



Bay of Plenty Regional Navigation Safety Bylaws Review Committee Rārangi Take (Agenda)

NOTICE IS GIVEN that the next meeting of Bay of Plenty Regional Navigation Safety Bylaws Review Committee will be held in Council Chambers, Regional House, 1 Elizabeth Street, Tauranga on:

THURSDAY 27 APRIL 2023 COMMENCING AT 9.30 AM

Fiona McTavish
Chief Executive, Bay of Plenty Regional Council Toi Moana
18 April 2023

Bay of Plenty Regional Navigation Safety Bylaws Review Committee

Membership

| | |
|--------------------------|---|
| Chairperson | Cr Andrew von Dadelszen |
| Members | Bay of Plenty Regional Council: Cr Toi Kai Rakau Iti (Deputy Chair) Cr Jane Nees Cr Kevin Winters Tangata Whenua Representatives: Raewyn Bennett Micah Tawhara Patrick Young |
| Ex Officio | Chairman Doug Leeder |
| Quorum | Four members, consisting of a minimum of two tangata whenua members and two councillors |
| Meeting frequency | As required in agreed work programme |

The Council Chairman has delegated authority to appoint replacement members to the Hearings Committee if necessary.

Purpose

The Bay of Plenty Regional Navigation Safety Bylaws Review Committee was established by the Regional Council, 23 June 2022; for the purpose of undertaking engagement, options analysis, submissions, hearings, and deliberations of the review process; and making a final recommendation to Council on a revised Bay of Plenty Regional Navigation Safety Bylaws 2023.

Role

The role of the Committee is to:

- Provide a wide range of perspectives on any changes, issues, options, and solutions when reviewing the Navigation Safety Bylaws 2017, especially a Te Ao Māori lens to those changes, issues, and options that directly affect some tangata whenua
- Prepare and recommend a Bay of Plenty Regional Navigation Safety Bylaws 2023 for adoption by Council after undertaking engagement and consultation processes under the Local Government Act 2002, by:
 - Developing solutions to issues and options presented to the Committee for inclusion in a draft Bylaws document

- Undertaking engagement with key stakeholders on specific matters which remain challenging
- Developing a Statement of Proposal and a *draft* Navigation Safety Bylaws 2023 for consultation
- Undertaking a formal consultation process including formal Hearings, under ss 83 and 86 of the Local Government Act 2002
- Undertaking final deliberations to consider all community submissions on a draft Bylaws document
- Recommending to Council a final *draft* Bay of Plenty Regional Navigation Safety Bylaws 2023 for adoption.

Power to Recommend

The Bay of Plenty Regional Navigation Safety Bylaws Review Committee will recommend to Regional Council:

- Solutions to issues and options addressed through the review of the Bay of Plenty Regional Navigation Safety Bylaws 2017 through:
 - A Statement of Proposal and a *draft* Bay of Plenty Regional Navigation Safety Bylaws 2023 for consultation under ss 83 and 86 of the Local Government Act 2002
 - A final Bay of Plenty Regional Navigation Safety Bylaws 2023 for adoption under schedule 7 s 32(b) of the Local Government Act 2002.

The Bay of Plenty Regional Navigation Safety Bylaws Review Committee reports directly to the Regional Council.

Decision Making

The Committee must seek to achieve consensus.

If the Chair considers that the meeting is unlikely to achieve consensus on a matter, the decision on the matter may be made only by a 75% majority of those present. The Chair may vote but does not have a casting vote.

Term of the Committee

For the duration of the Bay of Plenty Regional Navigation Safety Bylaws project unless discharged earlier by Regional Council.

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,
ACT WISELY, SPEAK KINDLY, JOURNEY TOGETHER.**

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Rārangi Take

Agenda

1. **Karakia Whakatuwhera**
Opening Prayer
2. **Ngā Hōnea**
Apologies
3. **Wāhanga Tūmatanui**
Public Forum
4. **Ngā Take Tōmuri**
Items not on the Agenda
5. **Raupapa o Ngā Take**
Order of Business
6. **Whakapuakanga o Ngā Take Whai Taha-Rua**
Declaration of Conflicts of Interest
7. **Public Excluded Business to be Transferred into the Open**
8. **Minutes**

Minutes to be Confirmed
 - 8.1 **Bay of Plenty Regional Navigation Safety Bylaws Review**
Committee Minutes - 15 February 2023 **8**
9. **Verbal Updates**
 - 9.1 **Q & A follow up: Workshop Items**

Presented by: Toni Briggs - Senior Project Manager
 - 9.2 **Ramping Report - Update from Previous Workshop**

Presented by: Toni Briggs - Senior Project Manager
10. **Reports**

Decisions Required
 - 10.1 **Options for Consultation** **17**

| | |
|---|----|
| Attachment 1 - Sites of significance Kaituna He Taonga Tuku Iho | 25 |
| Attachment 2 - SunLive - Jetboaters upset Kawerau community - The Bay's News First | 26 |
| Attachment 3 - Newsletter 1 for Bay of Plenty Regional Navigation Safety Bylaws Review | 28 |
| Attachment 4 - Stakeholders Register and Communications Log for NL1 | 29 |
| Attachment 5 - 5568 Nav Safety Bylaws Consultation Doc A5 Mock Up for Committee Meeting 12 Apr 23 | 31 |
| Attachment 6 - Visio-Timeline Plan J Updated for COMMITTEE 18 Apr 23 | 39 |

11. Public Excluded Section

Resolution to exclude the public

Excludes the public from the following parts of the proceedings of this meeting as set out below:

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| Item No. | Subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Grounds under Section 48(1) for the passing of this resolution | When the item can be released into the public |
|----------|---|--|--|---|
| 11.1 | Internal Legal Opinions for discussion | Withholding the information is necessary to maintain legal professional privilege. | 48(1)(a)(i) Section 7 (2)(g). | On the Chief Executive's approval. |

Decisions Required

11.1 Internal Legal Opinions for discussion

Attachment 1 - CONFIDENTIAL Memo to Nav Safety Committee
Confidential Email Committee Members for 14 Mar 23 workshop

Attachment 2 - CONFIDENTIAL Bay of Plenty Regional Council
Memorandum MACA and Bylaws

Attachment 3 - CONFIDENTIAL Bay of Plenty Regional Council
Memorandum NPSFM and Bylaws

- 12. Public Excluded Business to be Transferred into the Open**
- 13. Readmit the Public**
- 14. Ngā Take Tōmuri Hei Whakaaroaro
Consideration of Items not on the Agenda**
- 15. Karakia Kati
Closing Prayer**

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.

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 Rangiwae Island channels and Ōhope
 - Recommended speaking to local residents of the Kaituna during the visit, including Taheke 8C
- 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

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



| | |
|---|--|
| Pūrongo Ki: Report To: | Bay of Plenty Regional Navigation Safety Bylaws Review Committee |
| Rā Hui: Meeting Date: | 27 April 2023 |
| Kaituhi Pūrongo: Report Writer: | Toni Briggs, Senior Project Manager |
| Kaiwhakamana Pūrongo: Report Authoriser: | Reuben Fraser, General Manager, Regulatory Services |
| Kaupapa: Purpose: | To provide a synopsis of the consultation approach of presenting options for possible changes to the Bylaws in a consultation draft. |

Options for Consultation

Whakarāpopototanga Executive Summary

Direction from the Committee suggested that the engagement and consultation campaign consist of providing a range of options for the community to provide feedback on.

Staff propose a range of engagement opportunities for this to occur, including:

- Open day sessions held in each of the areas most affected by the changes.
- Invite sent to key stakeholders with an invitation for staff to visit clubs, groups, iwi etc.
- Updating the Participate Page with further detail on options for feedback.
- A specific email address for personal feedback.

Formal consultation will focus on a range of avenues for feedback including on-line and hand-written submission forms.

Throughout both engagement and consultation there will be an intensive media campaign, including newspaper, radio, social media, and council led e-panui, newsletters and community publications.

Ngā tūtohunga Recommendations

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

- 1 Receives the report, Options for Consultation;**
- 2 Approves the approach to providing a range of options to the community for consultation;**
- 3 Agrees with the proposed process for engagement and consultation.**

1. **Kupu Whakataki** **Introduction**

Regional Navigation Safety Bylaws are made under the Maritime Transport Act 1994 (MTA) and the Local Government Act 2002 (LGA).

The MTA prescribes what is addressed in localised Bylaws, and the LGA prescribes the process for making Bylaws. Of most importance is the public consultation process that must be followed to ensure open and transparent decision-making.

A comprehensive Communication and Engagement Plan was presented to this Committee previously. This outlined a 3-phase process –

- **Phase 1:** Initial community pre-engagement, with a summer campaign of on-line feedback and pop-up sessions at popular summer water activity spots.
- **Phase 2:** Focused pre-engagement, with newsletters, social media, media, website feedback and in-person engagement.
- **Phase 3:** Formal consultation, with submissions, hearings, and deliberations.

Staff have now started Phase 2, with the launch of an initial newsletter sent to a wide range of stakeholders (attached to this report).

This paper summarises the Phase 2 process in particular and introduces some of the collateral to be used in both Phases 2 and 3.

It also outlines the options to be presented for engagement and consultation.

1.1 **Pou Tarāwaho ā-Ture** **Legislative Framework**

1.1.1 **The Maritime Transport Act 1994**

Under Part 3A of the *Maritime Transport Act 1994*, Regional Council is mandated to ensure maritime safety in its region by appointing Harbourmasters, making Bylaws, and carrying out enforcement on offences.

Maritime Rules

While the Maritime Transport Act stipulates broad principles of maritime law, the rules contain detailed technical standards and procedures. Compliance with the rules is required because they form part of New Zealand maritime law. Failure to comply with the rules may be an offence under the Act.

The maritime rules are statutory instruments (or secondary legislation) made by the Minister of Transport under the Maritime Transport Act 1994.

Maritime rules relate to the safety of ships and people. The rules prescribe requirements for ship design, construction, equipment, crewing, operation, tonnage measurement, and for the carriage of passengers and cargoes. Many of the standards are based on international ship safety conventions.

Of particular importance to Regional Councils are:

- **Maritime Rules – Part 90 – Pilotage**

Maritime Rules Part 90 specifies compulsory pilotage areas and thresholds for pilotage. It also covers qualifications and training for pilots and pilotage exempt masters, and the issue of pilot licences and masters' pilotage exemption certificates (PECs) by the Director of Maritime New Zealand. This is of particular importance for the Port of Tauranga.

- **Maritime Rules – Part 91 – Navigational Safety**

Part 91 outlines navigation safety rules, specifically for personal floatation devices, anchoring and mooring, give way rules, wakes and proximity to oil tankers and ships carrying dangerous goods.

- **Maritime Rules – Part 22: Collision Prevention**

Part 22 outlines the navigation safety rules (and gives effect to the Convention on International Regulations for Preventing Collisions at Sea). These rules outline the standardised (international) system for prevention of collisions and apply to all watercraft, including ships, pleasure craft, and seaplanes. The rules outline international conventions around steering and sailing, and the use of lights and sound for collision avoidance.

1.1.2 The Local Government Act 2002:

Regional councils make bylaws under the LGA 2002 under the general *procedure for making bylaws* (sections 155-161) and consult on bylaws using the special consultative procedure (section 86). Adopting a bylaw cannot be delegated by Council to a Committee, so the Committee 'recommends' a course of action to Council for adoption.

1.1.3 Marine Transport (Infringement Fees for Offences – Bay of Plenty Regional Navigation Safety Bylaws 2017) Regulations 2017:

Under section 330 of the *Maritime Transport Act*, Regional Council can set infringement fees by Order in Council¹. At present we have 2017 regulations, which outlines offences under the Bay of Plenty Region Navigation Safety Bylaws 2017 and the fees applicable for those offences. These will need to be updated.

1.1.4 Other Legislation:

Staff will also ensure that any other legislation that may affect the legitimacy of the new Bylaws is considered. For example, one key influence will be from the *Marine*

¹ An Order in Council means this regulation must go through Parliament to provide the legal force (see MTA 1994 s330).

and Coastal Area (Takutai Moana) Act 2011 and the recognition of customary marine titles and protected customary rights.

1.2 Te Hāngai ki te Pou Tarāwaho Rautaki
Alignment with Strategic Framework

| | |
|--------------------------------|---|
| Safe and Resilient Communities | We support community safety through flood protection and navigation safety. |
|--------------------------------|---|

The Maritime Operations Activity provides a 24/7 navigation safety and maritime oil spill response across the region, as required by regulations and Regional Council requirements. This involves operating an around-the-clock call centre and duty roster, administering moorings and commercial/event licences, and maintaining navigational aids, lights, and beacons around the region.

The Activity promotes navigational safety through a combination of regulation enforcement and education with an aim to ensure people are kept safe on the water and our maritime environments are protected from spills. The Navigation Safety Bylaws is a key component of this work.

1.2.1 Community Well-beings Assessment

| Dominant Well-Beings Affected | | | |
|---|---|--|--|
| <input checked="" type="checkbox"/> Environmental Low - Positive | <input checked="" type="checkbox"/> Cultural Medium - Positive | <input checked="" type="checkbox"/> Social Low - Positive | <input checked="" type="checkbox"/> Economic Low - Positive |

The review of the Navigation Safety Bylaws 2017 will affect all of the well-beings directly.

2. Options for Engagement and Consultation

2.1 Kaituna Speed Uplifting

As has already been outlined in previous committee papers, the Kaituna River speed uplifting has a complicated past. A range of previous papers have outlined the history and complexity of this specific rule. What staff have concentrated on with this review is the importance of safety in an area that is popular for a range of water activities – recreational, cultural and business.

Below are the options that will be presented for feedback to our communities.

| Option | Synopsis |
|-----------------------------------|--|
| 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" |

| | |
|---|--|
| 2: Remove Speed Uplifting from entire River | Apply the 5 knot rule to the entire River. |
| 3: Remove Speed Uplifting on Lower river (from mouth to Mangorewa River confluence) | Apply the 5 knot rule to the lower Kaituna River, leaving the upper Kaituna speed uplifting in place for <i>Spring Loaded Fun Park</i> consent (currently not in operation). |
| 4: Application of Passive recreation areas or swimming areas identified and designated as reserved for swimmer (i.e. vessel speed must be 5 knots) | Identify swimming areas as a passive recreation area (or similar) where vessels must go 5 knots in the most direct route through the area. (See Attachment 1 for initial identification of these areas). |

2.2 Hunters Creek/ Otapu Ski Area

The Hunters Creek/Otapu area with its currently ski lane has another complicated history.

The following are the options to be presented to communities for feedback.

Of special note, staff are attempting to arrange special engagement with the hapū of Matakana and Rangiwāea Islands.

| Option | Synopsis |
|--|--|
| 1: Status Quo (current situation) | The area of Hunters Creek, between Matakana and Rangiwāea Islands is designated as a reserved area for skiing ONLY ² between sunrise and sunset, except for two hours either side of low tide. |
| 2: Status Quo with caveats | Leave the Ski Lane where it is but add caveats around increased monitoring and compliance; undertaken partnerships with other entities to address non-bylaws issues (e.g. beach landings). |
| 3: Remove ski lane all together | Remove the ski lane all together. Do not create another elsewhere |

² As a designated Ski Lane under the Bylaws, only those vessels **TOWING** can go over 5 knots, no other vessel can go over 5 knots whether in the designated area or not.

Note: a 4th option was considered: Moving the ski lane to an alternative location. This was removed as a viable option due to the fact that there are 5 other ski lanes in Tauranga Harbour already.

2.3 Tarawera River Speed Uplifting

The Tarawera River speed uplifting is currently for the entire navigable parts of the River from the Pacific Coast Highway (Thornton Rd) bridge inland.

Jetboat speed has become an issue for Kawerau residents that use the River for swimming. (See **Attachment 2**).

| Option | Synopsis |
|--|--|
| 1: Status Quo (current situation) | Keep the speed uplifting in place upon all navigable waters upstream of the Thornton Rd/Pacific Coast highway bridge. |
| 2: Implement a 5 knot rule through the township of Kawerau – upstream of the State Highway 34 bridge to downstream of the upper edge of the Kawerau golf club | Identify the reach of the river through the Kawerau township as a swimming area as a passive recreation area (or similar) where vessels must go 5 knots in the most direct route through the area. |

2.4 Ōhiwa Harbour

| Option | Synopsis |
|--|--|
| 1: Status Quo (current situation) | <p>Leave the whole of Ōhiwa Harbour as a PWC exclusion area.</p> <p>Due to changes in legislation³ the only way this can continue is through local (Whakatāne District Council and Ōpōtiki District Council) Bylaws.</p> |
| 2: Move PWC Area on the beach/ Allow PWC across the Harbour with standard speed rules applying. | <p>Allow PWC across the harbour with all other standard bylaws rules applying e.g. 5 knots within 200m of shore, 50m of a person or vessel...</p> <p>Move the PWC area on the beach side, opposite Maraetotora Park to the harbour entrance side of the Ōhope Golf club.</p> |

³ Remember, the Maritime Transport Act mandates Regional Council to make Navigation Safety Bylaws “... for the purpose of ensuring maritime safety...” only.

3. Engagement and Consultation

Phase 2 engagement is a more targeted campaign with a Newsletter being sent to all key stakeholders (See **Attachments 3 & 4**) encouraging stakeholder to be involved.

For this phase the focus is on more individualised feedback with newsletters, social media, media, website feedback and in-person engagement.

Some key stakeholders will be contacted directly due to the importance of the relationships – these include the territorial authorities, the residents of Matakana Island, and the Port of Tauranga.

Phase 2 is followed by a consultation period which will be more formal with a consultation document (Statement of Proposal) available on the Council website, and in print for (see **Attachment 5**). The consultation period will run for four weeks and conclude with the Committee reconvening for public Hearings in September 23.

4. Ngā Whakaarohanga Considerations

4.1 Ngā Mōrea me Ngā Whakangāwaritanga Risks and Mitigations

Given the legacy issues connected to this project, the project is considered to be high risk. Detailed risk analysis and management has been built into the project management of the review and any new issues and risks that affect the decision-making of the Committee will be presented to the Committee at the earliest opportunity.

4.2 Huringa Āhuarangi Climate Change

Climate change has an impact on all Council does and is considered in all that we do, and the effects are considered across the length of the project.

4.3 Ngā Pānga ki te Māori Implications for Māori

The Treaty principles and the partnerships upon which they are founded are an established part of our local government framework. As Treaty partners, Māori hold a unique role in shaping and contributing to regional leadership and direction.

As some of the legacy issues are of particular importance to tangata whenua it is important to include them in the design, consultation, and decision-making process.

4.4 Whakawhitiwhiti ā-Hapori Community Engagement



CONSULT
Whakauia

To obtain input or feedback from affected communities about our analysis, alternatives, and /or proposed decisions.

A detailed *Communications and Engagement Plan* has been developed for the Navigation Safety Bylaws Review project and has been outlined to the Committee. This plan specifically outlines the pre-engagement and consultation aspects of the project.

Due to the complex nature of the legacy issues in particular we will need to work directly with some affected stakeholders. Communication and engagement will need to use a range of consultation, engagement and involvement techniques that can be tailored for specific groups and issues.

4.5 **Ngā Pānga ā-Pūtea** **Financial Implications**

There are no material unbudgeted financial implications and this fits within the allocated budget.

5. **Ngā Mahi Whai Ake** **Next Steps**

The next Committee Meeting will be held on 30 June 2023, where staff will present a draft document for consultation (see **Attachment 6**).

That document will then need to be adopted for consultation by Full Council on 9 August 2023.

Attachments

Attachment 1 - Sites of significance Kaituna He Taonga Tuku Iho [↓](#)

Attachment 2 - SunLive - Jetboaters upset Kawerau community - The Bay's News First [↓](#)

Attachment 3 - Newsletter 1 for Bay of Plenty Regional Navigation Safety Bylaws Review [↓](#)

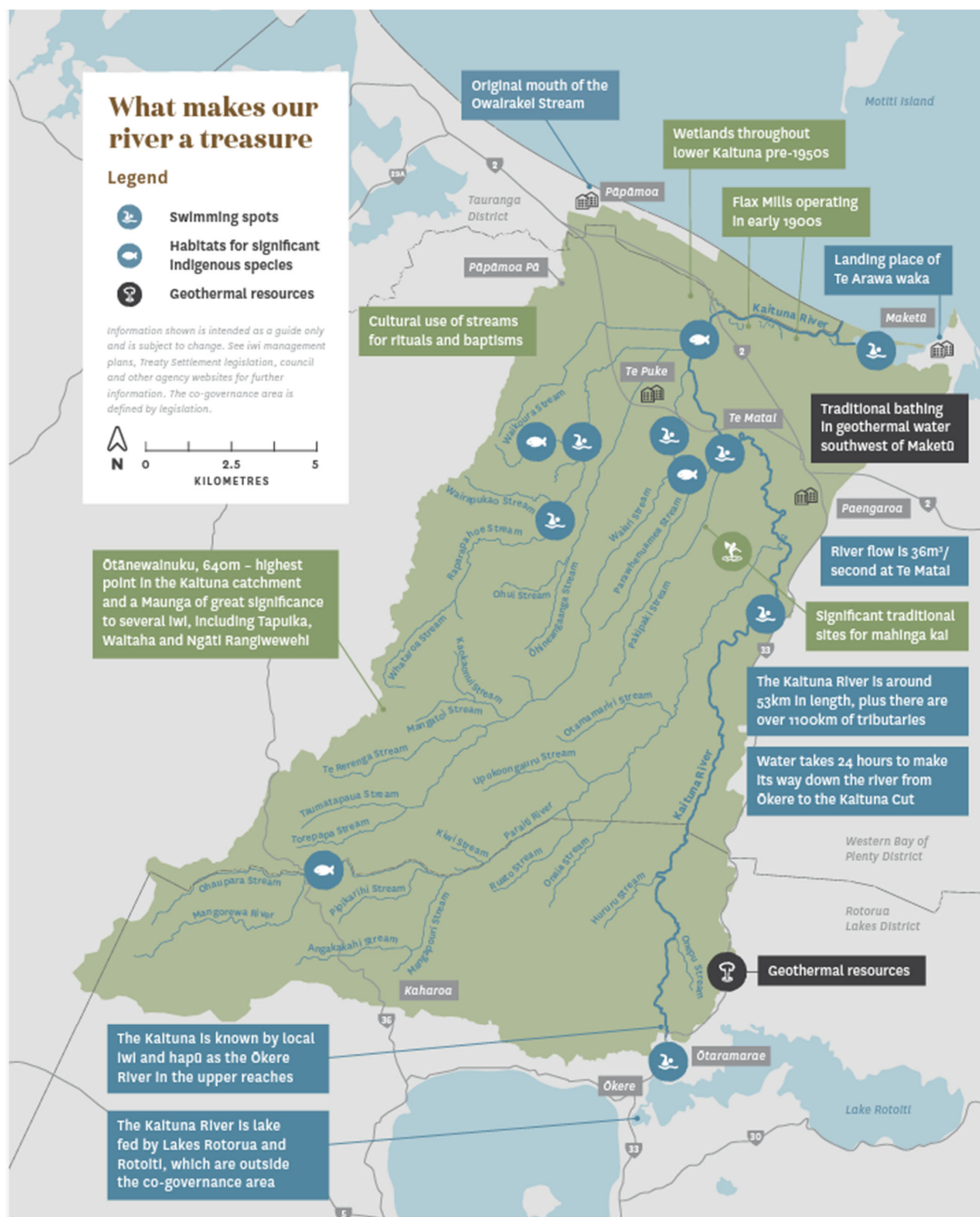
Attachment 4 - Stakeholders Register and Communications Log for NL1 [↓](#)

Attachment 5 - 5568 Nav Safety Bylaws Consultation Doc A5 Mock Up for Committee Meeting 12 Apr 23 [↓](#)

Attachment 6 - Visio-Timeline Plan J Updated for COMMITTEE 18 Apr 23 [↓](#)

Attachment 1:

Excerpt from Kaituna He Taonga Tuku Iho (page 39)



Jetboaters upset Kawerau community



Tarawera River in Kawerau, Bay of Plenty. Image: Google Maps.

Jetboaters on the Tarawera River have left some angry parents in their wake.

Parents of children swimming in the river have taken issue with Northern District Jet Boating New Zealand Association members also using the river last weekend, claiming the jetboaters put their children at risk.

The matter has become a storm on social media with many parents saying their children could have been hit as boats came around blind corners.

However, chairman of the Northern Districts branch Jeff Berkers says members are playing it safe, following all the rules, and the association received no complaints about the weekend.

Despite this, he has taken the feedback on board and says the group will plan runs up the Tarawera River in winter in future to reduce the risk of encountering swimmers.

Berkers says the group used to have a run up the Tarawera River at least once a year, although that hasn't happened in recent years.

He speculates that it might have been surprising to Kawerau residents to see 16 jetboats coming up the river.

"It could be that the river has become more popular with swimmers during those years, so yes, we will possibly plan to have it in April in the future," he says.

The group launched from the Tarawera River mouth near Matata and then travelled up the river and past Kawerau town before stopping for a BBQ.

Berkers says in the future, the group could stop before they reached Kawerau.

He says the group is attracted to the river because it's a beautiful trip with stunning scenery and a weir that the group enjoyed.

"It was a scenic trip; it wasn't a race or anything, so we were travelling around 30kmh at most. It was quite windy and we're not hoons.

"When passing people, we slow right down to five knots and we can stop pretty quickly if need be.

"Generally, people can hear them coming and we did pass a group of kids on the side of the river who we think may have gotten out before we got there. We passed some kayakers and stopped with them for a chat; we didn't actually see anyone swimming."

When the group returns to the river, Berkers will be happy to speak to anyone who might have issues.

"They can come talk to us. We are responsible guys and we do everything by the rules," he says.

Kawerau mayor Malcolm Campbell, himself a keen jetboater, agrees the event could have happened during cooler months.

"It is quite popular with swimmers and the danger there is kids jumping out in front of the boat," he says.

"But they would have needed to get a resource consent and everything to do it. In this case, perhaps, they should've waited until it got a bit colder."

Campbell says he has been up the river in his jetboat and had upset some fisherman in the past.

Although he agrees with comments about the timing of the run, he doesn't agree with some of the more violent posts.

Some had suggested throwing rocks at the boaties on their next trip.

"Throwing rocks and that; that's just dumb. That's just as dangerous as throwing rocks at a motorbike," he says.

"Jet Boating New Zealand is the biggest boating body in New Zealand, and I believe it's the most responsible boating body in the country. I think it's a storm in a teacup."

Bay of Plenty Regional Council harbourmaster Jon Peters says on the Tarawera River upstream of State Highway 2 Bridge, vessels could exceed five knots, although they must slow down when passing swimmers or other water users.

He says the regional council did receive one complaint about the event but "unfortunately" it was two days after the fact.

"We always encourage people to phone the harbourmaster call centre at the time of any incident if they have concerns, so that they can be followed up in a timely manner," Peters says.

The harbourmaster phone number is 0800 5 KNOTS (556687).


Any group wanting to have exclusive use of a waterway must complete an event application form and have this approved before the event takes place. This is available on the regional council website.

"The Whakatane-based senior maritime officer from the regional council is more than happy to engage with the public if there are areas of ongoing concern," Peters says.

"Public safety of people on and around the water is our top priority."



Bay of Plenty Regional Navigation Safety Bylaws Review



Kia Ora,

Bay of Plenty Regional Council is now reviewing the **Bay of Plenty Regional Navigation Safety Bylaws** and is seeking feedback on some of the options for change.

The current Bylaws have been in place since 2017 and are reviewed by Regional Council every five years. The rules were established to help minimise the risk of fatalities, injuries, accidents, and collisions.

So far Council has received nearly 350 pieces of feedback following the first round of initial consultation. Feedback was gathered over the summer months at in-person events around the region, as well as through online channels.

There are seven specific topics highlighted in the consultation, which include **speed uplifting on the Kaituna and Tarawera Rivers, the use of jetskis on Ōhiwa Harbour, the water ski area at Hunters Creek, third-party insurance for boats and general navigational safety.** Council is also looking at the feasibility of a buoyed swim lane in Pilot Bay in Tauranga Harbour.

We are now moving into our second phase of consultation, where there will be opportunities to feedback on options for change. These will shortly be available on our Participate webpage with detail around each option.

We recognise that not all of the Bylaws will be of direct interest to you.

We therefore propose to be available to meet over the coming months to discuss any specific issues relating to the Bylaws and the review. In addition, we can provide you with regular updates on other informal opportunities to provide feedback and comment on Bylaw review proposals, should you wish to stay informed about the process. This includes open day sessions in an area close to the specific location of some topics:

Open Days:

Time: 5.30pm – 7.30pm

Ōhope – 4 May – Ōhope Christian Camp, 60 Pohutukawa Av.
Maketū – 9 May – Maketu Community Hall, Wilson Rd.
Tauranga – 18 May – Pāpāmoa Community Centre (Library), 15 Gravatt Rd.
Rotorua – 23 May – Watersports Trust Building, 1 Mataiawhea Street, Ōhinemutu.

You can request updates, or further engagement; or provide direct feedback through our dedicated email: navsafety@boprc.govt.nz

You can check out our Participate Webpage and answer some specific questions: <https://www.participate.boprc.govt.nz/navigational-bylaw>

In August 2023 we will undertake our formal consultation process in which you can send in formal submissions and be part of formal hearings.
We hope to have a new Bylaws document adopted in December 2023.

- ★ **Phase 1 engagement**
Oct 2022 – Feb 2023
Summer engagement
- ★ **Phase 2 engagement**
Mar 2023 – Aug 2023
Focussed engagement and open days
- ★ **Development of draft Navigational Safety Bylaws**
Mar 2023 – Aug 2023
We will be developing a draft of the Navigational Safety Bylaws
- ★ **Submissions open**
14 Aug 2023 – 15 Sep 2023
Formal submission period
- ★ **Hearings**
Whakatāne: 26 Sep 2023
Tauranga: 27 Sep 2023
Rotorua: 28 Sep 2023.
- ★ **Deliberations**
27 Oct 2023 – 1 Nov 2023
- ★ **Navigation Safety Bylaws adopted**
≈ 7 December 2023.



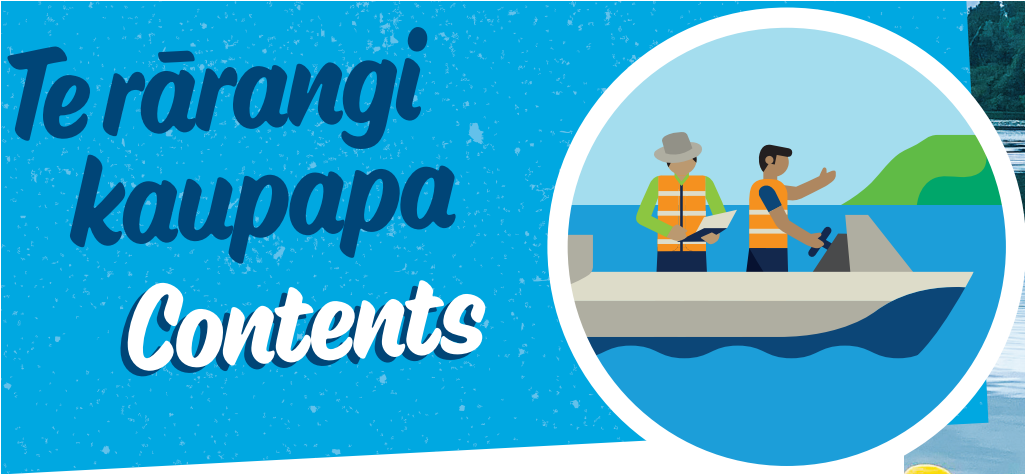
Item 10.1, Attachment 4

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|--|------------------|--|------------------|------------------|
| Ngāti He | Maungatapu Marae | | Tauranga Harbour | Hapū |
| Ngāi Te Rangi | Whareroa Marae | | Matakana Is. | Iwi |
| Ngā Potiki | | | Welcome Bay | iwi |
| Ngāti Pūkenga | | | Welcome bay | iwi |
| Ngāti Ranginui | | | Tauranga Moana | iwi |
| Tapuika | | | Kaituna River | iwi Authority |
| Ngāti Pīkiao | | Maketū | Kaituna River | Iwi Trust |
| Ngāti Rangiwewehi | | | Kaituna River | Iwi Authority |
| Ngāti Whakaue | | Maketū | Kaituna River | |
| Te Arawa Lakes Trust | | | Rotorua Lakes | |
| Tuhourangi | | | Rotorua Lakes | Tribal Authority |
| Whakatōhea | Upokorehe | | Ōhiwa Harbour | Hapū |
| Ngāti Awa | | | Ōhiwa Harbour | Te Rūnanga |
| Ngāi Tūhoe | | | Ōhiwa Harbour | |
| Ngāti Kahu | | | Ōhiwa Harbour | Hapū |
| Ihukatia Trustess | | | Ōhiwa Harbour | Trust |
| Ngāti Tūwharetoa | | | Tarawera River | Trust Board |
| Ngāti Rangitahi | | | Tarawera River | Trust |
| Ngāti Ira | | | Waioeka River | Hapū |
| Ngāi Tai | | | East Coast | |
| Te whānau a Apanui | | | East coast | iwi |
| Te whānau a te ehutu | | | Waihou Bay | Hapū |
| Lake Tarawera Community Association | | Lake Tarawera | Rotorua | Community Group |
| Lake Rotoiti Community Association | | Lake Rotoiti | Rotorua | Community Group |
| Lake Ōkāreka Community Association | | Lake Ōkāreka | Rotorua | Community Group |
| Maketū Ōngātoto Wetland Society | | Maketū | Kaituna | Community Group |
| Triathlon | | Swimming lane pilots bay | Tauranga | Club |
| Surf Life Saving | | | Tauranga | Club |
| Surf Life Saving | | | Ōmanu Beach | Club |
| Assault Board-riding | | Kite surfing | Mount | Club |
| Bay of Plenty DragonBoat club | | President | | Club |
| Port of Tauranga | | | Tauranga | Commercial |
| Vessel Works | | Boatyard | Tauranga | Commercial |
| Pelco | | Commercial Fishing | Tauranga | Commercial |
| Bay Explorer Dolphin and Wildlife Cruise | | commercial Tour | Tauranga | Commercial |
| Kewpie Cruises | | commercial tour | Tauranga | Commercial |
| Dolphin Seafaris | | commercial Tour | Tauranga | Commercial |
| Mauao Adventures | | commercial Tour | Tauranga | Commercial |
| Moana Fishing | | Commercial Fishing | Tauranga | Commercial |
| Pacific 7 | | Commercial work boat/salvage/marine contractors | Tauranga | Commercial |
| BMW | | Commercial work boat/salvage/ BOPRC approved contractor for moorings /BOPRC preferred NAV AIDS maintenance /Debris removal | Tauranga | Commercial |
| Glencoe | | Commercial work boat – preferred contractor for POT | Tauranga | Commercial |
| Mount Fishing Club | | recreational boating | Tauranga | Club |
| Tauranga Fishing Club | | recreational boating | Tauranga | Club |
| Bowentown fishing club | | | Tauranga | Club |
| Omokoroa Boating and Fishing Club | | recreational boating | Tauranga | Club |
| Tauranga Yacht and Power Club | | recreational boating | Tauranga | Club |
| Tauranga Marina | | moorings | Tauranga | Club |
| Tauranga Bridge Marina | | moorings | Tauranga | Club |
| Coastguard Tauranga | | | Tauranga | Club |
| Coastguard Whakatāne | | | Whakatāne | Club |
| Coastguard Ōpōtiki | | | Ōpōtiki | Club |
| Coastguard Maketū | | | Tauranga | Club |
| Coastguard Rotorua Lakes | | kevin.winters676@icloud.com | Rotorua | Club |
| Coastguard Rotorua Lakes | | | Rotorua | Club |
| Coastguard Waihou Bay | | Graham Walker | East | Club |
| Coastguard Waihi Beach | | | Tauranga | Club |

Item 10.1, Attachment 4

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|--|--|--|--------------------|------|
| Matakana Island Ferry | | Ferry service | Tauranga | Club |
| Tauranga Barge Co | | Barge service | Tauranga | Club |
| Rotorua Waterski Club | | Waterskiing | Rotorua | Club |
| BOP Trailer Yacht Squadron | | Yachting | Rotorua | Club |
| Rotorua Yacht Club | | Yachting | Rotorua | Club |
| Fish and Game NZ - Eastern | | | | Club |
| Pure Cruise | | | Rotorua | Club |
| Totally Tarawera | | | Rotorua | Club |
| Cruise and Fish | | | Rotorua | Club |
| Rotorua Paddleboards | | | Rotorua | Club |
| Volcanic Air | | | Rotorua | Club |
| Kotoa Lake Rotorua | | jet boating | Rotorua | Club |
| Ōhope Yacht Club | | | Whakatāne | Club |
| Whakatane Yacht club | | | Whakatāne | Club |
| Eastern Bay Canoe Racing Club | | | Whakatāne | Club |
| Waka Ama - Ōmaio | | | East Coast | Club |
| Waka Ama - Te Kaha | | | East Coast | Club |
| Waka Ama - Ōpōtiki | | | East Coast | Club |
| Te Rāhui Herenga Waka (Marina) | | Community Liason Group | Whakatāne | Club |
| Whakatāne Yacht Club Marina Expansion | | | Whakatāne | Club |
| Waka Ama Whakatāne | | Whakatane River | Whakatāne | Club |
| Tarawera Outrigger Canoe Club | | President | Whakatāne/ Kawerau | Club |
| Te Au Rere Waka Ama Club | | Chair | Rotorua | Club |
| Tauranga Moana Outrigger Canoe Club Inc. | | President | Tauranga | Club |
| Ruamātā Waka Ama Club | | | Rotorua | Club |
| Hei Matau Paddlers | | President | Rotorua | Club |
| NZ Waterski Ass. | | | | Club |
| Rotorua Wake and Ski Club | | | lake Tikitapu | Club |
| Jetski BOP | | | | Club |
| Port Blakely | | Forestry/ Barge Co. | Matakana Island | Club |
| Whakatāne Rowing club | | | | Club |
| | | | | |
| Western Bay of Plenty | | Tauranga Harbour/ Kaituna River/ Matakana Island | Tauranga | TA |
| Tauranga City Council | | Tauranga Harbour | Tauranga | TA |
| Tauranga City Council | | Tauranga Harbour Facilities | Tauranga | TA |
| Rotorua Lakes Council | | Rotorua Lakes | Rotorua | TA |
| Rotorua Lakes Council | | Rotorua Lakes | Rotorua | TA |
| Rotorua Lakes Council | | Rotorua Lakes | Rotorua | TA |
| Kawerau District Council | | Tarawera River | Eastern | TA |
| Whakatāne District Council | | Whakatāne Harbour/Ōhiwa Harbour | Whakatāne | TA |
| Ōpōtiki District Council | | Ōpōtiki Harbour | Ōpōtiki | TA |





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| Statement of Proposal | XX | Statement of Proposal | XX |
| XXXXXXXXXXXXXXXXXXXX | | XXXXXXXXXXXXXXXXXXXX | |
| Statement of Proposal | XX | Statement of Proposal | XX |
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| Statement of Proposal | XX | Statement of Proposal | XX |
| XXXXXXXXXXXXXXXXXXXX | | XXXXXXXXXXXXXXXXXXXX | |
| Statement of Proposal | XX | Statement of Proposal | XX |
| XXXXXXXXXXXXXXXXXXXX | | XXXXXXXXXXXXXXXXXXXX | |
| Statement of Proposal | XX | Statement of Proposal | XX |

A photograph of a speed limit sign floating on the water. The sign is blue with a red circle in the center containing the number "5" and the word "knots". Above the circle, it says "NEXT 600M". Below the circle, it says "OR FACE \$200 FINE". The sign is attached to a blue frame with yellow buoys. The background shows a calm body of water and a green shoreline with some buildings.

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Statement of Proposal

Further information regarding the submissions process is provided at the end of this statement.

Translation goes here

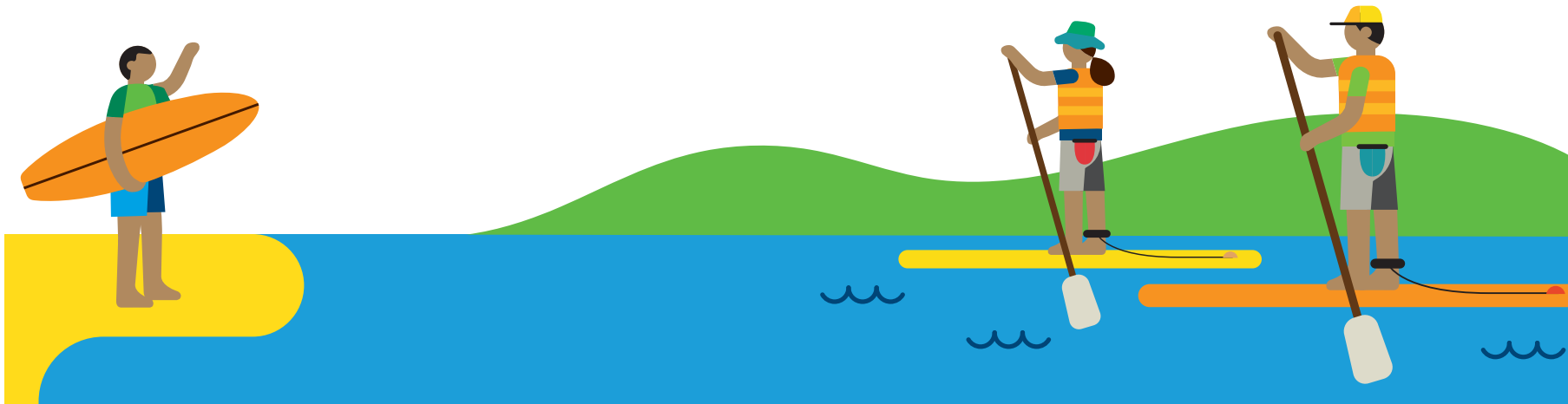
Introduction

We are reviewing the Maritime Navigation Safety Bylaws for the Bay of Plenty region with the goal of having an updated bylaws by late 2023. The current bylaws have been in place since 2017 and we review them every five years. We are seeking feedback to help guide changes to our bylaws.

Translation goes here

Why bylaws are important

The Bay of Plenty Regional Council oversees maritime safety in the region under the Navigation Safety Bylaws required by the Maritime Transport Act (1994). The rules were established to help minimise the risk of fatalities, injuries, accidents, and collisions, in Bay of Plenty navigable waters.

*Translation goes here*

Reasons for the review

Regional Council has a statutory role in maritime safety through the Bay of Plenty Regional Navigation Safety Bylaws under section 33M of the Maritime Transport Act 1994.

These regulations help the Council and the Harbourmaster ensure water safety in the region.

The review of the regions Bylaws is done every five years. This ensures the Bylaws reflect the most up to date legislation; latest best practice; up to date maritime regulations and rules; and current regional risks and issues.

Regional Navigation Safety Bylaws have been in effect since 2002.

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Legislative Framework

The Maritime Transport Act 1994

Under Part 3A of the Maritime Transport Act 1994, Regional Council is mandated to ensure maritime safety in its region by appointing Harbourmasters, making Bylaws, and carrying out enforcement on offences.



Maritime Rules

While the Maritime Transport Act stipulates broad principles of maritime law, the rules contain detailed technical standards and procedures. Compliance with the rules is mandatory because they form part of New Zealand maritime law. Failure to comply with the rules may be an offence under the Maritime Transport Act.

The maritime rules are statutory instruments (or secondary legislation) made by the Minister of Transport under the Maritime Transport Act 1994.

Maritime rules relate to the safety of ships and people. The rules prescribe requirements for ship design, construction, equipment, crewing, operation, tonnage measurement, and for the carriage of passengers and cargoes. Many of the standards are based on international ship safety conventions.

Of particular importance to Regional Councils are:

.....

Maritime Rules – Part 90 – Pilotage

Maritime Rules Part 90 specifies compulsory pilotage areas and thresholds for pilotage. It also covers qualifications and training for pilots and pilotage exempt masters, and the issue of pilot licences and masters' pilotage exemption certificates (PECs) by the Director of Maritime New Zealand. This is of particular importance for the Port of Tauranga.

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Maritime Rules – Part 91 – Navigational Safety

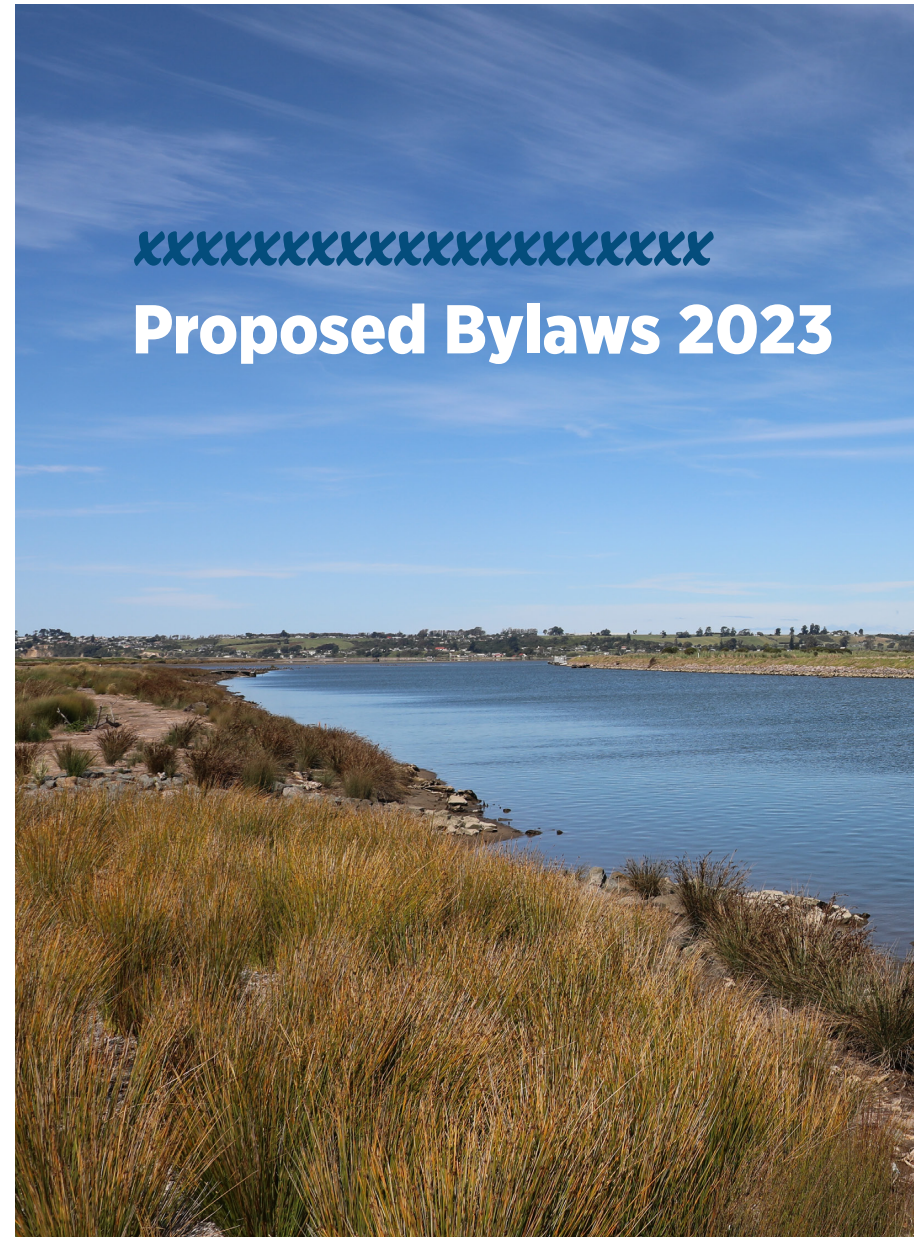
Part 91 outlines navigation safety rules, specifically for personal floatation devices, anchoring and mooring, give way rules, wakes and proximity to oil tankers and ships carrying dangerous goods.

.....

Maritime Rules – Part 22: Collision Prevention

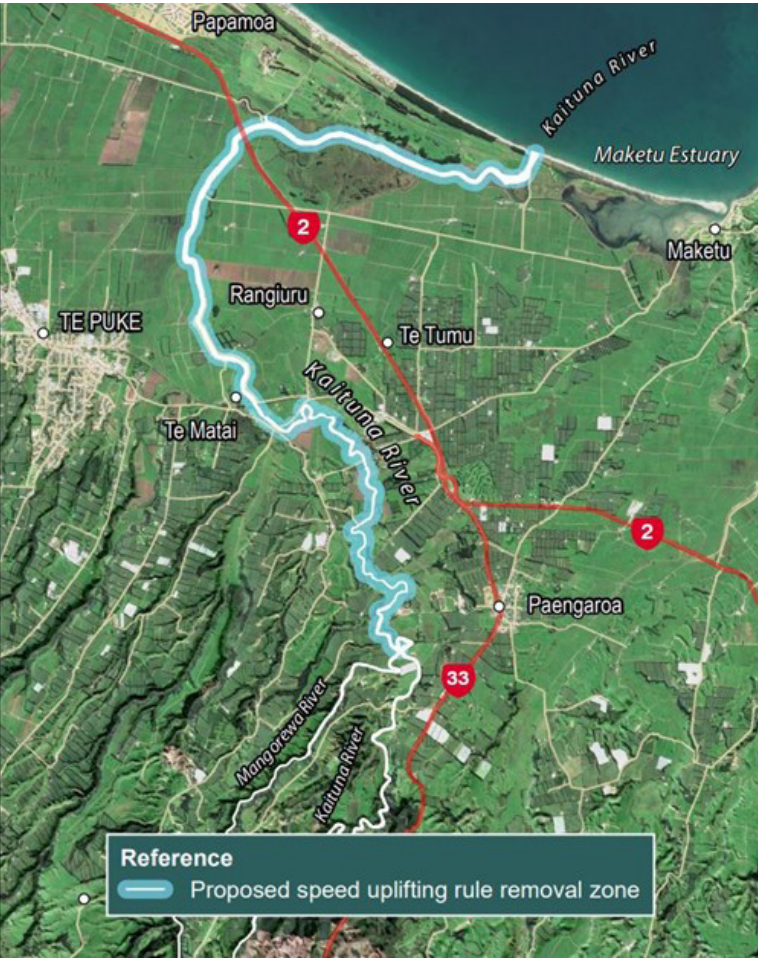
Part 22 outlines the navigation safety rules (and gives effect to the Convention on International Regulations for Preventing Collisions at Sea). These rules outline the standardised (international) system for prevention of collisions and apply to all watercraft, including ships, pleasure craft, and seaplanes. The rules outline international conventions around steering and sailing, and the use of lights and sound for collision avoidance.

**NOT SURE WHAT TO
PUT IN HERE**



XXXXXXXXXXXXXXXXXXXXX

Kaituna River



At the moment there are speed uplifting rules for watercraft on the Kaituna River downstream of the Mangorewa confluence, which means there are no speed limits for this stretch of water. Health, safety, and environmental concerns have been raised by communities who swim within this reach of the river. We are seeking feedback on removing the speed uplifting rule from the lower Kaituna River.

This would mean that the maximum speed a watercraft could travel in this stretch of river is 5 knots. The change would provide more safety for people swimming in the river.

Translation goes here Provide feedback

Do you support removing the speed uplifting rule (reducing the speed limit to 5 knots) for watercraft on the lower Kaituna River?

☐ Yes ☐ No

Do you have any other feedback about the Kaituna River?

Please share your thoughts below

*Translation
goes here*

Consultation and Submissions

*Tukua tō
korero*
Have your say

Any organisation or member of the public may make a submission on the proposed Regional Navigation Safety Bylaws 2023.

Bay of Plenty Regional Council welcomes your views and feedback.

Public submissions start at 8am on 14 August 2023 and close at 4pm on Friday, 15 September 2023.

Hearings relating to the proposed Bylaws will take place on

26 – 28 September 2023. We'll keep our website updated with how you will be able to participate in this process.

Council will adopt the reviewed Bylaws in December 2023 after considering all submissions.

The full proposed Bylaws document is attached, is available at

www.boprc.govt.nz and is also available from all Bay of Plenty Regional Council offices or by phoning to have a hard copy to be sent by mail.

**NOT SURE WHAT TO
PUT IN HERE**

Making a submission

A submission is your chance to tell us what you think about the content of the Statement of Proposal for the Bylaws Review.

We've got lots of information about making a submission on our website.

It includes more information about how to make a submission, what you should put in your submission and whether you want to present it in person.

What's a submission?

It's a statement in support of, or in opposition to, any part of this statement of proposal and the proposed Bay of Plenty Regional Navigation Safety Bylaws.

How long do I have to make a submission?

The closing date for submissions is 11 August 2023.

Contact us, as outlined below.

How do I make a submission?

Fill in the form and send or email it back to us. You can also visit our website and download a form or make a submission electronically.

Be brief and clear about the matters that you support or oppose.

Remember:

- State the most important points you want Bay of Plenty Regional Council to consider
- Make your comments as specific as possible
- Note which part of the draft Bylaws, statement of proposal or summary your comments refer to by including page numbers and sections
- Clearly state your name, address, email, and telephone number.

Can I present my submission to Council?

YES. If you want to present your submission in person, please tick the box on the submission form. If you choose to do this, you will need to appear before council at a public meeting – these hearings are set for **26 – 28 September 2023** and more information can be found on our website.

Make an online submission

If you prefer, you can visit our website and make a formal submission electronically. Visit **www.boprc.govt.nz** and follow the links.



Version: April 18, 2023

Navigation Safety Bylaws Review Project Timeline 2023

