- 6 Notes staff will work proactively with WBOPDC and TCC to match future water-based activities with appropriate land use, including the upcoming Tauranga Harbour Access Strategy.**

2 Background

The Local Government Act 1974 allows the Council to create bylaws relating to navigation and related activities. It allows Council to regulate and control vessels by preventing speeding, anchoring, moorings, and managing the nuisance caused by vessels.

Council considered many navigation issues when it reviewed the Regional Navigation Safety Bylaw between 2009 and 2010. One of the key issues debated by the community was the location of water ski and personal water craft (PWC) areas around Tauranga Harbour.

Council adopted the Bylaw on 15 July 2010 that included changes to water ski areas and rules after considering various public submissions. Because of how strongly issues were raised by submissions, both for and against water ski areas, Council decided that more in-depth research was required. The option of not adopting the Bylaw was considered but it was rejected because the 2004 Bylaw was out of date and there were other issues throughout the region that required urgent attention.

3 Review purpose and method

The review looked at the benefits and the negative impacts of water ski areas on Tauranga Harbour. It also considered the demand for water ski areas and their location within Tauranga Harbour. The review was also a good opportunity to discuss other navigation issues with the community to ensure the Bylaw effectively addresses the current issues. This review is not a statutory Bylaw review process. It assesses the issues and recommends the most appropriate tools to address those issues.

Council staff completed the review in three stages. The first stage was a desktop review of the planning framework including various plans, strategies and iwi planning documents. Staff also considered the public submissions on these documents and the recent Tauranga Harbour Users Survey.

The second stage was the public engagement phase held during the peak summer boating season (December to January). This involved gathering information, substantiating issues raised by submissions, and monitoring the effects of the new changes to the Bylaw. Staff spoke informally to key groups and individuals who had an interest in navigation on the harbour. Staff did not speak to every submitter to the Bylaw, but staff spoke with key representatives of various clubs (boating, yachting, fishing, diving, kayaking, waka ama), sailing schools, water sports retailers, iwi, councils, nearby residents, forestry wardens, enforcement officers, and general users. The enforcement officers provided their monitoring data of Hunter's Creek during their summer patrols.

Tauranga Harbour Navigation Safety Review

The third stage pulled together all of the information during the two previous stages. Council staff met with the park and reserves managers from Tauranga City Council (TCC) and Western Bay of Plenty District Council (WBOPDC) to develop joint approaches to address key issues. The recommendations in this report are influenced by these joint discussions.

Staff engaged the public with an informal conversational tone. Staff contacted various club administrators, iwi representatives, and Tangata Whenua that submitted on the Bylaw. Staff are satisfied that they considered a fair representation of different views to make conclusive recommendations to Council. Staff were aware of hui held on Matakana Island during January but were advised that it was a significant and formal meeting that did not suit the informal conversational engagement about navigation issues that Tangata Whenua had previously raised. The review also considered Council's records of culturally significant sites as opposed to a full cultural impact assessment of the water ski areas.

4 **The issues and recommendations**

4.1 **The growing demand for a reducing space**

One of the biggest issues for Tauranga Harbour is sedimentation. Overtime this is reducing the area craft can safely navigate on the Harbour. In addition, approximately one in every 20 households in the Western Bay of Plenty sub-region has at least one recreational vessel¹ - one of the highest in NZ. We expect this ratio to continue into the future with the SmartGrowth population projections. This means the area available to navigate vessels in Tauranga Harbour is decreasing but the demand for water space is rapidly increasing. Council's land and coastal management activities are working towards reducing the causes of sedimentation. In the mean time, Council needs to manage the increasing pressures from competing harbour users until the shallowing issue is resolved.

The increase demand to use the Harbour is also putting pressure on local councils infrastructure, traditional iwi cultural practices, the safety of harbour users, and affecting the quality of life of some harbour-side residents.

4.2 **Enforcement and Education**

Every person staff spoke to mentioned the importance of all harbour users knowing the rules and enforcement officers being seen to police them. Unlike a road vehicle, any person can purchase a water vessel and use it without having to prove they are competent or that they understand the rules. Maritime NZ's last review of this matter said the benefits do not outweigh the cost to set up and administer a standardised nation-wide maritime licence program. It will remain the responsibility of individual users to attend voluntary coast guard training courses, retailers to educate buyers during demonstrations, and regional councils and Maritime NZ to provide educational material. Staff will assess the benefits and costs to Council of any future proposal to establish a national maritime licence system.

Enforcement officers have increased improved their patrols over the past few years to twice-daily patrols between 1 December to 7 February and public holidays. This 2010/11 summer season proved the success of the regular patrols as the public are more aware of the enforcement officers and who to contact to report safety issues. It has resulted in a rapid increase in the number of public calls to the Harbour Master. This reflects that the public are more aware of who to contact to report water safety issues, rather than indicating that the problem is getting worse.

¹ Maritime Safety Authority, 1999.

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Options staff could investigate to improve public awareness of the rules and Council's enforcement of them could include a combination of the following tools:

- Provide more support to marine retailers to increase public awareness of the Bylaw;
- Simple social marketing options to increase public awareness of the Bylaw; and,
- Incentives to encourage more people to become honorary enforcement officers (Harbour Wardens).

4.3 **Water ski and Personal Water Craft (PWC) areas**

It is important to clarify that the Bylaw currently allows a person to tow people behind a vessel (i.e. water ski, sea-biscuit etc.) on the Harbour as long as they travel no more than 5-knots within 200 metres from shore, 50 metres from another person or vessel, or within 200 metres from a diving flag. These speed restrictions are uplifted in designated water ski areas or water ski access lanes where other users need to give-way to the vessels towing people. This is a standard rule across the country.

There are currently six water ski areas, two water ski lanes, and two personal water craft (PWC) areas located in Tauranga Harbour. These water ski areas reach full capacity during December and January. Overcrowded water ski areas occasionally push water skiers to undesignated areas. This has caused tension between water skiers, other harbour users and some residents. An example is that the crowding of Hunter's Creek water ski area has pushed water skiers towards undesignated areas on Matakana Island.

There are two categories where some waters skiers clash with other users. The first category happens on the water where a skipper endangers other water users by not adhering to the navigation rules and speed limits. The second category happens on land while people are not water skiing. This includes claims from submitters about people leaving litter behind, lighting fires, disrespecting private property, disruptive noise, and unsanitary acts due to a lack of toilet facilities. Both of these categories are best resolved through working with the city/district councils to improve public education and enforcement, rather than changes to the Bylaw.

People generally agreed that while the Northern Harbour is busy at times, there is no need to amend the Bylaw. Even with the high number of visitors during the summer period, the area is generally self-managed by other water ski users under the eyes of honorary harbour wardens with support from the Waihi Coast Guard. Staff will continue to monitor ANZAC Bay to assess the best way to manage water access to the boat ramp with a growing number of swimmers in the area.

Few people were aware of Council removing the water ski access lane on the southern-side of Motuhua Island when it adopted the Bylaw in 2010. Council also established an additional water ski reserved area on the northern-side. It seemed to provide a good balance between removing speeding craft from being too close to swimmers and fishing nets on the southern-side, while providing an alternative area to water ski on the northern-side.

Hunter's Creek is highly sought after by many user groups for its natural beauty and shelter from wind and swell. The deep water provides sheltered anchorage for large launches. It is also the harbour's only sheltered area for water skiing at both high and low tides. The area also attracts kayakers, picnickers and other day-trippers for its unique natural setting. The review confirmed that there has recently been tension between Rangiwaea Island residents and people visiting the area. People with various levels of boating experience use the area. There is anecdotal evidence that a few

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users neglect the rules and give other users a bad reputation, which is related to the enforcement and education issue addressed in 4.2 above.

The Harbour Master's improved signage at the entrance of Hunter's Creek has effectively reduced the speed of vessels travelling passed the Rangiwaea Island jetty – a popular swimming spot for the Island residents. Regular patrols by enforcement officers have increased the 'policing' presence in the area, but more enforcement is required. The Harbour Master encourages any suitable person to train to become the Harbour Warden for the area as there is no Harbour Warden at present.

Appendix One (Harbour Master's monitoring of Hunter's Creek) shows that a variety of people use the area in different ways. With water skiing just one of the uses, it is unlikely that removing the water ski area will unlikely resolve the land-based issues of rubbish, trespassing, fires, and property damage as people will still land on the foreshore. The Harbour Master, Western Bay of Plenty District Council staff, and the Matakana Island Forestry Warden have agreed to investigate options to improve signage for Hunter's Creek and other 'hot spots' around Matakana Island to educate people on these issues. The two councils would need to work with private landowners on installing signage as there is no public land in the area above the foreshore, excluding Panepane Point.

Panepane Point is a good example where the public is confused with the different rules between a water ski access lane and a water ski area. Water skiers use the better part of the whole beach at Panepane Point, speeding passed swimmers as they wait for their turn. Staff believe there is no need to change the rule at present. The Harbour Master is aware that this area is a hot spot and enforcement officers have focused their patrols on this area during the summer boating season.

Council staff need to work with WBOPDC to integrate future planning around the harbour to ensure water based activities reflect the future land use. Water ski users said the biggest issue for them is the lack of water ski areas that are accessible by car to allow people to spectate without having to travel by boat – for instance mobility impaired family members.

In summary, there have been tensions between water skiers and other harbour user groups. These tensions are caused by a small minority who neglect the rules and lack general courtesy. The current arrangement of water ski areas appear to have negligible impact on land if water skiers adhere to the rules of the Bylaw. There are also no suitable areas on the Harbour to establish alternative water ski areas. This means Council does not need to change the Bylaw. Council should instead focus its attention on improving public awareness of the rules and improving how the rules are enforced. In addition, the land-based issues raised by submitters are unlikely to be resolved by removing the water ski areas.

Staff will work proactively with WBOPDC and TCC to match future water-based activities with appropriate land use, including the upcoming Tauranga Harbour Access Strategy. The Harbour Master will continue to provide practical training opportunities for Rangiwaea and Motuhua Island residents to make them aware of the rules, advise them of their rights, ways to ensure water safety, and contact details to report people infringing the Bylaw. Staff will also assess options to standardise the water ski access lane and water ski reserved areas in preparation for the next Bylaw review.

4.4 **Future boat storage and mooring areas**

The existing mooring areas are at, or close to, full capacity right across the harbour. Mooring areas are necessary as they provide an accessible and cost efficient way to store boats too large to regularly load onto a trailer and store on land. However,

Tauranga Harbour Navigation Safety Review

moorings are an inefficient use of water space. Due to sedimentation, many mooring areas are becoming too shallow, or they are beginning to encroach on busy navigation channels. Mooring areas also require substantial facilities on land, such as parking and dinghy storage.

The Regional Coastal Environment Plan sets the rules for structures within the coastal marine area, such as moorings and marinas. The Bylaw sets out how those mooring areas are managed. A more efficient way to store boats is through establishing marinas, but this comes with its own set of controversial issues that is best dealt with through the next review of the Regional Coastal Environment Plan, scheduled to begin during the next financial year (2011/2012).

Staff will work collaboratively with territorial authorities, private developers and iwi to assess options for higher density boat storage on, or next to, Tauranga Harbour during the upcoming review of the Regional Coastal Environment Plan in 2011/2012.

4.5 **Kite boarding**

The growth of kite boarding on Tauranga Harbour is an emerging issue that staff continue to monitor. The area around Fergusson Park, Matua is a nationally renowned destination amongst kite boarders providing ideal conditions for 80% of the year due to the surrounding topography. Tauranga City Council issues licences for the four kite boarding schools at Fergusson Park, but the licences only cover operations on the land. The Harbour Master manages kite boarding activities on the water through the Bylaw. The 'on the water' risks of kite boarding are based on kite boarders speeding close to people and vessels. The Bylaw currently exempts any board sport from keeping within 5-knots within 50m of person, as long as they have due regard for the safety of other users. Enforcement of this rule is at the discretion of the enforcement officer and could be up for debate at the next review of the Bylaw.

Staff considered establishing a priority kite boarding area adjacent to Fergusson Park during the Bylaw 2010 process. But this rule would create public confusion as the public may believe that kite boarders must stay within this area. Conditions also change which encourages kite boarders to use the open areas of the harbour away from swimmers. Kite Boarders can only operate in winds greater than 10-12 knots. Anecdotal evidence shows that winds greater than 10-knots generally put swimmers off going to the water. This was the case on New Years Day at Fergusson Park with only few swimmers in the water while the strong winds provided ideal kite boarding conditions.

During the next Bylaw review staff will work with the Bay Kite Boarding Association to investigate options to require kite boarders to maintain a minimum distance from other water users.

Tauranga Harbour Navigation Safety Review

5 Financial Implications

Current Budget

Staff time for this review was provided by general operating expenses of the Maritime Operations programme in the current Ten Year Plan.

Future Implications

The Committee's decisions will guide staff to develop a draft budget for the Maritime Operations programme for Council to consider during the upcoming Ten Year Plan review.

Ten Year / Annual Plan Implications

The recommendations are consistent with Council's Ten Year Plan. Staff will incorporate an effective education and enforcement programme into the Maritime Operations programme for Council to consider during the Ten Year Plan review.

Matt Cowley
Planner

for Group Manager Environmental Hazards

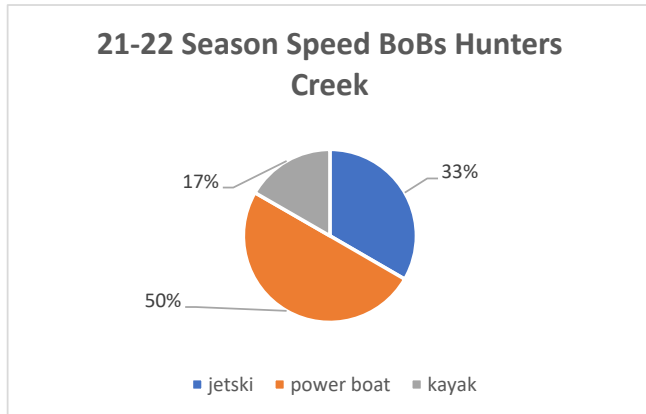
[Date added here when Authorised]

2021-2022 Summer Season Breaches of Bylaws – Otapu/Hunters Creek

Note: These are BoB’s from only Otapu/Hunters Creek therefore are a small data set.

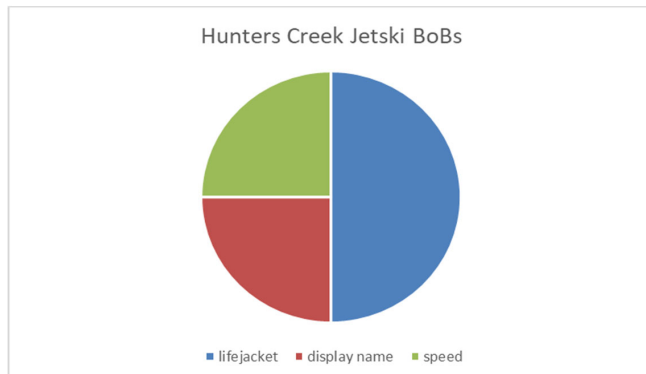
Speed collation:

jetski	4	33%
power boat	6	50%
kayak	2	17%



Jetskis Collation:

lifejacket	2	50%
display name	1	25%
speed	1	25%



Raw Data:

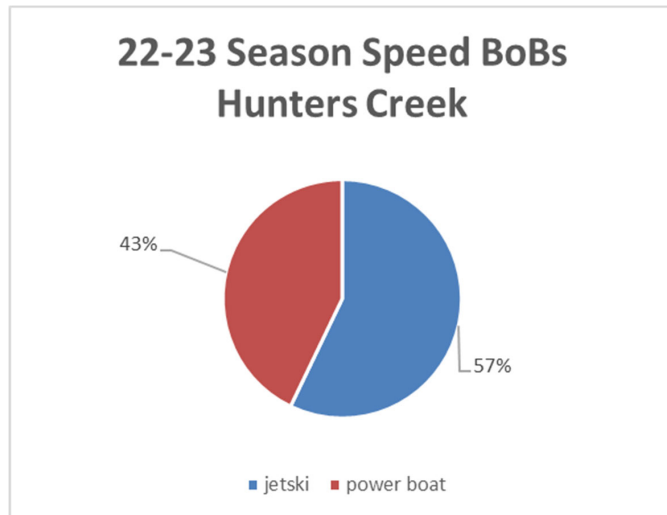
Workflow Status	Location	Bylaw	Offence Description	Vessel Type
Closed	Tauranga, 3737.168 S, 17607.537 E, Hunters Creek, Hunters Creek, Next to ammo barge	2.1.1	No person in charge of a recreational craft shall use that craft or allow it to be used unless it carries, at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board, including any persons being towed.	Recreational Power Boat
Closed	Tauranga, 3737.301 S, 17607.561 E, Hunters Creek, Hunters Creek, Hunters Creek before ski lane	3.2.1	Speed - 5 knot rule	Jet Ski

Closed	Tauranga, 3737.301 S, 17607.561 E, Hunters Creek, Hunters Creek, Hunters Creek before ski lane	3.4.1	Towing - Without an observer	Recreational Power Boat
Closed	Tauranga, 3737.388 S, 17607.556 E, Hunters Creek, Hunters Creek	3.2.1	Speed - 5 knot rule	Kayak
Closed	Tauranga, 3737.435 S, 17607.583 E, Hunters Creek	3.2.1	Speed - 5 knot rule	Kayak
Closed	Tauranga, 3737.673 S, 17607.548 E, Hunters Creek, Hunters Creek, Hunters creek past ski lane	3.2.1	Speed - 5 knot rule	Recreational Power Boat
Closed	Tauranga, 3738.328 S, 17607.863 E, Hunters Creek, Hunters Creek, 5 knot area	3.2.1	Speed - 5 knot rule	Recreational Power Boat
Closed	Tauranga, 3738.328 S, 17607.863 E, Hunters Creek, Hunters Creek, 5 knot area	3.10.5	Operating a vessel at a proper speed greater than 5 knots in the Okawa Bay water skiing restriction area except for towing into the Water Ski Area.2010 Operating a motorised vessel (except during the months of April to June) or other vessels with proper speed of 5 knots or more in a passive recreation area	Recreational Power Boat
Closed	Tauranga, 3738.549 S, 17607.794 E, Rangiwaea, Rangiwaea	2.1.1	No person in charge of a recreational craft shall use that craft or allow it to be used unless it carries, at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board, including any persons being towed.	Jet Ski
Closed	Tauranga, 3738.741 S, 17608.645 E, Hunters Creek	5.5.1	Failure to display a vessel name or identification2017 new bylaw	Jet Ski
Closed	Tauranga, 3738.741 S, 17608.645 E, Hunters Creek	2.1.1	No person in charge of a recreational craft shall use that craft or allow it to be used unless it carries, at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board, including any persons being towed.	Jet Ski
Closed	Tauranga, 3738.787 S, 17608.946 E, Hunters Creek, Hunters Creek	5.5.1	Failure to display a vessel name or identification2017 new bylaw	Recreational Power Boat

2022-2023 Summer Season Breaches of Bylaws – Hunters Creek

All Collation:

jetski	4	57%
power boat	3	43%



Raw Data:

Workflow Status	Location	Offence Description	Vessel Type
Pending	Tauranga, 3737.013 S, 17607.226 E, Hunters Creek	Towing - Without an observer	Recreational Power Boat
Pending	Tauranga, 3737.242 S, 17607.575 E, Hunters Creek	Speed - 5 knot rule	Personal Watercraft
Pending	Tauranga, 3737.295 S, 17607.546 E, Hunters Creek	Towing - Without an observer	Recreational Power Boat
Pending	Tauranga, 3737.686 S, 17607.547 E, Hunters Creek	Allowing the operation of an unregistered Personal Watercraft - Jetski2017 New	Personal Watercraft
Closed	Tauranga, 3738.327 S, 17607.937 E, Hunters Creek, Hunters Creek	Failure to display a vessel name or identification2017 new bylaw	Recreational Power Boat
Pending	Tauranga, 3738.465 S, 17607.905 E, Hunters Creek, Hunters Creek	Failure to display a vessel name or identification2017 new bylaw	Personal Watercraft
Closed	Tauranga, 3738.666 S, 17608.890 E, Hunters Creek, Hunters Creek, Just off Matakana	Failure to display a vessel name or identification2017 new bylaw	Recreational Power Boat

Kaituna He Taonga Tuku Iho synergies

Te Maru o Kaituna River Authority developed a document summarising their Vision, Objectives, and desired Outcomes for the Kaituna River.

It is important to understand these Objectives in the context of the Navigation Safety Bylaws development.

The following are excerpts from the document that are considered by staff to be most relevant; or need to be considered; in the context of navigation safety on the Kaituna River. (**italics added**)

Objectives

Objective 1: (page iv)

The traditional and contemporary relationships that iwi and hapū have with the Kaituna River are provided for, recognised, and protected.

Objective 8: (page iv)

Te Maru o Kaituna in collaboration with iwi and the wider community, enable environmental economic, social, educational, and cultural aspirations for the restoration, protection, and enhancement of the Kaituna River.

Desired outcome (page 27)

- (d) recreational activities along the Kaituna River ***do not compromise safety*** or priorities of Te Maru o Kaituna for the restoration, protection and enhancement of the Kaituna River

What makes our river a treasure?

The map below identifies some of the traditional and contemporary sites important to iwi on the Kaituna River.

The swimming sites in particular have been identified as important in terms of navigational safety by Tapuika in previous submissions.

