

Informal Workshop Notes

Bay of Plenty Regional Navigation Safety Bylaws Review Committee Workshop

Held: 2.00 pm, Tuesday 14 March 2023, Council Chambers,
Regional House, 1 Elizabeth Street, Tauranga

Chairperson: Cr Andrew von Dadelszen - Bay of Plenty Regional Council
Toi Moana (BOPRC)

Deputy Chairperson: Cr Toi Kai Rākau Iti - BOPRC (via Zoom)

Present: Bay of Plenty Regional Council Toi Moana (BOPRC)
Cr Jane Nees - BOPRC
Cr Kevin Winters - BOPRC

Tangata Whenua Representatives
Raewyn Bennett (via Zoom)
Micah Tawhara (via Zoom)
Patrick Young

In Attendance: Reuben Fraser - General Manager, Regulatory Services, Toni
Briggs - Senior Project Manager, Stephen Lamb -
Environmental Strategy Manager, Jon Jon Peters - Bay of
Plenty Harbourmaster, Monique Brookes - Legal Counsel,
Claudia Cameron - Committee Advisor.

Apologies: None.

1. Overview

An overview was provided by Toni Briggs - Senior Project Manager

Key Points:

- The current bylaws document, incorporating the proposed technical changes, could be presented as a draft document for consultation
- Preferred options were also identified for consultation,
- The Committee maintained the ability to make changes following consultation

- Integrated management approaches could be suggested by the Committee to alleviate issues outside the scope of the bylaws
- Infringement fees could be used to disincentivise breaches of the bylaws.

Guidance:

- Requested information from community engagement prior to preferred options being identified
- Reasons for proposed options should be sufficiently explained during consultation
- Emphasised the importance of asking communities for potential solutions.

2. Discussion

2.1 Updates from Previous Committee Meeting

Presentation: Workshop Presentation - 14 March 2023: Objective ID A4330394 [⇒](#)

Tabled Document 1 - Wakeboarders not being towed: Objective ID A4338548 [⇒](#)

Tabled Document 2 - Visio-Timeline Plan - Updated: Objective ID A4338538 [⇒](#)

Presented by: Toni Briggs - Senior Project Manager

Supported by: Monique Brooks - Legal Counsel, Stephen Lamb - Environmental Strategy Manager and Jon Jon Peters - Bay of Plenty Harbourmaster

Key Points:

- The BOPRC Legal Team had compiled notes on areas requiring increased clarity from the last meeting. These would be circulated to members and presented at the next Committee meeting
- The definitions provided in the bylaws must sufficiently encompass evolving water sport craft e.g. e-foils
- The bylaws must not be inconsistent with the Resource Management Act 1991 or the Local Government Act 2002.

Key Points - Members:

- Requested guidance on the status of wakeboarders traveling in boat wakes but not being towed.

2.2 Hunters Creek Ski Area - Tauranga Harbour - Indicative Issues and Options

Tabled Document 3 - Tauranga Harbour Navigation Review Report - March 2011: Objective ID A4338542 [⇒](#)

Tabled Document 4 - Otapu/Hunters Creek Breach of Bylaws Data Summer 2022/23: Objective ID A4338544 [⇒](#)

Tabled Document 5 - Kaituna He Taonga Tuku Iho Synergies: Objective ID A4338546 [⇒](#)

Presented by: Toni Briggs - Senior Project Manager

Supported by: Monique Brooks – Legal Counsel, Stephen Lamb – Environmental Strategy Manager and Jon Jon Peters – Bay of Plenty Harbourmaster

Key Points:

- Due to its sheltered waters, Otapu/Hunters Creek was an increasingly popular destination for a variety of recreational water users
- Issues extended beyond water skiers and safety on the water, and included people landing on beaches
- Residents of Matakana Island and water skiing clubs had submitted consistently during previous bylaws reviews, which highlighted the need for engagement
- Water ski access lanes allowed people to be towed from shore to a reserved ski area, water skiing could take place anywhere more than 200m from shore but professional skiers required flat water
- Noted increased bylaw breaches by jet skiers in the 2022-23 season
- The munitions barge had not been removed
- Options were identified:
 - Status Quo:
 - Issues would not be resolved
 - Status Quo with Caveats:
 - Issues outside of the bylaws scope relied on collaboration with other agencies
 - Increased costs of monitoring and education, and an intensified workload for the Maritime Team
 - A reserved area for swimmers could be included within this option
 - Move ski lane to alternative location:
 - Other recreational water activities, such as jet skiing, would not be removed
 - No appropriate alternative without similar issues had been identified
 - Remove ski lane altogether:
 - As Otapu's width was more than 400m, skiing was still possible without a ski lane - issues may not be reduced
 - Further compliance issues may be created by removing the ski lane
- The bylaws were unable to ban water skiing or jet skiing, and could be challenged on the grounds of unreasonableness
- Required increased clarity of wording within the bylaws and additional education
- BOPRC's commitment to Te Tiriti and Te Ao Māori perspective was reflected in representation within the Committee
- A report outlining the bylaws breaches and infringements in Otapu/Hunters Creek would be provided to the Monitoring and Operations Committee in June 23.

Key Points - Members:

- Requested that Hunters Creek be referred to as Otapu/Hunters Creek
- Emphasised the need for enforcement
- Noted the migration of kaimoana beds, but flexibility within the bylaws to accommodate this could lead to uncertainty
- Requested information following the previous changes to the ski lane, including monitoring and communications, and how the changes impacted residents and users.

Guidance:

- Engagement with residents of Matakana was important when considering options for consultation
- The cause of issues needed to be identified to establish whether a change to the bylaws would assist, or if an increased monitoring/enforcement presence was more effective.

Referenced and requested documents:

- Boating in the Bay: [content \(boprc.govt.nz\)](https://www.boprc.govt.nz/content)

3.56pm - The workshop **adjourned**.

4.04pm - The workshop **reconvened**.

2.3 Kaituna River Speed Uplifting - Indicative Issues and Options

Presented by: Toni Briggs – Senior Project Manager

Supported by: Monique Brooks – Legal Counsel, Stephen Lamb – Environmental Strategy Manager and Jon Jon Peters – Bay of Plenty Harbourmaster

Key Points:

- Speed uplifting was removed on the first Sunday of each month, with the exception of commercial operators, to allow for cultural practices to take place
- The bylaws were not applicable to fishermen on river banks or white baiters
- A speed of more than five knots was required to safely cross the bar
- The number of jet skiers using the Kaituna River was increasing
- Concern had been raised over the impact of boat wakes on the Maketū wetlands and river banks. Causes of bank erosion were complex and reports had been inconclusive. As speed uplifting was within the bylaws the Committee could make recommendations
- Ongoing consultation between BOPRC and the Director of Maritime NZ ensured speed uplifting complied with Maritime Rules
- Options were identified:
 - Status Quo:
 - The risks remained, but it allowed for community enjoyment of the whole river
 - Remove speed uplifting from the entire river:
 - Increased monitoring would be required
 - Swimmers would not have increased protection
 - Status Quo and the application of passive recreation areas identified and designated as reserved for swimmers:
 - Areas where swimmers took precedence
 - Monitoring and patrol remained at the same level
 - Relationships with Tangata Whenua could be investigated to assist with monitoring, provided correct training was conducted

Key Points - Members:

- Requested more information regarding the jetboat company consent
- Suggested the complex causes of bank erosion should be clearly communicated to the community
- An overview of the current uses and issues of the Kaituna River was required

- Acknowledged compatibility was needed between the bylaws and the Kaituna River Document.

Guidance:

- Learnings should be taken from the Waikato River and how competing uses were managed there
- Suggested open engagement sessions to support online engagement
- Identified the need for increased monitoring via alternative methods and the need for increased education, particularly if changes were made.

Referenced and Requested Documents:

- [Kaituna-River-Document.pdf](#)

5.03pm - The workshop **closed**.