



Meeting of the Hawke's Bay Regional Council

Date: Wednesday 30 May 2018
Time: 10.15am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	SUBJECT	PAGE
1.	Welcome/Apologies/Notices	
☆	Presentation of Environmental Award to Roger and Diane Alexander and Family	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Regional Council Meeting held on 24 April 2018	
4.	Follow-up Items from Previous Regional Council Meetings	3
5.	Call for Items of Business Not on the Agenda	7
Decision Items		
6.	HBRC Ltd draft 2018-19 Statement of Intent	9
7.	Recommendations from the Regional Planning Committee	29
8.	Affixing of Common Seal	31
Information or Performance Monitoring		
9.	2018 Navigation and Safety Bylaw	33
10.	Significant HBRC Staff Projects and Activities through June 2018	83
11.	Discussion of Items Not on the Agenda	91

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Subject: FOLLOW-UP ITEMS FROM PREVIOUS REGIONAL COUNCIL MEETINGS

Item 4

Reason for Report

1. On the list attached are items raised at Council Meetings that staff have followed up on. All items indicate who is responsible for follow up, and a brief status comment. Once the items have been report to Council they will be removed from the list.
2. Also attached is a list of LGOIMA requests that have been received since the last Council meeting.

Decision Making Process

3. Staff have assess the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Council receives and notes the ***“Follow-up Items from Previous Meetings”*** staff report.

Authored by:

Leeanne Hooper
GOVERNANCE MANAGER

Approved by:

Liz Lambert
GROUP MANAGER EXTERNAL
RELATIONS

Attachment/s

- [1](#) Follow-ups from Previous Regional Council Meetings

Follow-ups from previous Regional Council Meetings

Meeting held 24 April 2018

	Agenda Item	Action	Responsible	Status Comment
	Follow-ups from previous meetings	Provide the results and findings of the Water Quality & Ecology 'shading to manage instream weed growth trials' project in Tukituki	I Maxwell	To be provided to a future Environment & Services Committee meeting
	Recommendations from E&S	Potential commercial forestry partnership with NKII for Council's consideration of in principle decision	J Palmer	Planning is underway with NKII management on a commercial forestry due diligence work programme and a draft Memorandum of Understanding is being finalised for Council consideration
	Recommendations from E&S	Recommendations to Council items to include more information about the topics/items discussed	L Hooper	RPC recommendations item on today's agenda includes the "Reason for Report" for each agenda item - for consideration and feedback from councillors
	Financial Report to 31 March 2018 and Reforecast for Financial Year Ending 30 June 2018	Identification and rationalisation of costs for WCO work against the 'core work' that has been deprioritised as a result	J Ellerm	Work in progress

Item 4

Attachment 1

LGOIMA Requests Received between 19 April and 23 May 2018

Request Date	Request ID	Request Status	Request Summary	Requested By
6/05/2018	OIR-18-022	Completed	has Council discussed the possibility of introducing a regional fuel tax under the Land Transport Management (Regional Fuel Tax) Amendment Bill	Andrew Ketels, ACT
10/05/2018	OIR-18-021	Completed	since January 2015 - complaints and allegations of sexual harrassment in workplace including number of complaints, complainants & Accused by gender, and outcomes of investigations/resolution	Jonathan Milne, Fairfax Media
11/05/2018	OIR-18-020	Completed	contaminated land inquiry for 2 Macdonald Street, Wairoa (Carters Hawkes Bay) plus 500m radius around the site	Peter Gleadhill
3/05/2018	OIR-18-019	Active	Copies of all current resource consent(s) & certificates of compliance (COC); and resource consent applications & applications for CoC currently in process, for free range egg producing poultry farms and/or associated activities - for the period 1 May 2016 to date.	Shaye Thomas, Tompkins Wake
26/04/2018	OIR-18-018	Active	HBRC - HBRIC - Napier Port - Flagstaff	Anna Lorck
25/04/2018	OIR-18-017	Completed	For rocket launch exclusion zone infringements - 1. Confirm the amount the infringement notices are issued for 2. Is this a District Court matter, or handled by HBRC?	Lynton Diggle
20/04/2018	OIR-18-016	Completed	Copies of all current gravel extraction related consents	Emma Hilderink, Good Earth Matters

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Subject: CALL FOR ITEMS OF BUSINESS NOT ON THE AGENDA

Item 5

Reason for Report

1. Standing order 9.12 states:

"A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

(a) the reason the item is not on the agenda; and

(b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

Items not on the agenda may be brought before the meeting through a report from either the Chief Executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision making."

2. In addition, standing order 9.13 allows "A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion."

Recommendations

1. That Council accepts the following "Items of Business Not on the Agenda" for discussion as Item 11:

- 1.1. **Urgent** items of Business (supported by tabled CE or Chairpersons' report)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

- 1.2. **Minor** items for discussion **only**

Item	Topic	Raised by:
1.		
2.		
3.		

Leeanne Hooper
GOVERNANCE MANAGER

Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Item 6

Subject: HBRIC LTD DRAFT 2018-19 STATEMENT OF INTENT

Reason for Report

1. To provide Hawke's Bay Regional Council (Council) with the HBRIC Ltd draft 2018-19 Statement of Intent (Sol) for feedback. Any necessary amendments can then be incorporated into a revised draft to be further reviewed at the 13 June Corporate and Strategic Committee meeting, before formal adoption at the 27 June Council meeting in order to achieve legislative compliance (before 30 June).

Background

2. HBRIC Ltd is required to submit a Draft Sol to Council each year, however with the uncertainty arising from the Council's Capital Structure Review, it was agreed that Council would issue HBRIC Ltd with a "Letter of Expectation" (LoE) in order for HBRIC Ltd to draft its Sol for the 2018-19 financial year.
3. A letter of expectation (attached) dated 1 April was sent to Blair O'Keefe, HBRIC Ltd Chief Executive providing context for the creation of the draft Sol. This letter, which reflected council sentiments, gave direction regarding governance, staffing, forecast dividend assumptions, mandate for the 2018-19 year and also provided clarity to incoming directors of the priorities for the remainder of the current 2017-18 year.
4. Councillors are asked to provide feedback to Blair O'Keefe who will be attendance, to be incorporated into a revised draft to be presented back to council at the 13 June Corporate and Strategic Committee meeting, before formal adoption at the 27 June Council meeting.

Decision Making Process

5. The Statement of Intent for HBRIC Ltd is required to be prepared under section 64 of the Local Government Act 2002 (the Act). This is a statutory requirement and is not subject to consultation under the provisions of the Act.

Recommendations

That the Hawke's Bay Regional Council:

1. Receives and notes the **"HBRIC Ltd draft 2018-19 Statement of Intent"** staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
3. Provides the following agreed feedback for incorporation into the HBRIC Ltd 2018-19 Statement of Intent.
 - 3.1. ...
 - 3.2. ...
 - 3.3. ...
4. Requests that the HBRIC Ltd 2018-19 Statement of Intent, amended in accordance with the feedback provided above, be provided to the 13 June 2018 Corporate and Strategic Committee meeting for consideration and recommendation to the 27 June 2018 Regional Council meeting for adoption.

Authored by:

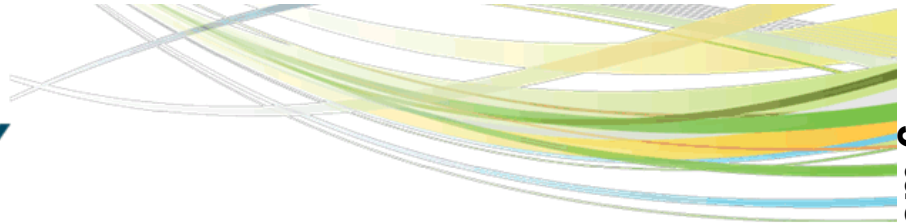
**Jessica Ellerm
GROUP MANAGER CORPORATE
SERVICES**

Approved by:

**James Palmer
CHIEF EXECUTIVE**

Attachment/s

- [↓ 1](#) 1 April 2018 Letter of Expectation to HBRIC Ltd
- [↓ 2](#) HBRIC Ltd Draft 2018-19 Statement of Intent



1 April 2018

Blair O'Keeffe
166 Durham Drive
HAVELOCK NORTH 4130

Dear Blair

LETTER OF EXPECTATION

I write following our recent Regional Council meeting on 28 March 2018. At the meeting, Council as shareholder of the Hawke's Bay Regional Investment Company Ltd (HBRIC Ltd) resolved a number of changes to the mandate and governance structure of HBRIC Ltd. This letter of expectation is to provide the Company with shareholder direction to enable the drafting of the Statement of Intent (Sol) for the year commencing 1 July 2018.

Governance

Council noted the letter received from HBRIC Ltd Chairman Chris Tremain on 27 February 2018 and concurred with the recommendation of a reduction in board size, which is fit for purpose to achieve its objectives with a clear revised mandate. The Company's constitution requires HBRIC Ltd to have a minimum of three (3) directors and this level is considered adequate for HBRIC Ltd until such time as Council has resolved to proceed with any new investment activity.

The revised structure of HBRIC Ltd Board of Directors is comprised of three directors, including the retention of Dan Druzianic and Councillor Peter Beaven, and the appointment of HBRC Chairman, Rex Graham, as the Chairman of HBRIC Ltd effective from 1 April 2018.

In regards to directors' remuneration, it was resolved that councillor directors not receive any additional remuneration over and above their councillor remuneration. It was agreed that remuneration for any independent directors be set at \$20,000 per annum in recognition of the nature of HBRIC Ltd's revised mandate and related activities.

This board composition sees the retirement of all current HBRIC Ltd directors except Dan Druzianic, and Councillor Beaven. All retiring independent and councillor directors have been written to individually thanking them for their service and advising them their services as directors are not required from 14 April 2018.

Staff

The finance and administration functions of HBRIC Ltd are to be transferred to Hawke's Bay Regional Council (HBRC) over time as there is existing and/or planned capacity within HBRC to accommodate this and it will reduce costs in administering the Company. It is preferable the services of the accountant are retained until 30 September 2018 or until the 17/18 financial statements are finalised. The transition of the governance administration (EA) function should occur as early as practically possible during April 2018, with the current HBRIC Ltd staff member

Hawke's Bay Regional Council

159 Dalton St, Private Bag 6006, Napier 4142, New Zealand Tel 06 835 9200 Fax 06 835 3601 Freephone 0800 108 838

concluding employment once a handover has taken place. Council wishes to extend its appreciation to these affected staff members for their service.

Council wishes to retain the services of the Chief Executive until the long-term future of HBRIC Ltd is determined.

Revised Mandate

The mandate of HBRIC Ltd is to continue to manage the ownership of the Port of Napier Ltd (PONL) on Council's behalf, to sell any or all Ruataniwha Water Storage Scheme assets held by the Company, and to develop business cases for commercial investment activities that support the Council's objectives for natural resource management, including forestry.

Council has previously expressed its interest in exploring commercial forestry joint venture investment opportunities with Tangata Whenua, the Crown and private investors. These opportunities would need to meet Council's minimum expected rate of return, while also delivering on Council's strategic environmental objectives. To progress this opportunity further approximately \$200k of expenditure is required for due diligence and development of an initial business case for report back to Council in due course.

Dividend

In regards to the level of dividends in the Sol, for planning and consultation purposes Council has assumed the dividend remains at the current level of \$10 million with a conservative 2% inflation adjustment year on year for the next three (3) years. However it is acknowledged PONL has agreed a lower dividend within its own Sol for 2018-19 and 2019-20, which will require reconciliation.

The Capital Structure Review panel has provided dividend analysis of various capital raising options for Port of Napier, which both support the growth of PONL and also meet Council's objectives. The analysis of these options shows no negative impact in ability to maintain current dividend levels and supports Council's LTP budget assumptions.

It is recommended the newly comprised board of directors engages PONL in discussion to confirm the 2017-18 dividend, and for the longer term which will include taking into account PONL's future capital requirements and Council's commitment to funding these externally.

Providing direction to HBRIC Ltd on current Sol

Given the incoming directors will have three months of the current financial year to govern, Council wishes to provide direction to the Company regarding its current Sol for the year ending 30 June 2018. The new HBRIC Ltd Board of Directors' priorities for the remainder of the 2017-18 financial year should be:

1. Development of the 2018-19 draft Sol for presentation to Council by 24 April 2018 based on the direction provided within this letter
2. Proceeding with next steps for the sale of the residual RWSS assets from HBRIC Ltd to another party
3. Negotiation and confirmation of the 2017-18 dividend from the PONL; and
4. Decisions regarding the management of debt on the HBRIC Ltd balance sheet.

Council, as shareholder, wishes to further clarify its preference and position in regards to point 2, the abovementioned RWSS sale, by instructing the Company to engage a third party to facilitate the sale of any assets or intellectual property developed to date in connection with the Ruataniwha Water Storage Scheme, at arms-length and within a specific timeframe. It is recommended that the

new HBRIC Ltd Board should work with Council on defining the terms and conditions of a probable transaction. Furthermore, Council confirms it does not intend to submit a bid in this transaction, but reserves the right to transfer the assets back to the Council in the event that no acceptable offer is received.

I would like to take the opportunity to thank you personally for your service and commitment to the both the company and the Hawke's Bay region.

Yours sincerely



JAMES PALMER
CHIEF EXECUTIVE

Phone: (06) 835 9202
Mobile: 022 0598 100
Email: james.palmer@hbrc.govt.nz

HAWKE'S BAY REGIONAL
INVESTMENT COMPANY LTD

DRAFT
Statement of Intent
For the Year Ending 30 June 2019

Directory**Postal Address:**

Private Bag 6006, Napier 4142

Registered Address:

159 Dalton Street, Napier South, Napier 4110

Board:

Mr Rex Graham
Mr Peter Beaven
Mr Dan Druzianic

Contact:

Email – comms@hbric.nz

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1. Introduction

This Statement of Intent (SoI) is prepared in accordance with Section 64(1) of the Local Government Act 2002.

The SoI specifies for Hawke's Bay Regional Investment Company Limited (HBRIC Ltd) and its subsidiaries the objectives, the nature and scope of the activities to be undertaken, and the performance targets and other measures by which the performance of the group may be judged in relation to its objectives, amongst other requirements.

The process of negotiation and determination of an acceptable SoI is a public and legally-required expression of the accountability relationship between the company and its shareholder, the Hawke's Bay Regional Council (Council).

The SoI is reviewed annually with Council and covers a three year period.

HBRIC Ltd is a council-controlled trading organisation (CCTO) for the purposes of the Local Government Act 2002.

2. Mission Statement

HBRIC Ltd's mission is:

To optimise the financial and strategic returns to Council from its allocated investment portfolio to assist Council achieve its vision of "a region with a vibrant community, a prosperous economy, a clean and healthy environment, now and for future generations".

3. Objectives

The objectives of HBRIC Ltd are to:

- Actively manage its allocated investment portfolio and any new investments it makes, including its shareholding in the Port of Napier Limited (Napier Port), to ensure:
 - growth of shareholder value
 - increased financial and strategic returns
 - investments are secure and sustainable over the long term.

4. Nature and Scope of Activities to be Undertaken

HBRIC Ltd will:

- Own and manage the investment assets and liabilities transferred to it by Council from time to time.
- Encourage and facilitate subsidiary and associated companies to increase

shareholder value and regional prosperity through growth, investment and dividend payments.

- Ensure that best practice governance procedures are applied to the key regional infrastructure and financial investments that are under HBRIC Ltd's ownership.
- Monitor the performance of each subsidiary and associated company against their stated economic, environmental and social performance objectives and against relevant benchmarks, ensure that they have proper governance procedures in place, and promote sustainable business practices.
- Advise Council on strategic issues relating to its investments including, but not limited to, ownership structures, capital structures and rates of return.
- Perform financial, custodial and other functions required by Council which may include:
 - Enabling diversification of the Region's income streams for the benefit of ratepayers.
 - Enhancing Council's capability to manage an active investment policy.
- Comply with the LGA provisions requiring a special consultative process, and with Council policies, in regard to any disposal or part-disposal of shares in any Strategic Asset, for example by way of part sales of shares in Napier Port
- Advise Council of any material capital expenditure projects by HBRIC Ltd or via its subsidiaries.
- Only invest in, or dispose of, investments, and use all income derived from these activities for Regional Council purposes and functions consistent with Council's Investment Policy.

Port of Napier Limited (Napier Port)

Napier Port is the leading international port in central New Zealand. Its East Coast location close to New Zealand's main international shipping lane together with excellent road, rail and coastal transport links enables the most efficient pathway to market for an increasing range of exports in an expanded central New Zealand catchment.

The Council beneficially owns 100% of the shares in Napier Port through HBRIC Ltd. Council's strategic objective is for HBRIC Ltd to continue to beneficially hold control of Napier Port as a key means of assisting economic development of the region. The investment is expected (via dividends) to be a significant source of non-rate revenue for Council and has long-term prospects of growth and development.

Council, via a Capital Structure Review Panel has recently evaluated the risks and benefits of continuing to own 100% of Napier Port and has reported to Council on this evaluation. During the year it is expected that Council will decide on a preferred capital structure for Napier Port and will consult the public on this.

HBRIC Ltd and Council will be bound by the provisions of the Port Companies Act 1988 in respect of the shareholding in Napier Port.

5. Corporate Governance

This section gives readers an overview of the company's main corporate governance policies, practices and processes adopted or followed by the HBRIC Ltd Board.

Role of the Board of Directors

The Board of Directors is responsible to Council for the direction and control of HBRIC Ltd's activities. The Board is to guide and monitor the business and affairs of HBRIC Ltd in accordance with its mission and objectives as set out in this Statement of Intent.

The Chief Executive has been delegated responsibility for the day to day management of the company, assisted by staff as required. HBRIC Ltd may make use of external advisers from time to time.

All directors are required to comply with a formal Code of Conduct, which is based on the New Zealand Institute of Directors' Principles of Best Practice.

Following a biennial Board and Director evaluation of skills and competencies required for the Board of HBRIC Ltd, the Chairman will report to Council on the results of each evaluation.

Responsibility to Shareholder

Statement of Intent

In accordance with the Local Government Act 2002, each year by 1 March HBRIC Ltd will submit a draft Statement of Intent for the ensuing year to Council for its consideration. The SoI sets out HBRIC Ltd's overall objectives, intentions and financial and performance targets. Having considered any comments on the SoI by Council, the final operative Statement of Intent is then delivered to Council (as shareholder) for its approval on or before 30 June each year.

Board Composition and Fees

Appointments to the HBRIC Ltd board are made directly by Council.

Fees for the HBRIC Ltd Board will be set triennially in accordance with Council policy. HBRIC Ltd will effect an appropriate directors' and officers' liability insurance cover at the expense of HBRIC Ltd.

The Board generally meets at monthly intervals, and more often when required.

Expense Reimbursement

HBRIC Ltd will reimburse Council for the ongoing cost of management, accounting and administrative services incurred by Council in providing these

services to HBRIC Ltd. HBRIC Ltd will also reimburse Council for specialist advisory, technical and management services it provides to HBRIC Ltd for particular investments. Other services will be contracted between Council and HBRIC Ltd for other investment management and operation as required.

Subsidiary Companies

All subsidiary companies are required to submit an annual Statement of Intent to HBRIC Ltd, which will evaluate them and suggest changes as considered necessary, before finalisation by the company concerned. In the event of a new subsidiary company being established the first statement of Intent of the subsidiary company will be referred to the Council for comment. Subsequently, if any material changes are proposed by subsidiaries, HBRIC Ltd will consult with Council on such changes.

Representatives of the subsidiary board and management will meet with HBRIC Ltd at least twice each year, to discuss the company's strategic direction and any significant issues that arise. The Board also receives such other reports as are necessary to perform its monitoring function. However, HBRIC Ltd does not involve itself in the operational management of the subsidiary companies.

Board appointments

All directors of subsidiary companies (and associate companies, if any) are selected through an open, professionally managed process, for their commercial expertise and aptitude in accordance with Council's Appointments Policy, and approved by Council.

Financial results

Directors receive and review parent company financial and other reports monthly, and provide formal group and parent company financial statements to the shareholder twice annually – for the half year to 31 December and for the year ended 30 June.

Joint Ventures

Joint ventures not established as company entities will adhere to the reporting requirements specified for subsidiary companies above.

6. Ratio of Shareholders' Funds to Total Assets¹

The forecast ratio of shareholders' funds to total assets, and capital structure for the next three years is:

Table 1

Parent Company	Opening 17/18	18/19	19/20	20/21
Shareholder's funds/total assets	>90%	>90%	>90%	>90%
Net debt (\$000)	6,000	6,000	6,000	6,000
Shareholders' funds (\$000)*	240,000	240,000	240,000	240,000

* No assumptions for Napier Port future capital structure included.

7. Performance Targets and Measures

Financial

The key performance targets of HBRIC Ltd are to achieve or better the financial results set out in the tables below.

Table 2

HBRIC Ltd Parent			
PERFORMANCE TARGETS			
Performance Indicator	2018/19 Target	2019/20 Target	2020/21 Target
Net debt to net debt plus Equity	<10%	<10%	<10%
Interest cover (EBIT/Interest Paid)	>3x	>3x	>3x
EBITDA/Total Assets	3%	3%	3%
Return on Shareholders' Funds	3%	3%	3%
Ordinary Dividends	\$7.0m-\$10m	TBA	TBA
Notes: EBIT = Earnings Before Interest and Tax EBITDA = Earnings Before Interest, Tax, Depreciation and Amortisation TBA – to be advised			

¹ Shareholders' funds are defined as the sum of paid up capital, capital reserves and revenue reserves of the parent company. Total assets are defined as the total book value of all assets of the parent company as disclosed in the statement of financial position.

Table 3

Consolidated			
PERFORMANCE TARGETS			
Performance Indicator	2018/19 Target	2019/20 Target	2020/21 Target
Net debt to net debt plus Equity	<40%	<40%	<40%
Interest cover (EBIT/Interest Paid)	>3x	>3x	>3x
EBITDA/Total Assets	9%	9%	9%
Return on Shareholders' Funds	5%	5%	5%
Notes: EBIT = Earnings Before Interest and Tax EBITDA = Earnings Before Interest, Tax, Depreciation and Amortisation			

Distributions to Shareholder

HBRIC Ltd will pay dividends to the shareholder after taking into account its profitability, future investment and cash management requirements. The dividends payable to the shareholder will be determined by the Board after consideration of the company's funding requirements and the requirement to meet the solvency test under the provisions of the Companies Act 1993. Dividends are forecast to be paid in two instalments in December and June of each financial year.

In addition, HBRIC Ltd may make distributions of capital reserves and/or repurchase its shares from Council, as agreed between Council and HBRIC Ltd from time to time.

Other Performance Measures

In addition to the financial performance measures, the HBRIC Ltd Board will use the following measures to assess its performance over the 2016/17 financial year.

Governance

Objective	Performance target
1. HBRIC Ltd maintains a strategic direction that is consistent with that of 100% shareholder Hawke's Bay Regional Council (Council).	HBRIC Ltd develops and maintains appropriate communication lines with Council to ensure HBRIC Ltd remains aware of Council's strategic priorities. By 1 March each year (unless otherwise agreed), HBRIC Ltd will submit a draft SoI for the forthcoming year for review and approval by Council.

Objective	Performance target
2. HBRIC Ltd keeps Council informed of all significant matters relating to HBRIC Ltd and its subsidiaries, within the constraints of commercial sensitivity.	<p>HBRIC Ltd submits quarterly written reports to Council in the financial year and presents seminars to Councillors when appropriate.</p> <p>Major matters of urgency are reported to Council at the earliest opportunity.</p>
3. Corporate governance procedures are appropriate, documented and reflect best practice.	The company's policies will be developed and reviewed in accordance with a schedule approved by the Board, and the company will work with and assist Council to ensure that there is alignment between Council and company policies.
4. Directors make an effective contribution to the HBRIC Ltd board, and their conduct is in accordance with generally accepted standards.	<p>The Board will conduct a formal biennial performance evaluation for each HBRIC Ltd director.</p> <p>The Governance committee will review the training needs of individual HBRIC Ltd directors, and ensure training is provided where required.</p>
5. HBRIC Ltd's process for the selection and appointment of directors to the boards of subsidiary and monitored companies is rigorous and impartial.	The process followed for each appointment to a subsidiary or monitored company board is transparent, fully documented and in line with Council's approved policies and procedures.
6. Subsidiary companies complete, on a timely basis, Statements of Intent that meet best practice standards.	<p>HBRIC Ltd will engage with subsidiary companies prior to the SoI round in each year regarding the structure and content of their SoIs.</p> <p>In each year, subsidiary companies submit draft Statements of Intent to HBRIC Ltd in sufficient time for HBRIC Ltd to submit a Final SOI by 30 June</p> <p>HBRIC Ltd will review Statements of Intent and respond to the subsidiaries and make recommendations to Council, including on any material changes that are proposed, within six weeks of receipt.</p>

Objective	Performance target
<p>7. Subsidiary companies that are CCTOs comply with the Local Government Act's requirements that their principal objectives be:</p> <ul style="list-style-type: none"> • achieving the objectives of its shareholders as set out in the SoI; • being a good employer; • exhibiting a sense of social and environmental responsibility; and • conducting their affairs in accordance with sound business practice. 	<p>HBRIC Ltd will review the companies' performance in the context of these statutorily required objectives.</p>

Item 6

Attachment 2

Group strategic, financial and sustainability objectives

Objective	Performance target
1. Subsidiary companies adopt strategies that are compatible with the strategic direction of HBRIC Ltd and Council.	HBRIC Ltd will engage with subsidiary companies prior to the 2018 SoI round regarding key shareholder strategies and, subsequently, review their SoI's for compatibility with those strategies.
2. Subsidiary companies adopt strategies that contribute to regional growth.	HBRIC Ltd will encourage subsidiary companies to seek opportunities that are both commercially sound and are capable of enhancing regional growth, and actively engage them with regard to specific opportunities that may arise.

Parent company financial objectives

Objective	Performance target
1. HBRIC Ltd financial and distribution performance meets the shareholder's expectations.	HBRIC Ltd pays a dividend for the 2019 financial year that meets or exceeds the forecast dividend, and achieves the other budgeted key performance measures set out in section 7.
3. HBRIC Ltd's investments provide an appropriate return in relation to their business risk, and against external benchmarks.	HBRIC Ltd will periodically review the performance of subsidiary companies and other investments against external benchmarks, and assess the value of the investment in the individual company in relation to its inherent business risk and community benefits.

8. HBRIC Ltd to be Periodically Valued

Council and HBRIC Ltd will undertake an independent assessment of the market value of the HBRIC Ltd group as at 30 June 2019, and thereafter on 30 June at three yearly intervals.

HBRIC Ltd will monitor its own market value at 30 June in each financial year by undertaking an internal assessment of its ongoing capital value (including valuation of subsidiaries and associates). This will be used to assist management of capital, debt and revenue and expenditure streams to achieve the returns set out in Section 7 of this Statement of Intent.

9. Reporting and Information to be Provided by HBRIC Ltd

Statutory information requirements

The company will provide an annual Statement of Intent in accordance with Section 64(1) of the Local Government Act 2002. The directors will include any other information they consider appropriate. Where appropriate, revised forecasts will be submitted to the shareholder.

HBRIC Ltd will submit an annual report to the shareholder. The annual report will include audited financial statements and such other details as are necessary to permit an informed assessment of the company's performance and financial position during the reporting period, and to comply with the requirements of the Companies Act and Financial Reporting Act.

The company will also prepare unaudited interim group and parent company financial statements to 31 December, and a review of the period, that comply with NZ IAS 34 "Interim Financial Reporting" by 28 February in each financial year.

Other information to meet the needs of Council

The company will provide regular reports to Council on its activities and the results of its subsidiary companies. It will operate on a "no surprises" basis in respect of significant shareholder-related matters, to the fullest extent possible in the context of commercial sensitivity and confidentiality agreements.

10. Acquisition/Divestment Policy

HBRIC Ltd will comply with Council's Investment Policy as set out in the Long Term Plan 2015-25 for acquisitions and divestments.

HBRIC Ltd will periodically review its investments to ensure that continued ownership represents the best option for HBRIC Ltd and Council, and will consult with Council prior to any divestment or major restructuring of a subsidiary company.

11. Activities for Which Compensation is Sought From Any Local Authority

Currently there are no activities for which compensation will be sought from any local authority.

12. Commercial Value of Shareholder's Investment

The Council's investment in HBRIC Ltd as at 30 June 2015 was independently valued at \$235.2 million.

13. Accounting Policies

HBRIC Ltd will adopt accounting policies that are consistent with New Zealand International Financial Reporting Standards, generally accepted accounting practice and the policies adopted by the Hawke's Bay Regional Council group.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Item 7

Subject: RECOMMENDATIONS FROM THE REGIONAL PLANNING COMMITTEE

Reason for Report

1. The following matters were considered by the Regional Planning Committee meeting on 2 May 2018 and are now presented for Council's consideration and approval.

Reports Received

2. **Hawke's Bay Regional Planning Committee Terms of Reference for Adoption** provided a marked-up revision of the Terms of Reference to the Committee for approval, subject to some matters being deferred until after the first statutory review of the performance of the Regional Planning Committee.
3. **HB RPC Act 2015, Schedule S.10(2)(A) Review** provided the scope and processes for the review to be undertaken by appointing bodies.
4. **TANK Plan Change Pathways Part 2** highlighted the intended 'next steps' in preparing and delivering the TANK plan change to the RPC, following on from Item 11 '*Pathway to draft TANK Plan Change Adoption by RPC*' presented 21 March 2018; and recommended a process for how the TANK Group's recommendations might be conveyed to the RPC.
5. **RMA Planning Projects update and RRMP Effectiveness Review follow-up** provided an outline and update of the Council's various resource management projects currently underway as well as a brief follow-up in relation to the timetabling of Regional Resource Management Plan (RRMP) effectiveness review reporting actions arising from the Committee's meeting on 21 March 2018.
6. **May 2018 Statutory Advocacy Update** reported on proposals forwarded to the Regional Council and assessed by staff acting under delegated authority as part of the Council's Statutory Advocacy project.

Decision Making Process

7. These matters have all been specifically considered at the Committee level.

Recommendations

The Regional Planning Committee recommends that Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.

List of Candidate Outstanding Water Bodies in Hawke's Bay – Cultural and Spiritual Value Set

2. Agrees that the following list of candidate outstanding water bodies will be subject to a secondary analysis for the cultural and spiritual value set for potential incorporation in the outstanding water body plan change:
 - 2.1. Te Whanganui ā Orotu (Ahuriri Estuary)
 - 2.2. Porangahau River
 - 2.3. Upper Mōhaka River
 - 2.4. Karamu River
 - 2.5. Lake Waikaremoana
 - 2.6. Lake Waikareiti

- 2.7. Ngaruroro River
- 2.8. Taruarau River
- 2.9. Ruakituri River
- 2.10. Lake Whakakī
- 2.11. Mangahauanga Stream
- 2.12. Wairoa River
- 2.13. Heretaunga aquifer
- 2.14. Ruataniwha aquifer
- 2.15. Lake Whatuma
- 2.16. Tukituki River
- 2.17. Waipawa River
- 2.18. Lake Tūtira (including Papakiri and Waikōau/Arapawani streams)
- 2.19. Makirikiri River
- 2.20. Waipunga River
- 2.21. Aropaoanui River.

Reports Received

3. Notes that the following reports were provided to the Regional Planning Committee.
 - 3.1. **Hawke's Bay Regional Planning Committee Terms of Reference for Adoption**
(Resolved: That the item is left to lie on the table, for referral of a version with minor technical amendments agreed by the Co-Chairs and Deputy Co-Chairs to a workshop session for all Committee members to attend.)
 - 3.2. HB RPC Act 2015, Schedule S.10(2)(A) Review *(resolved: Confirms, subject to amendments made at the meeting, the letter from the RPC Co-Chairs to the tangata whenua appointing bodies seeking their written feedback on the performance of the Regional Planning Committee; and Notes the timeline for feedback during the review process, with the next item on the review to be brought to the Regional Planning Committee meeting on 1 August 2018.)*
 - 3.3. TANK Plan Change Pathways Part 2 *(resolved: 1. Receives and notes the “**TANK Plan Change Pathways Part 2**” staff report, particularly: formal handover of the Draft Plan Change from TANK members to RPC; and attendance at two workshops and a field trip to become familiar with the key components of the Draft Plan Change (prior to consideration of the content); and 2. Recognises the option to refer matters back to the TANK Group for further advice/recommendation prior to recommending a TANK plan change to Council for public notification as a proposed plan.)*
 - 3.4. Dr Anthony Cole Presentation - Economic Theory and Accounting methods to support the goal of Māori Cultural survival
 - 3.5. RMA Planning Projects update and RRMP Effectiveness Review follow-up
 - 3.6. May 2018 Statutory Advocacy Update

Authored by:

Leeanne Hooper
GOVERNANCE MANAGER

Approved by:

Liz Lambert
GROUP MANAGER
EXTERNAL RELATIONS

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Item 8

Subject: AFFIXING OF COMMON SEAL

Reason for Report

1. The Common Seal of the Council has been affixed to the following documents and signed by the Chairman or Deputy Chairman and Chief Executive or a Group Manager.

		Seal No.	Date
1.1	Leasehold Land Sales		
1.1.1	Lot 1 DP 17786 CT K3/58 - Transfer	4219	20 April 2018
1.1.2	Lot 94 DP 10121 CT C3/1182 - Transfer	4220	1 May 2018
1.1.3	Lot 36 DP 10632 CT B3/801 - Agreement for Sale and Purchase - Transfer	4221 4222	1 May 2018 1 May 2018
1.1.4	Lot 52 DP 13039 CT E2/122 - Agreement for Sale and Purchase	4225	14 May 2018
1.1.5	Lot 54 DP 12226 CT D2/159 - Agreement for Sale and Purchase - Transfer	4226 4228	14 May 2018 22 May 2018
1.1.6	Lot 155 DP 6598 CT C2/356 - Agreement for Sale and Purchase	4227	16 May 2018
1.2	1.2.1 J. Barber <i>(Delegations under Resource Management Act 1991; Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908 and Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4224	8 May 2018
	1.2.2 R. Makin J. Barber <i>(Delegations under Soil Conservation and Rivers Control Act 1941; Land Drainage Act 1908; Civil Defence Act 1983 (s.60-64); Civil Defence Emergency Management Act 2002 (s.86-91) and Local Government Act 2002 (s.174))</i>	4223 4224	1 May 2018 8 May 2018

2. As a result of sales, the current numbers of Leasehold properties owned by Council are:
 - 2.1. 2 cross lease properties were sold, with 81 remaining on Council's books
 - 2.2. 2 single leasehold properties were sold, with 121 remaining on Council's books.

Decision Making Process

3. Council is required to make every decision in accordance with the provisions of Sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (the Act). Staff have assessed the requirements contained within these sections of the Act in relation to this item and have concluded the following:
 - 3.1 Sections 97 and 88 of the Act do not apply
 - 3.2 Council can exercise its discretion under Section 79(1)(a) and 82(3) of the Act and make a decision on this issue without conferring directly with the community or others due to the nature and significance of the issue to be considered and decided
 - 3.3 That the decision to apply the Common Seal reflects previous policy or other decisions of Council which (where applicable) will have been subject to the Act's required decision making process.

Recommendations

That Council:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy that Council can exercise its discretion and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. Confirms the action to affix the Common Seal.

Authored by:

Trudy Kilkolly
FINANCIAL ACCOUNTANT

Diane Wisely
EXECUTIVE ASSISTANT

Approved by:

Jessica Ellerm
GROUP MANAGER
CORPORATE SERVICES

James Palmer
CHIEF EXECUTIVE

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Item 9

Subject: 2018 NAVIGATION AND SAFETY BYLAW

Reason for Report

1. To provide Council with the Bylaw as approved by Maritime New Zealand (MNZ).

Background

2. Council adopted the Bylaw for referral to MNZ at its meeting on 28 February 2018; resolving:
 - 2.1. Adopts the 2018 Navigational Safety Bylaw for lodging with Maritime New Zealand for final approval.

Maritime NZ Review and Approval

3. Following Council adoption, the Bylaw was referred to MNZ for their perusal and comment.
4. The document returned from MNZ included a note advising that the Maritime Transport Act 1994 had been amended in December 2017, to include clauses which would more clearly help Council accommodate Rocket Lab's requirements for reserved areas around the Mahia Peninsula; specifically, clauses 1A and 1B were added to part 33M of the Navigation Bylaws. With these as a guide, clause 3.8.2 has been added to the Bylaw (attached) on page 26.
5. The remainder of the Bylaw is unaltered.
6. MNZ approval was granted for the final publication to include the additional clause, and so the amended 2018 Bylaw does not need to be returned to MNZ for further approval.

Decision Making Process

7. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Hawke's Bay Regional Council receives and notes the ***"2018 Navigation and Safety Bylaw"*** staff report.

Authored by:

Martin Moore
HARBOURMASTER

Approved by:

Liz Lambert
GROUP MANAGER EXTERNAL
RELATIONS

Attachment/s

- [!\[\]\(a6f52c7dda3cd80477c916a910953b4b_img.jpg\) 1](#) 2018 Navigation and Safety Bylaw

Hawke's Bay Navigation Safety Bylaw

2018 Review Draft

Item 9

Attachment 1

Chapters	Page
1.0 – 1.4 Preliminary Provisions , including purpose, and definition of terms	1
2.0 – 2.17 General Matters including lifejackets, identification of vessels, navigation signals, communication, safety around wharves and ramps, registration of personal watercraft,	10
3.0 – 3.15 Operating Requirements including speed of vessels, water skiing and towing, access lanes, reserved areas, collision prevention, dive operations	21
4.0 – 4.7 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials	28
5.0 – 5.4 Administrative Matters including licensing of hire vessels, authority to issue infringement notices and table of infringement fees.	31
Schedules 1 – 3. including maps of coastal reserve areas and inland reserve areas.	39

Hawke's Bay Navigation Safety Bylaw 2018

1. PRELIMINARY PROVISIONS

1.1 TITLE AND COMMENCEMENT

This bylaw may be cited as the Hawke's Bay Regional Council Navigation and Safety Bylaw 2018. This bylaw shall come into force on (date to be finalised)

1.2 PURPOSE

1.2.1 The purpose of this bylaw is to:

- a) regulate the control and use or management of vessels;
- b) regulate the placing and maintenance of moorings and maritime facilities;
- c) prevent nuisances arising from the use of vessels;
- d) prevent nuisances arising from the actions of persons and things on or in the water;
- e) reserve the use of any waters for specified persons or vessels;
- f) in relation to any sporting event, training activity, ceremonial or other authorised customary event -
 - i) prohibit or regulate the use of vessels;
 - ii) regulate, or authorise the organisers of an event to regulate the admission of persons to specified areas.
- g) regulate and control the use of anchorages;
- h) specify requirements for the carriage and use of personal floatation devices and buoyancy aids on recreational vessels;
- i) require the marking and identification of personal watercraft.

1.3 REVOCATION

The Hawke's Bay Regional Council Navigation Safety Bylaws 2012 are hereby revoked.

1.4 ENABLING ENACTMENT

This bylaw is made pursuant to Maritime Transport Act 1994 and any subsequent amendments.



1.5 AREAS WITHIN WHICH THIS BYLAW APPLIES

This Bylaw applies to all the waters within the Hawke's Bay Regional Council boundary as shown in Figure 1, except:

- Lake Waikaremoana
- Lake Waikareiti

Figure 1

1.6 DEFINITION OF TERMS

Access Lane	means an area designated as an access lane in Schedule 1 of this Bylaw
Accident	has the same meaning as set out in the Marine Transport Act 1994
Act	means the Maritime Transport Act 1994 and subsequent amendments.
Aid to Navigation	includes <ol style="list-style-type: none"> any lightship and any floating or other light exhibited for the guidance of ships. any description of fog signal not carried on a vessel. all marks and signs in aid of marine navigation. any electronic, radio, or other aid of marine navigation not carried on board any ship.
Aircraft	has the same meaning as in the Civil Aviation Act 1990.
Anchorage	in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the council or not.
Anchoring	means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device that is normally removed with the vessel when it leaves the site or anchorage.
Beacon	means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.
Bunkering	means the transfer of fuel from a wharf to a vessel.
Buoy	means a float secured to the seabed serving as a navigational or location mark, or to indicate reefs, or other hazards or a mooring.
Buoyancy Aid	see Personal Flotation Device.
Class 3 Packaging Group 1 Oil products	means oil having an initial boiling point less than or equal to 35° Celsius.
Class 3 Packaging Group 2 Oil products	means oil having a flashpoint of less than 23° Celsius and an initial boiling point greater than 35° Celsius.
Class 3 Packaging Group 3 Oil products	means oil having a flashpoint equal to or greater than 23° Celsius up to and including 61° Celsius and an initial boiling point greater than 35° Celsius.
Coastal Marine Area	means the foreshore, seabed, and coastal water, and the airspace above the water; <ol style="list-style-type: none"> of which the seaward boundary is the outer limits of the territorial sea.

- b) of which the landward boundary is the line of Mean Low Water Springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
 - i) one kilometre upstream from the mouth of the river, or;
 - ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

Commercial Vessel means a vessel that is not:

- a) a pleasure craft, or;
- b) solely powered manually, or;
- c) solely powered by sail.

Council means the Hawke's Bay Regional Council (HBRC).

Craft has the same meaning as ship.

Crew means the persons employed or engaged in any capacity on board a vessel, but does not include the Master / Skipper, a pilot, or a person temporarily employed on the vessel while in port.

Director means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

Emergency Response Craft any vessel approved by the Harbourmaster for use in, emergency response and includes Police, Customs, Harbourmaster, Naval and Port Company vessels.

Enforcement Officer means a person appointed as an enforcement officer under section 33G of the Act.

Explosive means any substance, mixture, or combination of substances, which in its normal state is capable, either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect. Substances included within this definition can be more fully found in the Hazardous Substances and New Organism Act 1996.

Flag A means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm x 600mm.

Flag B means flag B of the international code of signals, a burgee (swallow-tailed) flag coloured in red, or a rigid replica, of not less than 600mm x 600mm.

Foreshore means any land covered and uncovered by the flow and ebb of the tide at mean springs and, in relation to any such land that forms part of the bed of a river, but does not include any area that is not part of the coastal marine area.

Gross Tonnage	means the volume of the entire vessel's enclosed spaces (from keel to funnel) measured to the outside of the hull framing.
Harbourmaster	is the person(s) appointed by the Council as Harbourmaster to exercise authority under this Bylaw and all relevant associated legislation; and includes any deputy of a Harbourmaster.
HBRC	means Hawke's Bay Regional Council
Honorary Enforcement Officer	means a person appointed as an Honorary Enforcement Officer under section 33G of the Act.
Incident	means any occurrence, other than an accident that is associated with the operation of a vessel and affects or could affect the safety of the operation.
Infringement Offence	means a breach of a navigation Bylaw that is specified in regulations made under this Bylaw.
Infringement Fees	means a fee imposed for breaches of this navigation bylaw.
Impede the Passage	means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed, or stop, or to prepare to do so when she would have otherwise not done so.
Jet Ski	means a power driven vessel that: <ul style="list-style-type: none"> a) has a fully enclosed hull, and; b) does not take on water if capsized, and; c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not sitting in it.
Kiteboarding	(also known as kite surfing) means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard.
Length	means length overall, which, in relation to a vessel means the distance from the foremost part of the stem, not including any bow sprit or similar fitting to the aftermost part of the transom.
Lifejacket	see Personal Flotation Device.
Maritime Rules	means Maritime Rules made under Part 4 of the Maritime Transport Act 1994.
Master	means any person having command or charge of a vessel, but does not include a pilot who is piloting a vessel.
Moor	means: <ul style="list-style-type: none"> a) the securing of any vessel alongside a wharf or jetty; and b) the securing of any vessel to a mooring or anchor.
Mooring	means:

- a) any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and
- b) includes any wire, rope, chain, buoy, or other device attached or connected to the weight;
- c) but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

Mooring Area means the area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage.

Nautical Chart a map of a sea area showing on it any coastlines, rocks and dangers to vessels etc., within the area covered and also showing the positions of aids to navigation and other prominent features.

Navigable Waters any waters whether coastal or inland which are able to be navigated; and includes harbours.

Navigate the act or process of managing or directing the course of a vessel on, through, over, or under the water.

NZS means a New Zealand Standard.

Obstruction an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel.

Oil petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994).

Owner has the same meaning as section 2 of the Maritime Transport Act 1994.

Paddle Craft means any ship, vessel or craft that is wholly propelled using paddles or oars or a combination of paddles and oars. This includes but is not limited to kayaks, canoes, dinghies, waka ama, and surf skis.

Personal Flotation Device any buoyancy aid capable of performing its intended function that is designed to be worn on the body and is certified by a recognised authority as meeting:

- a) NZS 5823:2005 or NZS 5823:2001, or NZS 5823:1989 or any subsequent NZ Standard, applicable to such buoyancy aids; or

- b) a national or international standard that the Director is satisfied substantially complies with NZS 5823:2005 or NZS 5823:2001 or NZS 5823:1989, or any subsequent NZ Standard applicable to such buoyancy aids.

Personal watercraft see Jet Ski.

Pilot in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship.

Pleasure Craft means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include:

- a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment or other establishment or business.
- b) a vessel that is used on any voyage of pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward.
- c) a vessel that is operated or provided by any club, incorporated society, trust or business.

Power driven vessel means any vessel propelled by machinery.

Proper Speed means speed through the water.

Public Notice means a notice in a newspaper circulating generally in the district or region to which the subject matter of the notice relates.

Recreational Craft means a vessel that is:

- a) a pleasure craft; or
- b) solely powered manually; or
- c) solely powered by sail.

Ramp means a structure that is used to launch a vessel.

Region means the Hawke's Bay Region by the Local Government (Hawke's Bay) Reorganisation Order 1989.

Reserved Area means any area defined as such under Schedules 1 and 2 (Location Specific Information) of this bylaw.

Reward means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.

River	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides.
River Mouth	means a straight line representing the continuation of the line of mean high water spring on each side of the river at the river outlet.
Sailboard	means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board.
Seaplane	means a flying boat or any other aircraft designed to manoeuvre on the water, and under Maritime Rule 22 is deemed a vessel when operating on the water.
Seaworthy	in relation to any vessel means being, in the opinion of the Harbourmaster, in a fit condition of readiness to safely undertake a voyage within its designed capabilities.
Ship	means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: <ul style="list-style-type: none"> a) a barge, lighter, or other like vessel; b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; c) a submarine or other submersible.
Shore	when referring to distance from shore, means distance from the water's edge.
Skipper	for the purpose of this Bylaw has the same meaning as Master.
Structure	means: <ul style="list-style-type: none"> a) any building, equipment, device, or other facility made by people and which is fixed to land or seabed; and b) Includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline of the foreshore; but c) does not include aids to navigation.
Sunrise	means the time of sunrise as stated in the New Zealand Nautical Almanac NZ204.
Sunset	means the time of sunset as stated in the New Zealand Nautical Almanac NZ204.
Support Vessel	means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.
Surfboard	means any type of board that is designed to be used for surf riding.

Surfriding	is defined as the water activity of a single person using a vessel propelled manually or with a paddle and designed to plane down or across the slope of a wave.
Tanker	means any vessel which: <ul style="list-style-type: none"> a) is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and b) either: <ul style="list-style-type: none"> i) has on board or is about to take on board a cargo the whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartment of which have not been rendered or certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances.
Unique Identification Number (UIN)	means a number or name or combination of numbers and letters that are assigned to a specific Jet Ski and may not be assigned to any other Jet Ski.
Underway	means that a vessel is not at anchor, or made fast to the shore, or aground.
Vessel	has the same meaning as ship.
Water-skiing	means being towed barefoot or on an object of any kind other than a vessel.
Wet Suit	means a close fitting rubber, neoprene or similar suit used by underwater divers, surfboard riders etc, to retain body heat.
Windsurfer	has the same meaning as sailboard.

2 GENERAL MATTERS

2.1 DUTIES AND OFFENCES

- 2.1.1 Compliance with this bylaw does not remove the duty to comply with the requirements of the Maritime Transport Act 1994.
- 2.1.2 The Harbourmaster may use its power under the Act, the Resource Management Act (including the Resource Management (Marine Pollution) Regulation's 1998) and other maritime rules to enforce this bylaw.
- 2.1.3 For the purpose of ensuring maritime safety or enforcing navigation bylaws and regulations, and rules under the Act relating to maritime safety:
- a) the Council may appoint enforcement officers and honorary enforcement officers.
 - b) enforcement officers, and police constables, may exercise the powers of a harbourmaster set out in section 33F (1)a), b), h) and i) of the Act.
 - c) enforcement officers, and police constables, may exercise the powers set out in section 33F (1)c) if authorised to do so by the Council.
 - d) honorary enforcement officers may exercise the powers set out in section 33F (1)g) and h) of the Act.
- 2.1.4 Every Master of a vessel is responsible for the safety and wellbeing of all people on board and for the safe operation of their vessel, and shall comply with the duties of a Master set out in section 19 of Act.
- 2.1.5 Every person commits an offence against this bylaw who:
- a) does not comply with the provisions of this bylaw;
 - b) prevents a harbourmaster, enforcement officer or an honorary enforcement officer from carrying out their statutory functions or duties under this bylaw;
 - c) refuses to give information in accordance with sections 178 and 245 of the Local Government Act 2002 or the Act when directed to do so by a harbourmaster, enforcement officer or an honorary enforcement officer or knowingly gives incorrect information; or
 - d) fails to comply with an instruction given to that person by a harbourmaster, an enforcement officer, honorary enforcement officer, or the Police.

2.1.6 Every person who:

- a) commits an infringement offence, set out in the regulations created under the Act is liable to an infringement fee prescribed in those regulations;
- b) breaches a provision of the bylaw commits an offence against the Act and will be liable under the Act;
- c) commits an offence against the Act will be liable under the Act;
- d) breaches a maritime rule which is included as an offence under the Act will be liable under the Act; and
- e) commits an offence against the Resource Management Act 1991 will be liable under the Resource Management Act 1991.

2.2 PERSONAL FLOTATION DEVICES

2.2.1 No person in charge of a recreational craft shall use it or allow it to be used unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.

2.2.2 Personal flotation devices must be worn at all times on all craft of 6 metres or less and all paddle craft when the craft is underway or preparing to become underway.

2.2.3 If instructed to do so by the Master, every person on board a vessel greater than 6 metres in length shall wear a properly secured personal flotation device of an appropriate size to securely fit each person.

2.2.4 Every Master of a vessel greater than 6 metres in length shall ensure that, every person on board wears a properly secured personal flotation device of an appropriate size to securely fit that person, whenever there is any risk to the safety of the people on board, including, circumstances such as tides, river flows, visibility, rough seas, adverse weather, during surf launching or recovery and any emergencies or other situations which may cause danger or a risk to the safety of any person on board the vessel.

2.2.5 Clause 2.2.1, 2.2.2 and 2.2.8 shall not apply to:

- a) any surfboard or similar unpowered craft; and
- b) any sailboarder, kite boarder or windsurfer, if a wetsuit is worn at all times; and

- c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body dive suit is worn at all times; and
- d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster under this bylaw(s), or the Director under Maritime Rule 91.4(3); and
- e) a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- f) any stand up paddle boarder, while physically involved in riding breaking waves, provided the paddle boarder is attached to the board by means of a leg rope.

2.2.6 The following approvals may be directed:

- a) the Harbourmaster may approve a sporting organisation for the purposes of clause 2.2.5d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
- b) the Director, under Maritime Rule 91.4(3), may approve a national sporting organisation for the purposes of clause 2.2.5d) if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

2.2.7 Subject to clause 2.2.8, clauses 2.2.1 and 2.2.2 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft, and the recreational craft or support vessel, or both, carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.

2.2.8 Clauses 2.2.1, 2.2.2 and 2.2.4 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbourmaster has granted an exemption in writing. A Harbourmaster may grant an exemption for a specified period if it is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

2.2.9 No person in charge of a vessel shall use it to tow any person and no person shall cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.

2.2.10 Clause 2.2.9 shall not apply to a person:

- a) training for any trick water-skiing element of a sporting event administered by a national sporting organisation approved under clause 2.2.6 or Maritime Rule 91.4(3); or
- b) participating in a sporting event that is administered by a national sporting organisation approved under clause 2.2.6 or Maritime Rule 91.4(3).

2.3 SWIMMING OR DIVING AROUND WHARVES

2.3.1 No person shall jump, dive, swim or undertake other related activities, from;

- a) any commercial jetty, wharf, or quay which is in regular use for the berthing and unberthing of vessels, or
- b) within 50 metres of the structures listed in 2.3.1 a), or
- c) within any designated anchorage or mooring area, or
- d) within any navigational channel; or
- e) any other such areas in the navigable waters of the region as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written consent of the Harbourmaster.

2.3.2 The Harbourmaster may consent subject to such conditions as the Harbourmaster considers appropriate in the interests of navigational safety.

2.4 USE OF VESSEL ENGINE AROUND WHARVES, RAMPS

2.4.1 No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp or boat trailer, in such a way that it may damage any property, scour the bed of the ramp or waterway, or injure any person. However, this sub-clause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

2.4.2 In addition to the requirements of clause 2.4.1, a Master of a commercial vessel in the Port of Napier Breakwater Harbour shall ensure that a crew member shall:

- a) be stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or testing a propulsion system; and

- b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.
- c) notify the Harbourmaster and Port of Napier Limited Breakwater Harbour Security prior to the engines being tested.

2.5 VESSELS WHICH ARE NOT SEAWORTHY

2.5.1 The Master and any owner of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigational safety.

2.5.2 If any vessel is a navigational hazard by reason of it not being seaworthy:

- a) the Harbourmaster or Enforcement Officer may give a direction to the Master, and/or owner of that ship to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
- b) where the Master, and/or owner of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster or the Enforcement Officer, the Harbourmaster or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to Council; and
- c) the Master, and/or owner and berth owner are jointly and severally responsible for ensuring the direction is complied with.

2.5.3 No person shall operate any vessel that is not seaworthy except to comply with the directions under this bylaw of the Harbourmaster to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.

2.6 SEAPLANES

2.6.1 No person navigating a vessel shall impede a seaplane in the process of landing or taking off.

2.6.2 No person shall take off, land or attempt to take off or land any seaplane or other aircraft, except in an emergency, in any area, other than areas reserved for that

purpose, without the prior written permission of the Harbourmaster. Written application must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.

2.7 VESSELS TO BE ADEQUATELY MOORED OR SECURED

- 2.7.1 No person shall anchor or moor a vessel in any navigable water in a manner that it may break free, drag anchor or cause a navigational safety hazard.
- 2.7.2 No person shall cut, break, unlawfully release or destroy:
 - a) the mooring or anchor of any vessel; or
 - b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- 2.7.3 The Owner or Master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely moored at all times and, if required by the Harbourmaster, maintain a person on board to keep a watch.
- 2.7.4 The Owner or Master of an unattended vessel berthed at West Quay or the Iron Pot, which is accessible to the public, must ensure the vessel's moorings are secured using a system acceptable to the Harbourmaster or Enforcement Officer, to prevent the release of mooring lines by unauthorised persons.
- 2.7.5 When a vessel is moored alongside a wharf or other landing place, the Owner or Master must ensure that an adequate and safe means of access for authorised persons to the vessel is provided, properly installed, secured and adjusted to suit all tidal conditions.

2.8 PROHIBITED AND RESTRICTED ANCHORAGES

- 2.8.1 Except in emergencies no person may anchor or moor any vessel within any prohibited anchorage.
- 2.8.2 No person shall anchor a vessel so as to:
 - a) obstruct the passage of other vessels or obstruct the approach to any commercial wharf, pier or jetty; or
 - b) create a hazard to other vessels at anchor; or
 - c) create a safety hazard for other recreational craft, swimmers or water users.
- 2.8.3 No person shall anchor any vessel in the shaded areas shown on maps 1.1, 1.2, 1.3, 1.5, 1.6, 1.7, 1.8 and 2.3 listed in Schedules 1 and 2 (Location Specific Information) without the prior permission of the Harbourmaster.

- 2.8.4 No person shall anchor any vessel, so as to impede the safe passage of any other vessel which cannot deviate from its course because of constraints of draft and/or manoeuvrability.
- 2.8.5 Clause 2.8.3 shall not apply to dinghy sailing support vessels when temporarily anchored between Pandora Bridge and Napier City Council's Meeanee Quay Pier 1.

2.9 OBSTRUCTIONS

- 2.9.1 No person shall obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel or mooring without the prior written permission of the Harbourmaster.
- 2.9.2 No person shall place any obstruction, including any vessel, or fishing apparatus, in any waterway, that is liable to:
- a) restrict navigation; or
 - b) cause or have potential to cause, injury or death to any person; or
 - c) cause damage to any vessel or any property.
- 2.9.3 No person shall leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.
- 2.9.4 Any obstructions placed in contravention of sub clauses 2.9.2 or 2.9.3 may be removed by a Harbourmaster or Enforcement Officer and may subsequently be disposed of or sold, with any monies obtained kept to defer expenses.

2.10 LIABILITY OF HBRC

- 2.10.1 Hawke's Bay Regional Council is not liable for:
- a) any damage to a vessel which has not been securely moored;
 - b) any damage to a vessel tied to a mooring whether the damage is caused by a third party, a storm, natural disaster or adverse event, natural processes or by any other cause.
 - c) any damage to a vessel that the Harbourmaster secures or removes under this bylaw.

2.11 NOTIFICATION OF COLLISIONS OR ACCIDENTS

- 2.11.1 The Master of any vessel must within 48 hours provide to the Harbourmaster a full written report if that vessel has:

- a) been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
- b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- c) in any manner gives rise to an obstruction; or
- d) causes any damage to any navigation aid or structure or to anything on the structure.

2.11.2 The Master must also comply with any accident reporting requirements of the Act.

2.11.3 A report under clause 2.11.1 must include:

- a) a full description of any injury to persons and their names and their addresses; and
- b) a full description of any damage to vessels or structures; and
- c) the name(s) and address(es) of person(s) in charge of the vessel
- d) time and date of the occurrence; and
- e) an outline of the events relating to the occurrence.

2.11.4 If an incident described in clause 2.11.2 involves damage to a vessel that affects or is likely to affect its seaworthiness, the Master may not move the vessel except:

- a) to clear the main navigational channel or to moor or anchor in safety; or
- b) in accordance with the directions of the Harbourmaster.

2.11.5 Except for a collision causing a person to be seriously harmed (as defined in the Act), clauses 2.11.1 to 2.11.3 shall not apply to:

- a) A vessel participating in sail training, coaching or racing administered by:
 - i) a club affiliated to Yachting New Zealand; or
 - ii) a non-profit organisation involved in sail training, coaching or racing; or
- b) a craft training for or participating in competitive rowing or paddling.

2.12 AIDS TO NAVIGATION

2.12.1 No person shall secure their vessel to any aid to navigation without the prior permission of the Harbourmaster.

- 2.12.2 No person shall damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster as an aid to navigation, or warning.
- 2.12.3 No person shall tie a vessel to any aid to navigation without the written permission of;
- a) the Harbourmaster if the aid to navigation is operated by a local authority or port company; or
 - b) the Director if the aid to navigation is operated by Maritime New Zealand.
- 2.12.4 No person shall erect, maintain or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbourmaster and Director.

2.13 SOUND AND LIGHT SIGNALS

- 2.13.1 No person shall fit or use any flashing lights, sirens or other sound or light signals not prescribed in a maritime rule for that vessel, without the written permission of the Harbourmaster.
- 2.13.2 The use of blue flashing lights and/or sirens is restricted to Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster
- 2.13.3 The use of purple flashing lights is for the use of an emergency response craft, authorised by the Harbourmaster, to identify itself to a vessel or aircraft involved in a response.
- 2.13.4 A vessel authorised to use purple flashing lights by the Harbourmaster shall only display them when:
- a) the use is required to assist the location of a vessel or person in need of assistance; or
 - b) the use is required to assist the identification of the vessel to an aircraft involved in an incident.
- 2.13.5 The lights may not be used when travelling to, from or during an incident, and imply no status or privilege to that vessel. Any vessel so authorised by this clause must observe speed limits set in clause 3.2 at all times.
- 2.13.6 No person may blow or sound the whistle, siren or horn of a vessel unless it is being used as a navigation safety signal or for the testing of equipment.
- 2.13.7 Sub-clause 2.13.6 shall not apply to horns, whistles or sirens used for the purposes of a sporting event, or a celebration event, provided they are used in locations where there will be no confusion to any other person about the navigation safety signal being sent.

2.14 MEANS OF COMMUNICATION

2.14.1 Every Master navigating outside the landward boundary of the Coastal Marine Area shall carry on board their vessel at least one means of communications that:

- a) has the ability to communicate with a land based person from any area where the vessel is intended to be operated;
- b) has sufficient coverage and power to operate for the actual duration of the voyage; and
- c) if the vessel is 6 metres or less in length, is either waterproof or is carried in a waterproof bag or container.

2.15 VISIBILITY OF KAYAKS AND PADDLE CRAFT

2.15.1 Every person operating a kayak or paddle craft of less than 7 metres shall use one of the following methods to enhance its visibility to other vessels.

By day

- Using brightly coloured paddles
- Ensuring that the kayak or paddle craft is brightly coloured.
- Wearing a brightly coloured PFD or paddle jacket;
- Exhibiting a brightly coloured flag on a small mast.

At night

- Showing an all-round white light or flashing white light that is visible in all directions for a minimum of 100 metres.

2.15.2 Sub-clause 2.15.1 shall not apply to a tender used solely for accessing a moored vessel where access does not cross a main channel as shown on Map 1.5.

2.16 IDENTIFICATION OF VESSELS

2.16.1 The Master and owner of a vessel, which includes a jet ski shall ensure the vessel is marked with its name or similar identifying marks. This shall be displayed on each side of the vessel's hull or sail. The number or name shall be a minimum height of 90 millimetres and each character shall be legible.

2.16.2 Clause 2.16.1 shall not apply to non-mechanically powered vessels of less than 6 metres in length. Such vessels should be marked with a number or name, or the owners name or contact details somewhere on the vessel's hull.

2.16.3 Clause 2.16.1 shall not apply to:

- a) A vessel participating in sail training, coaching or racing administered by:
 - i) a club affiliated to Yachting New Zealand; or
 - ii) a non-profit organisation involved in sail training, coaching or racing; or
- b) a craft training for or participating in competitive rowing or paddling.

2.17 REGISTRATION OF PERSONAL WATERCRAFT

2.17.1 Every personal watercraft used in or on the water must be registered with:

- (a) the Hawke's Bay Regional Harbourmaster: or
- (b) any other regional council that also registers personal watercraft.

2.17.2 The registration must be completed to the satisfaction of the Hawke's Bay Regional Harbourmaster and include:

- (a) at least the name and address of the owner; and
- (b) the identification details of the personal watercraft, including the unique identification number.

2.17.3 If the ownership of a personal watercraft registered with the Harbourmaster changes, the new owner may not use the personal watercraft or allow it to be used on the water until notice of the change of ownership is given to the Harbourmaster or any agent authorised to accept changes of ownership on behalf of the Harbourmaster. An online form for registration and change of ownership can be obtained at:

<https://at.govt.nz/about-us/harbourmaster/jetskis-personal-watercraft/registering-a-jetski-or-personal-watercraft/>

2.17.4 The owner of the personal watercraft must ensure that the personal watercraft's registration number is:

- (a) displayed on both sides of the personal watercraft above the waterline; and
- (b) clearly legible; and
- (c) displayed using characters at least 90 mm in height.

3. OPERATING REQUIREMENTS

3.1 MINIMUM AGE FOR OPERATING POWERED VESSELS

- 3.1.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.3.
- 3.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 3.1.3 Clause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Harbourmaster issued in accordance with a navigation bylaw, or by the Director under Maritime Rule 91.5(4).
- 3.1.4 The Harbourmaster may issue an exemption in accordance with these bylaws that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person:
- (a) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (b) is aware of relevant navigation safety rules and navigation bylaws; and
 - (c) will be under adequate supervision during the proposed activity or activities.

3.2 SPEED OF VESSELS

- 3.2.1 No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
- a) within 50 metres of any other vessel, raft, 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 demarcating that distance from the shore or structure; or
 - c) within 200 metres of any vessel, structure or raft that is flying Flag A of the International Code of Signals (diver's flag).

- 3.2.2 No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3.2.3 No person shall cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in Clause 3.2.1 of this bylaw.
- 3.2.4 No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken adequate measures to ensure that the dropped ski or similar object is clearly visible to other water users.
- 3.2.5 Clause 3.2.1 a) shall not apply to:
- a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - b) a vessel participating in sail training, coaching or racing administered by;
 - i) a club affiliated to Yachting New Zealand; or
 - ii) a non-profit organisation involved in sail training, coaching, or racing; or
 - c) a craft training for or participating in competitive rowing or paddling; or
 - d) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
 - e) a vessel operating in accordance with a speed uplifting established under-
 - i) Schedules 1 and 2 (Location Specific Information) of these bylaws.
 - ii) Clauses 3.5, 3.8 or 3.9 of these bylaws.
- 3.2.6 Clause 3.2.1. b) shall not apply to:
- a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared;
 - b) a vessel operating in accordance with a speed uplifting established under
 - i) Schedules 1 and 2 (Location Specific Information) of these bylaws.
 - ii) Clause 3.5, 3.8 or 3.9 of these bylaws

- c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- d) a craft training for or participating in competitive rowing or paddling; or
- e) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

3.2.7 Notwithstanding sub-clauses 3.2.1– 3.2.5, every person who propels or navigates any vessel must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, persons or structures.

3.2.8 Clauses 3.2.1 and 3.2.2 shall not apply to a rescue craft operated by members of Surf Lifesaving New Zealand or Hawke's Bay Coastguard, while undertaking rescue operations or while it is being operated under supervision in accordance with an inflatable rescue boat training programme approved by the Director or a Coastguard training programme.

3.3 LOOKOUTS ON VESSEL USED FOR WATER SKIING AND TOWING

3.3.1 No person in charge of a vessel shall use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is -

- a) 10 years of age or older; and
- b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.3.2 No person shall cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is -

- a) 10 years of age or older; and
- b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.4 WATER SKIING OR TOWING BETWEEN SUNSET AND SUNRISE

3.4.1 No person shall operate, between sunset and sunrise, a vessel that is towing any person on water skis, an aquaplane, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object.

3.4.2 No person may cause himself or herself to be towed in the circumstances described in clause 3.4.1.

3.5 ACCESS LANES

- 3.5.1 Hawke's Bay Regional Council may, from time to time and by Public Notice, declare that a specified area or areas of any harbour shall be an access lane for the purpose of high-speed access to and from the shore.

3.6 CONDUCT IN ACCESS LANES

- 3.6.1 No person shall propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.6.2 No person shall:
- a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or
 - b) cause any object that is being towed by a vessel in an access lane to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.6.3 No person within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
- 3.6.4 No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 3.6.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 3.6.6 The access lanes to which this bylaw applies are those prescribed in Schedule 1(Location Specific Information).

3.7 MARKING OF ACCESS LANES

3.7.1 Every access lane must be demarcated by:

- a) orange posts with horizontal black bands on shore; and
- b) if the access lane is marked at its outer edge, it shall be marked by orange buoys with black bands; and
- c) an adequate sign or signs in the vicinity of the access lane that declare the purpose of that lane.

3.8 RESERVED AREAS

3.8.1 The Council, on application or of its own mind, may from time to time, by Public Notice, and in the interests of navigational safety, reserve any specified area for a specific purpose. Such notification may for the purpose of hydrometric surveys be conducted by the Council and consist of signs erected at all access points on the length of the river to be surveyed.

3.8.2 In relation to the launch of a vehicle or an object that a person has a licence or permit under New Zealand law to launch into outer space. The Council may:

- a) prohibit or regulate the use of ships in specified areas:
- b) regulate, or authorise a person to regulate, the admission of persons to such specified areas.

3.8.3 A reservation under this bylaw may be made on such conditions, and for such period or periods, as Council may specify in the notice.

3.8.4 Every area that is reserved under this bylaw shall be indicated by notice boards that are prominently displayed on the land at the extremities of the area.

3.9 RESERVED AREAS FOR SPECIAL EVENTS

3.9.1 Any person intending to conduct a race, speed trial, competition or other organized water activity in any area to which this Bylaw applies may apply to the Harbourmaster to:

- a) temporarily suspend the application of Clause 3.2 in part or in total in that area for the purposes of facilitating the event.
- b) temporarily reserve the area for the purpose of that activity.

3.9.2 Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days and on such conditions as he or she may specify.

- 3.9.3 No grant of an application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 3.9.4 When for any reason the provisions of Clause 3.9.3 cannot be complied with, the person organising the specified water activity shall provide to the Harbourmaster in writing, as early as possible prior to the commencement of the event, a detailed plan of how the area is to be managed during the event. The Harbourmaster may grant the application if satisfied that the management plan provides adequate protection for the public.
- 3.9.5 The Council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

3.10 CONDUCT IN RESERVED AREAS

- 3.10.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 3.10.2 If any person is using a reserved area for the purpose for which it is reserved, no other person shall enter the reserved area other than to use it for the purpose for which it is reserved.
- 3.10.3 Nothing in Clause 3.10.1 or 3.10.2 prohibits the use of emergency response craft within a reserved area.
- 3.10.4 The reserved areas to which these bylaws apply are those prescribed in Schedules 1 and 2 (Location Specific Information), or those notified in accordance with Clauses 3.8.1 or 3.9.3.

3.11 MARKING OF RESERVED AREAS

- 3.11.1 Adequate signs shall be provided in the vicinity of a reserved area that:
- a) define the area; and
 - b) declare the purpose for which the area has been reserved.
- 3.11.2 If the area is demarcated on shore, it is marked by black posts with white horizontal bands.
- 3.11.3 If the reserved area is marked at sea it is marked by black buoys with white bands.
- 3.11.4 Nothing in this Clause applies to reserved areas for special events made in accordance with Clause 3.9.

3.12 COLLISION PREVENTION

3.12.1 No person shall operate any vessel in breach of Maritime Rules Part 22 (Collision Prevention), made under the Act.

3.12.2 Every person commits an offence against this bylaw, who being required by an Enforcement Officer to do anything under clause 3.12.1 of this bylaw, fails to comply with that requirement as soon as is reasonably possible.

3.13 DUTY OF MASTER OF A VESSEL UNDER 500 GROSS TONNAGE

3.13.1 The Master of a vessel under 500 gross tonnage must not allow the vessel to impede the navigation of any vessel of 500 gross tonnage or more when that vessel is navigating with a pilot on board, being led by a pilot, or being navigated by a Pilot Exempt Master within the Napier Pilotage Area (as prescribed in Map 1.4 Schedule 1).

3.14 MOVING PROHIBITED ZONE

3.14.1 A moving prohibited zone extending to 100m astern and to each side of a vessel, and continued at such width to 500m ahead shall exist around any vessel of 500 gross tonnage or greater, when that vessel is under pilotage within the Napier Pilotage Area.

3.14.2 The Master or person in charge of a vessel under 500 gross tonnage shall not navigate their vessel within the moving prohibited zone of any vessel under pilotage within the Napier Pilotage Area.

3.14.3 Clause 3.14.1 does not relieve the Master of a vessel of 500 gross tonnage or greater, of the duty to comply with the provisions of Maritime Rule Part 22 (Collision Prevention), made under the Act, other than when navigating within the provisions of Clause 3.13.1.

3.14.4 The provisions of clause 3.14.2 shall not apply to a vessel having prior written authority from the Harbourmaster to enter such zone.

3.15 DIVE OPERATIONS

3.15.1 The Master of every vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

3.15.2 Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the person in charge of another vessel at a distance of 200 metres.

4. TANKERS, HAZARDOUS CARGOES, HAZARDOUS WORKS AND DANGEROUS MATERIALS

4.1 VESSELS CARRYING EXPLOSIVES

- 4.1.1 The Master of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load explosives must hoist on the ship the flag B of the International Code by day and a red light by night.
- 4.1.2 The Master of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
- a) with the permission of the Harbourmaster; or
 - b) for the purpose of loading or unloading that other vessel; or
 - c) for the purpose of rendering assistance to that other vessel in an emergency.
- 4.1.3 The Master of any vessel carrying explosives in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:
- a) with the permission of the Harbourmaster; or
 - b) for the purpose of loading or unloading that other vessel; or
 - c) for the purpose of rendering assistance to that other vessel in an emergency.
- 4.1.4 Nothing in Clause 4.1.1, 4.1.2 and 4.1.3 applies to any vessel which:
- a) is carrying not more than 27 kilograms of explosives; or
 - b) is carrying no explosives other than explosives of Class 1.4S as defined in the IMDG Code or fireworks of Class 1.3G, 1.4G and 1.4S as defined in the IMDG Code.

4.2 SIGNALS TO BE DISPLAYED BY OIL TANKERS

- 4.2.1 On or immediately before the arrival in port of any vessel carrying bulk oil cargo, and so long as the vessel remains in port, the master must display by day a red Flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen from all directions.

4.3 DUTIES OF MASTER WHILE TANKER IS IN PORT

- 4.3.1 While in port, the Master of an oil tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).

4.3.2 The Master must:

- a) berth or moor the tanker only at such wharf or place as specified for bulk oil discharges, or as otherwise permitted in writing by the Harbourmaster; and
- b) keep the tanks containing Class 3 packing groups I and II oil cargo securely closed, except when opened for loading or discharging; and
- c) in the case of a vessel carrying a cargo of bulk oil, unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

4.4 OIL TANKERS NOT TO LIE CLOSE TO OTHER VESSELS

- 4.4.1 The Master of a tanker must ensure that, except for the purpose of transshipment, the tanker does not lie within 30 metres of another vessel, unless the consent of the Harbourmaster has first been obtained in writing.

4.5 HOT WORK OPERATIONS

- 4.5.1 Within the Napier Pilotage Area, the master of every vessel on board which, or on the hull of which, it is proposed to carry out welding, flame-cutting, or abrasive grinding operations in or from any position must obtain a Hot Work Permit no less than two hours before commencing the work.
- 4.5.2 The Master of the vessel must ensure that, before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board vessel or elsewhere during the welding operations and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 4.5.3 Despite clauses 4.5.1 and 4.5.2, the Harbourmaster may exempt from compliance with those provisions the Master of a vessel lying at any vessel-repairing establishment.
- 4.5.4 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the operations to be commenced or continued until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

4.6 LOADING OR DISCHARGE OF CARGO

- 4.6.1 No person shall discharge, drop, cause or allow to be discharged or dropped, into the Regions navigable waters any cargo or anything from a vessel, wharf or land that would or may constitute a danger to navigational safety.
- 4.6.2 Any person who discharges, drops, causes or allows to be discharged, any cargo or any other material into Hawke's Bay Regional Council navigable waters that would or may constitute a danger to navigation safety shall be liable for the cost of removal.
- 4.6.3 Any person handling logs on shore or loading logs onto a vessel in the Port of Napier Limited Breakwater Harbour shall monitor the operation and immediately identify any logs lost into the water and track them until they have been removed.
- 4.6.4 Any person handling or loading logs in the Port of Napier Limited Breakwater Harbour must advise Port of Napier Limited Breakwater Harbour Security and the Harbourmaster immediately any logs are lost into the water and again when the logs have been recovered.

4.7 BULK OIL DISCHARGES

- 4.7.1 Bulk oil discharges are permitted only at such wharf or place as specified for bulk oil discharges, or as otherwise permitted in writing by the Harbourmaster.
- 4.7.2 Diesel oil may be transferred at all locations within Port of Napier Ltd, Napier Inner Harbour and other coastal locations providing that the operators adhere to their Site Marine Oil Spill (Tier 1) Contingency Plan, as required under Marine Protection Rule Part 130B.

5. ADMINISTRATIVE MATTERS

5.1 SUSPENSIONS AND EXEMPTIONS FROM THESE BYLAWS

- 5.1.1 The Council may, of its own accord or on application by any person, suspend any provision of this bylaw or exempt any activity from any provision of this bylaw.
- 5.1.2 The suspension or exemption may be subject to conditions and have effect for the period of time that the Council considers appropriate. Any suspension or exemption made under this clause must be notified to all interested persons as determined by the Council.

5.2 APPLICATION TO MASTER/OWNER

- 5.2.1 Where any clause in this bylaw imposes an obligation or duty on the Master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
- 5.2.2 Where any clause of this bylaw imposes an obligation or duty on both the Master and the owner of a vessel, then, if that clause is not complied with, the Master and the owner are deemed severally to have committed an offence against these bylaws. If either the Master or the owner complies with any such clause then, for the purposes of this bylaw, compliance by one is deemed to be compliance by the other.

5.3 VESSELS TO BE LICENCED

- 5.3.1 No person shall operate a commercial vessel for hire or reward that is not subject to Maritime Rules, unless a licence, known as Navigation Safety Licence, has been authorised in writing by the Harbourmaster.
- 5.3.2 The Harbourmaster may issue a licence in respect of clause 5.3.1 if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation / disembarkation or at any place enroute. Where the Harbourmaster considers there to be navigational safety matters that are not addressed by the MOSS (Maritime Operator Safety System) system, the Harbourmaster can require a Navigation Safety Licence to be held by the operator.
- 5.3.3 No person shall operate a vessel granted a Navigation Safety Licence while that licence is temporarily suspended by the Harbourmaster in terms of clause 5.3.6.
- 5.3.4 The Harbourmaster may, subject to the conditions specified in clause 5.3.8, grant a Navigation Safety Licence to a vessel to which clause 5.3.1 and 5.3.2. applies, which shall be renewed annually.

5.3.5 Every Navigation Safety Licence issued by the Harbourmaster shall apply only to that vessel and operator(s) named in the licence, and shall be available for inspection at any time by the Harbourmaster, or Enforcement Officers, or any prospective client of the operation.

5.3.6 The Harbourmaster may temporarily suspend or cancel a Navigation Safety Licence for such time as he or she considers necessary where, in the opinion of the Harbourmaster, the conditions of the licence have been breached.

5.3.7 A licence may be cancelled if the conditions of that licence are breached. There will be no refund of fees if a licence is cancelled.

5.3.8 The terms and conditions of any Navigation Safety Licence issued by the Harbourmaster may include, but are not limited to:

- a) defining points of embarkation / disembarkation.
- b) defining the area or route of operations;
- c) limiting the number of passengers or quantity of freight;
- d) any limitations in respect of weather or operating hours;
- e) any requirements for rescue craft;
- f) any requirements for safety equipment;
- g) the level of instruction to be given in charge of the vessel;
- h) the qualifications required by the person in charge of the vessel;
- i) defining the flow of water as required where applicable.

5.3.9 The fees for a Navigation Safety Licence are as per schedule 3 prescribed from time to time by the council:

5.3.10 An application form for a Navigation Safety Licence can be obtained by emailing harbourmaster@hbrc.govt.nz.

5.4 INFRINGEMENT FEES AND CHARGES

5.4.1 Fees and Charges are as prescribed from time to time by the Council through the Annual Plan process for functions undertaken by the Council under this bylaw and shall be paid to the Council on demand. The Council may by Special Order Bylaw process, amend these Bylaws.

5.5 AUTHORITY TO ISSUE INFRINGEMENT NOTICES

5.5.1 Harbourmasters, Deputy Harbourmasters, and authorised enforcement officers, have the authority to issue an infringement notice for offences against this Bylaw.

5.5.2 An infringement notice may be served –

- a) by delivering it, or a copy of it, personally to the person alleged to have committed the infringement offence; or
- b) by sending it, or a copy of it, by post, addressed to the person at his or her last known place of residence or business or postal address.

DRAFT

SCHEDULE 1: COASTAL WATERS – LOCATION SPECIFIC INFORMATION

Location specific schedules and maps for speed up-liftings, reserved areas and access lanes in coastal waters and associated harbours have been prepared for the following areas (from north to south).

Any clauses contained in these schedules shall be read in conjunction with all other clauses in this bylaw.

S1.1 WHANGAWEHI

The following provisions apply to Whangawehi:

- (a) an access lane has been designated for the launching and operation of powered vessel as shown in Map 1.1.



Map 1.1 Whangawehi Beach

S1.2 MAHIA BEACH

The following provisions apply to Mahia Beach:

- a) An access lane has been designated for the launching and operation of powered vessels as shown in Map 1.2, except that no person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots).

Map 1.2 Mahia Beach



S1.3 WAIKOKOPU

The following provisions apply to Waikokopu:

- a) an access lane has been designated for the launching and operation of powered vessel as shown in Map 1.3.

Map 1.3 Waikokopu

S1.4 NAPIER PILOTAGE AREA (as defined in Chart NZ 5612, Napier Roads)

The area comprising all port waters between latitudes 39°25'S and 39°29'S to W of longitude 176°59'E.

S1.4.1 General directions for navigating in Napier Pilotage Area as shown in Map 1.4:

- a) The Master shall ensure that while within Napier Pilotage Area:
 - i) automatic-steering "pilot" devices are not used, unless a helmsman is standing by in the immediate vicinity of the helm or wheel, otherwise the vessel is to be in the hand-steering mode; and
 - ii) main engines are immediately available for reducing speed, stopping or going astern at all times without delay; and
 - (iii) anchors are immediately available for use in an emergency, and capable of being used without power; and
 - (iv) all information from aids to navigation and charts is fully monitored.
- b) While within Napier Pilotage Area all aids to navigation on board vessels, including but not limited to A.I.S, radar and depth recording devices, are to be in continuous operation and fully utilised.
- c) The number of persons on the bridge of the vessel shall be sufficient to enable compliance with sub clause a)i).



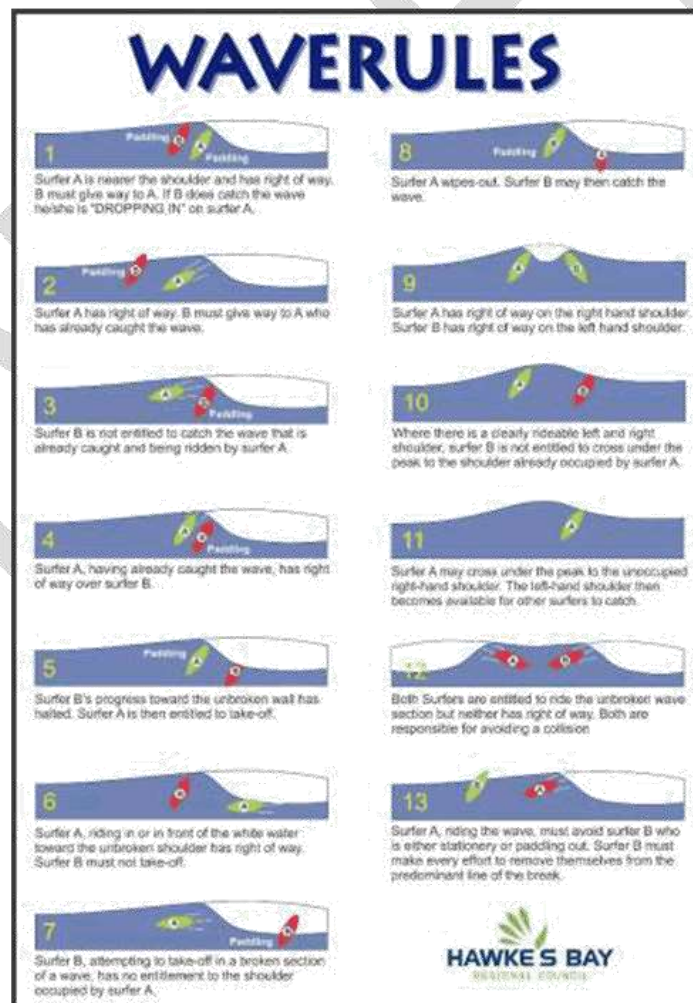
S1.4.2 Duties of persons in charge of motor boats, yachts, launches, etc within Napier Pilotage Area

- a) The Master of every vessel under 500 gross tons must not impede the navigation of any vessel of 500 gross tonnage or more when that vessel is navigating under pilotage within the Napier Pilotage Area.

S1.5 WESTSHORE, INNER HARBOUR, AHURIRI & BATTERY ROAD BEACH

The following provisions apply to the Westshore/Inner Harbour/Ahuriri and Battery Road Beach areas:

- a) Reserved areas have been designated for the operation of personal watercraft and swimming as shown in Map 1.5.
- b) Access lanes have been designated for the launching and operation of sail boarders as shown in Map 1.5.
- c) Reserved areas have been designated for surf-riding as shown in Map 1.5. (see surf-riding definition *page 9*) If any person is using the surf-riding reserved area for the purpose for which it is reserved, no person may enter, remain in or use the area for any other purpose.
- d) Users of the Surf-riding Reserved Area shall adhere with the Wave Rules set out below:



- e) No person shall bathe in the Reserved Areas except where the activity is a necessary part of the activity for which the area is reserved, or the area is not being used for the activity for which the area is reserved.
- f) There shall be no anchoring, set nets, set lines or crayfish pots in any designated access lane or reserved areas or the Inner Harbour and its Approach Channel as shown in Map 1.5 except as provided in clause 2.7.5.
- g) There shall be no powered vessels in the Ahuriri Estuary upstream of the Pandora Bridge as shown in Map 1.5, except as authorised in the Regional Coastal Plan.
- h) There shall be no kite surfing, paragliding or other activity involving the presence of people/equipment in the air, in the Napier Pilotage Area as shown in Map 1.5, unless approved by the Napier Air Traffic Control.
- i) The area designated at Battery Road Beach as shown on Map 1.5 is reserved for swimming only. Motorised vessels are not permitted to enter the area between the buoys and the shore at any time, unless authorised by the Harbourmaster or an Enforcement officer.

S1.6 BREAKWATER HARBOUR

The following provisions apply to the Port of Napier Limited Breakwater Harbour:

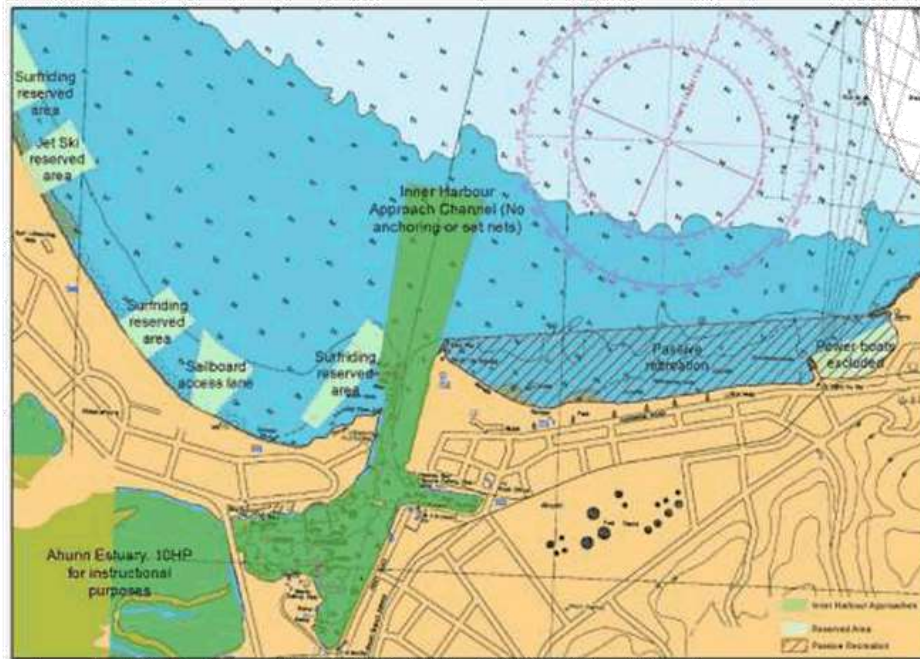
S1.6.1 Radio Clearance Requirements for Breakwater Harbour and Breakwater Harbour Approach Channels.

- a) At least ten minutes prior to planned departure from, or arrival to, or shift within the Breakwater Harbour, the master of any vessel other than a piloted vessel, shall call "Napier Harbour Radio" on marine VHF radio to report their intentions, and to obtain clearance or otherwise before proceeding.
- b) The Master of any vessel, other than a piloted vessel, shall advise "Napier Harbour Radio" on marine VHF radio when secured at a different berth within the Breakwater harbour.
- c) No vessel other than those approved by Port of Napier Harbour Control shall enter the Breakwater Harbour.
- d) VHF radio listening watch shall be kept by all commercial vessels on Channel 16 at all times when under way within the Napier Pilotage Area.

S1.6.2 Restricted Activities

- a) There shall be no anchoring, set nets, set lines or crayfish pots in the Breakwater Harbour and Breakwater Harbour Approach Channels as shown in Map 1.6.

Map 1.5 Westshore / Inner Harbour / Ahuriri and Battery Road Beach



Map 1.6 Napier Breakwater Harbour and Approaches



S1.7 WAIMARAMA BEACH

The following provisions apply to Waimarama Beach:

- (a) an access lane has been designated for the launching and operation of powered vessel as shown in Map 1.7.

Map 1.7 Waimarama Beach



S1.8 KAIRAKAU BEACH

The following provisions apply to Kairakau Beach and Kairakau River:

- a) an access lane has been designated for the launching and operation of powered vessels as shown in Map 1.8.
- b) a 5 knot area has been designated on Kairakau River for passive water activities as shown in Map 1.8.
- c) speed restrictions have been uplifted on Kairakau River as shown in Map 1.8.



SCHEDULE 2: INLAND WATERS – LOCATION SPECIFIC INFORMATION

Location specific schedules and maps for inland waters (rivers and lakes) for speed upliftings and reserved areas have been prepared for the following areas (from north to south). Any clauses contained in these schedules shall be read in conjunction with all other clauses in this Bylaw.

S2.1 WAIROA RIVER

The following provisions apply to the Wairoa River from the confluence of the Waiau River to the sea, as shown in Map 2.1:

- a) speed restrictions specified in clause 3.2 do not apply except that:
 - i) no person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots within 5 metres of a river bank.



Map 2.1 Wairoa River

S2.2 MOHAKA RIVER

The following provisions apply to the Mohaka River from Pakatutu Bridge to the sea as shown in Map 2.2:

- a) speed restrictions specified in clause 3.2 do not apply.



Map 2.2 Mohaka River

S2.3 CLIVE AND NGARURORO RIVERS

Note: Rules for speed restrictions (5 knots) start on page 21.

Area A - Non- Restricted Area

The following provisions apply to the area from the confluence of the Ngaruroro River with the Clive River, and from the point at which Muddy Creek enters the Clive River to the sea as shown in Map 2.3:

- (a) speed restrictions specified in clause 3.2 do not apply.

Area B - Safety Buffer Area

The following provisions apply to the area from the point at which Muddy Creek enters the Clive River to a line 50 metres upstream of that point as shown in Map 2.3:

- a) the use of this area is primarily for the passage of vessels between Areas A and C.

- b) speed restrictions specified in clause 3.2 do not apply.

Area C - Regulated Area

The following provisions apply to the area of the Clive River from a line 50 metres upstream of the point at which Muddy Creek enters the Clive River to 75 metres downstream of the Clive River Bridge as shown in Map 2.3.

- a) speed restrictions specified in clause 3.2 do not apply between the hours of 7.30am and 8.00pm on Tuesdays, Thursdays, Fridays and Saturdays;
- b) speed restrictions specified in clause 3.2 do not apply between the hours of 12 noon and 8.00pm on Sundays;
- c) speed restrictions specified in clause 3.2 do not apply between the hours of sunrise and 5.00pm on Mondays and Wednesdays;
- d) Motorised vessels shall travel in an anti-clockwise direction, keeping the centre clear for non-motorised vessels.

Area D - Rowing Area

The following provisions apply to the area of the Clive River upstream of the Clive River Bridge and for a distance of 75 metres downstream of the bridge:

- a) A reserved area for use by non-motorised vessel solely powered manually and associated support vessel (powered or unpowered) as shown in Map 2.3.
- b) No person may propel or navigate a powered vessel in the reserved area (including a vessel towing a person or some object) at a proper speed exceeding 5 knots, except as may be required under a).

Area E - Passive Water Activity Area

The following provisions apply to the Ngaruroro River from its confluence with the Clive River to the SH2 bridge as shown in Map 2.3:

- a) speed restrictions specified in clause 3.2 do apply.

Area F-Shared Area

The following provisions apply to the Ngaruroro River from the confluence of the Taruarau River to the SH 2 Bridge as shown in Map 2.3:

- a) speed restrictions specified in clause 3.2 do not apply except that
 - i) No person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots from 1 May to 30 June (duck

shooting season) and 15 August to 30 November (white-baiting season) from the SH 2 bridge to the Chesterhope Bridge.



A NON RESTRICTED AREA

Available to all motorised craft.
Have fun but play safe.

D ROWING AREA

5 knot speed restriction for all motorised craft.

B SAFETY BUFFER AREA

'Passing through area' only & covers the section of the Clive River 50m upstream from Muddy Creek.

E PASSIVE WATER ACTIVITY AREA

Swimming, fishing, canoeing etc, 5 knot speed restriction for all motorised craft.

C REGULATED AREA

Motorised craft travel in an anti-clockwise direction, keeping the centre clear for non-motorised craft.

F SHARED AREA

5 knot speed restriction for all motorised craft during duckshooting and whitebaiting seasons only. Unrestricted at all other times.

Under these bylaws, motorised craft may operate at unrestricted speeds within AREAS B&C (on the Clive River) between 7.30am and 8.00pm except for each Sunday between sunrise and midday.

Map 2.3 Clive and Ngaruroro Rivers

S2.4 PORANGAHAU RIVER

The following provisions apply to the Porangahau River:

- (a) Speed restrictions specified in clause 3.2.1 (a) and (b) do not apply to the Porangahau River.
- (b) A reserved area has been designated for bathing from 30 metres downstream of the Beach Road bridge on the northern bank and out to a line parallel with the second bridge pier from the waters edge, and upstream of the bridge from the second bridge pier to the shore 50 metres upstream of the bridge as shown on Map2.4. Vessels are prohibited from entering this area unless authorized by the Harbourmaster.
- (c) Water skiers towed by boat or jetski may pass the bathing reserved area only through the centre bridge span having due regard for bathers at all times.
- (d) Jet skiing is only permitted from 30 metres downstream of the Beach Road bridge to the sea as shown in map 2.4.
- (e) Vessel's may only be launched from the shore 30 metres downstream of the Beach Road bridge or other areas outside of the reserved bathing area.



Map 2.4 Porangahau River

S2.5 TE PAERAHI BEACH

The following provisions apply to Te Paerahi Beach as shown on Map 2.5.

- a) An area has been designated for mixed bathing and surfing extending from a position 20 metres north of the changing sheds for a distance of 200 metres to the south and extending 200 metres out to sea from mean low water springs as shown on Map 2.5. Launching, retrieving and navigating of vessels are prohibited in this area at all times unless authorised by the Harbourmaster. Vehicles traversing this area on the beach must not exceed 5 kilometres an hour at any time.



Map 2.5 Te Paerahi Beach

S2.6 GENERAL PROVISION FOR RIVERS WITH SPEED UPLIFTINGS

Any person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting specified in Clauses 2.1 to 2.4 shall not do so in a manner that is likely to endanger or unduly annoy any person who is:

- (a) on, in or using the water; or
- (b) fishing or undertaking recreational activity in the vicinity of the vessel.

S2.7 RIVER SAFETY RULES

Any person in charge of a vessel on a river must:

- (a) ensure that the vessel keeps to the starboard (right) side of the river channel; and
- (b) if going upstream, give way to any vessel coming downstream; and
- (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

S3: NAVIGATION SAFETY LICENCE FEES

- a) vessels under 6 metres \$100.00 per operation/per annum plus actual and reasonable costs.
- b) vessels over 6 metres \$100.00 per vessel/per annum plus actual and reasonable costs.
- c) kayaking, paddle boarding and other similar enterprises \$100.00 per operation/per annum plus actual and reasonable costs of audits/inspections.
- d) commercial activities \$100.00 per operation/ per annum plus actual and reasonable costs of audits and inspections.
- e) Goods and Services tax (GST) will be added to these charges.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

SUBJECT: SIGNIFICANT HBRC STAFF PROJECTS AND ACTIVITIES THROUGH JUNE 2018

Reason for Report

- The table below is provided for Councillors' information, to inform them of significant issues and activities over the next couple of months.

Project	Team /Section	Description	Activity Status Update
2018-2028 Long Term Plan	Governance & Project Leader	Submissions	<ol style="list-style-type: none"> Submissions closed on 23 April and the Council meeting for the hearing of submissions and deliberations on the Draft Long Term Plan was held on 22-24 May. 569 submissions were received and approximately 60 individuals and groups made verbal presentations to Council.
Hawke's Bay Drinking Water	Policy	Joint Working Group	<ol style="list-style-type: none"> Meetings on a monthly basis Providing secretarial and technical support to the JWG, through: <ol style="list-style-type: none"> monitoring of the Action Plan and White Paper to ensure actions are being progressed acting as 'link' between JWG and other related projects, such as TANK. On behalf of the TANK group, the JWG has engaged a contractor (Good Earth Matters) to develop draft rules, objectives and policies on drinking water safety for the TANK plan change. Good Earth Matters are due to report back to the JWG with a draft end of May, for consideration at the May TANK meeting.
	Governance	HB Drinking Water Governance Joint Committee	<ol style="list-style-type: none"> Second Joint Committee meeting took place on 10 May and considered the work of the JWG to date and other related issues. Garth Cowie appointed as Chair of the JC and the JWG.
TANK	Groundwater Science	Heretaunga groundwater age and tracer study	<ol style="list-style-type: none"> This report is now published and available at: https://herbi.hbrc.govt.nz/site/pub/extlit/GNS_Heretaunga_Water_Age_and_Tracers_2018_SR_2017-33.Heretaunga_Plains_Final.pdf?Web=1

Item 10

Project	Team /Section	Description	Activity Status Update
TANK cont'd		Heretaunga Plains groundwater flow model	<p>9. Modelling to inform TANK decisions is completed. Reporting is well underway, with the following anticipated timeframes for delivery:</p> <ul style="list-style-type: none"> a. MODFLOW Heretaunga Plains uncertainty analysis and contaminant transport (completed) b. SOURCE Ngaruroro storage modelling (completed) c. MODFLOW 1 – Groundwater model development (31 May) d. SOURCE 1 – Surface water model development (31 May) e. Addendum to fish habitat modelling (June) f. MODFLOW Methods for applied uncertainty analysis (July) g. MODFLOW 2 – Groundwater scenario modelling (July) h. SOURCE 2 – Surface water scenario modelling (July) i. Heretaunga springs (July) j. Irrigation demand and recharge – Heretaunga Plains (July) k. Irrigation demand and recharge – Upper TANK catchments (July)
	Water Quality & Ecology		<p>10. Modelling for optimal shading architecture to help design riparian planting configurations has yielded predictions. A mapping approach will be used to use these predictions and determine what style of planting configuration should provide effective shade in the Heretaunga drainage scheme.</p> <p>11. Monitoring options for tracking progress towards water quality limits are being developed for the TANK plan</p> <p>12. 1 round of Karamu faecal source tracking has been undertaken, which yielded primarily avian sources</p> <p>13. Continuing with documentation to support proposed estuarine water quality goals on a regional and national basis.</p> <p>14. Review of storm water and sediment draft rules.</p>

Project	Team /Section	Description	Activity Status Update
TANK cont'd	Policy	Stakeholder Engagement for Policy Development	<p>15. Next TANK Group meeting is 31 May.</p> <p>16. Recap and briefings were presented to Regional Planning Committee meetings on 21 March and 2 May, outlining matters that RPC will be presented as a result of the TANK Group's discussions. Following handover of the TANK Group's recommendations to the RPC in mod 2018, next steps will involve a series of briefing workshops for RPC members about the TANK Group's recommendations and content of the draft plan change.</p> <p>17. A memorandum was sent to Ngaruroro & Clive Rivers WCO Special Tribunal in mid-May. Memo served to update Tribunal on HBRC's TANK work programme.</p>
State of the Environment	Land Science	Sediment modelling	18. Ongoing sediment and erosion scenario modelling
		Wetland monitoring	19. 12 wetland monitoring sites set up in the TANK area and monitoring commencing
		High river flow sediment measurements to calibrate erosion modelling	20. ISCO sediment samplers beginning to be deployed across main river outlets to record sediment concentrations during high flow events
	Air Quality	Napier hazardous air pollutant monitoring	21. Sampling will be completed at Marewa Park in May 2018. Analysis and reporting by GNS is due for completion in September 2018.
	Hydrology	Additional low flow monitoring devices	22. 2 additional flow monitoring devices will be installed in the Tutaekuri-Waimate and the Karamu rivers to provide better precision for low flow monitoring
		Completing Awanui stopbank flow site	23. Reconfiguration of stopbanks at this site requires modification to flow monitoring, with sufficient time to bed equipment in before summer low flows start

Project	Team /Section	Description	Activity Status Update
Environmental Hotspots	Water Quality & Ecology		<p>24. Multibeam analysis for the Wairoa Hard completed April 2018. Report due October 2018.</p> <p>25. HBMaC Roadmap to be launched 8 June 2018.</p> <p>26. Better strategies for tubeworm removal being scoped.</p> <p>27. Hydrological and groundwater investigations being scoped/contracted for Ahuriri catchment.</p> <p>28. Water quality report card produced for Whakaki Lake, which identified it as having amongst the highest TLI (Trophic Level Index) of any monitored lake in New Zealand. i.e. most eutrophic.</p> <p>29. Working with the Whakaki community to confirm details for the Freshwater Improvement Fund application, which has been delayed for 12 months to allow council to obtain the necessary consents.</p> <p>30. The air curtain in Waikopiro has been switched off for the season. It does not need to be on during winter when the lake mixes itself naturally. We had mixed results this season, with no cyanobacterial blooms but a major fish kill. Concern around the oxygen dynamic in this lake remains for the coming season. The presence of grass carp in the lake, and hence no aquatic vegetation, may complicate air curtain performance with regards to oxygen patterns.</p>
	Land Science		<p>31. Point Source (land stability) project establishing baseline land condition across all hotspots</p>
PC6 Implementation	Land Science & Land Management		<p>32. 553 landholders in Tukituki have meet their requirement to have an FEMP. We estimate there are a further 150-200 on the waiting list of providers. The LMT will be working with providers and the compliance team to communicate to providers who don't have a plan.</p> <p>33. Several members of the LMT & the new FEMP Project Manager will be attending a meeting in Auckland to consider building great consistency with the FEMP process across the country.</p> <p>34. Continue to Collecting data from 10 wetland monitoring sites established across Tukituki Catchment in 2017.</p> <p>35. Priority sub-catchment water quality runs continue in the Tukipo sub-catchment</p> <p>36. Compiling water quality results and reporting for Porangahau/Maharakeke and Kahahakuri sub-catchments</p>

Project	Team /Section	Description	Activity Status Update
Clifton to Tangoio Coastal Hazards Strategy 2120	Asset Management	Developing coastal hazard options and solutions for priority cells, along with funding considerations for consultation	37. A workshop is programmed for June to develop signal and trigger points for the various pathways. Trigger points are when certain actions are required to be taken on each pathway.
Engineering	Asset Management	Esk Valley and Mangaone Floods	38. A flood report is being prepared for the Esk flood.
		Gisborne District Council Stopbank upgrade	39. The calibration and design report is nearing completion. Further modelling and analysis is required to answer consent application requirements.
		Consent Evaluation and stormwater analysis	40. Continue to assist HBRC Consents section with advice for subdivision consents including Awatoto Industrial, Iona Triangle, Howard St.
		Awanui Stopbank Construction – Left Bank	41. Construction completed now in the maintenance phase.
		Glazebrook Dam	42. Begin a dam-break study as part of a feasibility study for flow augmentation of the HP streams.
		Nuhaka River Road	43. Contract let to realign part of the Nuhaka River to enable road to be re-opened. Working with Wairoa District Council.
	Open Spaces	WAL - Pakowhai Regional Park Carpark Closure	44. Pakowhai Regional Park carpark will be closed from late May 2018 to December 2018 while the WAL Pakowhai Rd roundabout is constructed. A temporary carpark is being established downstream of the Chesterhope Bridge off Farndon Rd. Staff are working with HDC staff to review options for a carpark upgrade while the carpark is closed.
		Plant Thru Winter	45. Plant thru winter community planting programme started.
Land Management		RLS	46. The majority of RLS projects will be checked, signed off and funds paid over June making it a particularly busy time for the team. As well approximately 35,000 plants will be delivered to depots in HB over the next 2 weeks for delivery to landholders involved in the Riparian Planting Program. Finally many willow and poplar pole orders will be delivered to landholders over June. 47. The Beef & Lamb Environmental Strategy & Implementation was released on May 15 and can be found https://beeflambnz.com/environment-strategy
Biosecurity	Biodiversity		48. Business launch of HB biodiversity Foundation, Final presentations to Council LTPs, complete setting up of HB Biodiversity Website

Project	Team /Section	Description	Activity Status Update
Biosecurity cont'd	Animal pest management		<p>49. Complete discussions with PF 2050 regarding Predator Free Hawkes Bay</p> <p>50. Preparation for the Regional Pest Management Plan including preparing material for submitters to the RPMP and hearings committee.</p>
	Cape to City		<p>51. A range of activities across work streams including the trap checking, early childhood education teacher training day and Hapu Hikoi to Poutiri Ao o Tane.</p> <p>52. Finalising 17-18 research programme reports</p>
	Plant pest		<p>53. Continuing urban Woolly nightshade programme.</p> <p>54. Completing the annual phragmites work programme and reporting to MPI on that work programme</p> <p>55. Ongoing work on Yellow Bristle Grass awareness programme in Wairoa</p>
Resource Consents		Applications processing/pending	<p>56. Te Mata Mushrooms Air discharge remains on hold pending application for related consents required from HDC.</p> <p>57. HBRC Gravel extraction Ngaruroro Tukituki, Waipawa and Tutaekuri. Further information has been requested and is to be provided before the end of May (date to be extended).</p> <p>58. PanPac coastal discharge. A prehearing was held on 20 March and Environment Court mediation was held on 3 May and is to resume on 7 June.</p> <p>59. Landcorp Ahuriri stormwater discharge application. On hold while parties discuss this and related NCC stormwater discharge consent applications. A request for further information has been sent.</p> <p>60. Port of Napier wharf extension and dredging application. Notified and 42 submissions lodged. Prehearing meetings to be held June. Hearing tentatively set for August.</p> <p>61. Clifton coastal protection works application. Hearing set for 6 June.</p> <p>62. NCC stormwater discharge consent applications lodged. A request for further information has been sent.</p>
Resource Use		Te Mata Mushrooms	<p>63. The enforcement process is continuing in the Environment Court in relation to continued offensive and objectionable odour being discharged beyond the boundary. The matter is before the Court with no date set for final resolution yet.</p>
Science		Ecosystem Health indices	<p>64. A pilot project on developing ecosystem health indices is underway with Cawthron Research Institute and MfE (co-funding a council data collection exercise).</p>

Project	Team /Section	Description	Activity Status Update
Science cont'd		Riparian Habitat and Deposited Sediment indices	65. HBRC is leading an EMAR project (Environmental Monitoring and Reporting) looking at developing nationally consistent indices to use for riparian habitat and deposited sediment. Candidate indices were confirmed at a recent SWIM meeting (Surface Water Integrated Management) and should be used across the country this summer.
		Shallow Lakes	66. A report has been drafted which provides a high level assessment of four of Hawke's Bay's shallow lakes (Poukawa, Whatuma, Oingo and Runanga).
Transport Planning	Transport	Draft Regional Land Transport Plan: 2018 Review	67. Targeted consultation with transport stakeholder groups has now closed. The draft Plan has been reviewed against the Government Policy Statement for Land Transport, and some changes made. Significant further safety works on SH2 and 5 have been added to the Plan and local councils are awaiting further detail on increases to funding for their road safety projects. The proposed plan will be considered by the Regional Transport Committee on 1 June.

Decision Making Process

- Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That Council receives and notes the ***Significant HBRC Staff Projects and Activities through June 2018*** report.

Authored by:

Paul Barrett
PRINCIPAL CONSENTS PLANNER

Drew Broadley
COMMUNICATIONS MANAGER

Steve Cave
TEAM LEADER OPEN SPACES

Gary Clode
ACTING GROUP MANAGER REGIONAL ASSETS

Desiree Cull
PROGRAMME LEADER

Te Kaha Hawaikirangi
ENVIRONMENTAL OFFICER

Mark Heaney
MANAGER CLIENT SERVICES

Nathan Heath
ACTING MANAGER LAND MANAGEMENT

Dr Andy Hicks
TEAM LEADER/PRINCIPAL SCIENTIST -
WATER QUALITY AND ECOLOGY

Leeanne Hooper
GOVERNANCE MANAGER

Gavin Ide
MANAGER, STRATEGY AND POLICY

Dr Kathleen Kozyniak
PRINCIPAL SCIENTIST CLIMATE AND AIR

**Campbell Leckie
MANAGER LAND SERVICES**

**Dr Barry Lynch
TEAM LEADER PRINCIPAL SCIENTIST
LAND SCIENCE**

**Anna Madarasz-Smith
SENIOR SCIENTIST - COASTAL QUALITY**

**Malcolm Miller
MANAGER CONSENTS**

**Anne Redgrave
TRANSPORT MANAGER**

**Dr Jeff Smith
TEAM LEADER/PRINCIPAL SCIENTIST –
HYDROLOGY/HYDROGEOLOGY**

**Dr Stephen Swabey
MANAGER SCIENCE**

**Thomas Wilding
SENIOR SCIENTIST**

**Wayne Wright
MANAGER RESOURCE USE**

Approved by:

**Liz Lambert
GROUP MANAGER EXTERNAL
RELATIONS**

**Iain Maxwell
GROUP MANAGER RESOURCE
MANAGEMENT**

**Tom Skerman
GROUP MANAGER STRATEGIC
DEVELOPMENT**

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

Wednesday 30 May 2018

Subject: DISCUSSION OF ITEMS NOT ON THE AGENDA

Reason for Report

1. This document has been prepared to assist Councillors note the Items of Business Not on the Agenda to be discussed as determined earlier in Agenda Item 5.

1.1. **Urgent** items of Business (*supported by tabled CE or Chairpersons' report*)

	Item Name	Reason not on Agenda	Reason discussion cannot be delayed
1.			
2.			

1.2. **Minor** items (*for discussion only*)

Item	Topic	Raised by
1.		
2.		
3.		

Item 11