

Bay of Plenty Regional Navigation Safety Bylaws Review Committee

Ngā Meneti Open Minutes

- Commencing:** Thursday 27 April 2023, 9.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street,
Tauranga
- Heamana
Chairperson:** Cr Andrew von Dadelszen - Bay of Plenty Regional Council
Toi Moana (BOPRC)
- Ngā Kopounga
Members:** Bay of Plenty Regional Council Toi Moana (BOPRC)
Cr Jane Nees
Cr Kevin Winters
- Tangata Whenua Representatives
Raewyn Bennett
Micah Tawhara - via Zoom
Patrick Young
- In Attendance:** Reuben Fraser - General Manager, Regulatory Services, Toni
Briggs - Senior Project Manager, Stephen Lamb -
Environmental Strategy Manager, Matt Hunt -
Communications Team Leader, Monique Brookes - Legal
Counsel, Claudia Cameron - Committee Advisor.
- Ngā Hōnea
Apologies:** Cr Toi Kai Rākau Iti (BOPRC) for absence and Patrick Young
(Tangata Whenua Representative) for late arrival.

1. Karakia Whakatuwhera Opening Karakia

A karakia was provided by Raewyn Bennett.

2. Ngā Hōnea Apologies

Resolved

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

- 1 **Accepts the apologies from Cr Toi Kai Rākau Iti for absence, and Patrick Young for late arrival, tendered at the meeting.**

**von Dadelszen/Winters
CARRIED**

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

In relation to Agenda Item 10.1 and Minute Item 6.1 from 15 February 2023 meeting minutes - Raewyn Bennet declared her whānau position as shareholders in the TAHEKE 8C land block.

In relation to Agenda Item 10.1 - Cr Kevin Winters declared his position as Treasurer of Coastguard Rotorua Lakes.

4. Minutes

Minutes to be Confirmed

4.1 Bay of Plenty Regional Navigation Safety Bylaws Review Committee Minutes - 15 February 2023

Matters Arising

In relation to Minute Item 5.1:

- Infringement fees were in line with other Councils and less than \$1000, as set out in the Maritime Transport Act 1994. However, the significant risk associated with a bylaws breach in the Tauranga Harbour necessitated investigation into higher infringement rates. Fees over \$1000 required Council to advocate to the Minister of Transport for approval.

9.44 am - Patrick Young **entered** the meeting.

In relation to Minute Item 6.1:

- Suggested Tikanga principles be appropriately embraced during engagement with hapū impacted by legacy issues. Highlighted the importance of the Committee and Staff listening to the stories of those affected.

Resolved

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

- 1 **Confirms the Bay of Plenty Regional Navigation Safety Bylaws Review Committee Minutes - 15 February 2023 as a true and correct record.**

**Winters/Nees
CARRIED**

5. Verbal Updates

5.1 Q & A follow up: Workshop Items

Presentation: Meeting Presentation - 27 April 2023: Objective ID A4364491 [⇒](#)

Presented by: Toni Briggs - Senior Project Manager

Key Points:

- Wake surfing behind purpose built wake-boats had increased in popularity. Clauses would be developed to encompass this sport as it did not involve a person being towed.

In Response to Questions:

- New clauses which related to evolving vessels, such as personal sail boards with foils and paddle/surf boards with engines, would be based on safety recommendations from Maritime NZ.

5.2 Ramping Report - Update from Previous Workshop

Presented by: Toni Briggs - Senior Project Manager

Key Points:

- River ramping involved opening river gates to increase water flow to manage lake levels
- A combination and cumulation of factors, including natural processes and recreational activities, exacerbated bank erosion. Erosion would not be significantly reduced through the removal of an individual factor
- The BOPRC rivers and drainage team monitored banks and erosion rates.

6. Reports

Decisions Required

6.1 Options for Consultation

Presented by: Toni Briggs - Senior Project Manager

Key Points:

- A synopsis of each option would be presented alongside a map of the corresponding area
- The goal was to gain broad feedback, not present only the 'best' option to the public
- Kaituna Speed Uplifting:

- Potential passive recreation (swimming) areas were to be confirmed via consultation with Iwi/hapū, enforcement of these areas was considered achievable
- The Kaituna River Document was taken into consideration when developing options
- Spring Loaded Fun Park held a perpetual consent but was currently not operating
- Tarawera River Speed Uplifting:
 - Impacted parties were included in the stakeholder list for consultation
- Ōhiwa Harbour:
 - A legislative change had removed the bylaws' ability to exclude personal water craft/jet ski from Ōhiwa harbour, therefore a bylaws change was required
 - A local bylaw or Resource Management Act transfer agreement with Ōpōtiki District Council and Whakatāne District Council was required to maintain status quo
 - A third option restricting vessels to 5 knots for the two hours before and after low tide, to mitigate risk to kai moana gatherers, would be presented
- Buoyed Swim Lane in Pilot Bay - feasibility was being investigated:
 - Some swing moorings would require removal
 - Businesses which launched vessels from Pilot Bay would be impacted as the lane would be exclusive to swimmers
- Compulsory day Skipper licence - feasibility was being investigated:
 - Required for 12 metre vessels or larger, with the course conducted online
 - Maritime NZ were currently investigating nationally, pre-empted potentially unsafe situations comparable to compulsory life jackets
 - Inclusion for consultation was to gauge public appetite for change
- Third party insurance:
 - Removed from consultation as insurance companies were unwilling to offer cover.

Key Points - Members:

- Recommended the Hunters Creek/Otapu Ski Area consultation material include a map of the Tauranga Harbour identifying ski lane locations
- The next five years of regional intensification, technological developments and environmental changes, e.g. increased population density, changes to water usage and weather events causing river features to change, must be taken in consideration when developing the bylaws.

In Response to Questions:

- The statement of proposal within the consultation document would clearly identify the scope of the bylaws
- Council co-governance committees to be notified and/or consulted included: Rotorua Te Arawa Lakes Strategy Group, Rangitāiki River Forum, Te Maru o Kaituna River Authority, Tarawera Restoration Strategy Group, Ōhiwa Harbour Implementation Forum and Tauranga Moana Advisory Group
- A blanket ban of boats from an area was not within the scope of the bylaws mandate.

Resolved

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.**

**Nees/Winters
CARRIED**

11.08 am - The meeting adjourned.
11.23 am - The meeting reconvened.

7. Public Excluded Section

Resolved

Resolution to exclude the public

- 1 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
7.1	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.

**Nees/Winters
CARRIED**

8. Karakia Kati Closing Karakia

A karakia was provided by Patrick Young.

11.42 am - the meeting closed.

CONFIRMED

Cr Andrew von Dadelszen

Chairperson, Bay of Plenty Regional Navigation
Safety Bylaws Review Committee