

Western Bay of Plenty District Council

**Minutes of Meeting No. PP14 of the Policy Committee
held on 6 August 2018 at St Paul's Presbyterian Church, 1 Mulgan Street, Katikati
commencing at 1.30pm**

Present

Councillor M Williams (Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, D Marshall, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and His Worship the Mayor G J Webber

In Attendance

M Taris (Chief Executive Officer), R Davie (Group Manager Policy, Planning and Regulatory Services), P Watson (Reserves and Facilities Manager), C Steiner (Contract Policy Analyst), C Nepia (Māori Relationships and Engagement Advisor), A Gray (Communications Team Leader), R Woodward (Communications Advisor), L McEwan (Executive Assistant Policy, Planning and Regulatory Services), C Brisby (Planning Administration Officer), F Sweeney (Democracy Management Advisor), and M Parnell (Democracy Advisor)

Community Boards

N Mayo (Member, Katikati Community Board)

Others

One member of the media and as listed in the minutes.

PP14.1 Introduction to the Reserves and Facilities Bylaw

The Chairperson opened the meeting and welcomed submitters to the hearings. He asked that submitters be respectful for each others time and that they avoid repetition where possible.

PP14.2 Hearing of Submissions to the Draft Reserves and Facilities Bylaw

The Policy Committee considered the verbal submissions from the following submitters:

PP14.2.1

Submission 6: Peter Besley; Submission 9: Arthur Savill; Submission 604: Jenny Hobbs; Submission 27: Brendan Barraclough; Submission 31: Cathy MacKay

Peter Besley introduced himself via mīhi. He explained that he was a regular recreational user of Tuapiro Point. He advised that the maps available at Tuapiro Point lack clarity and that the signage was unclear and suggested that providing clearer and more signage would reduce conflict.

Arthur Savill explained that he was the co-owner of the Seaview Safari Camp, and ran regular camps for young people teaching them to ride. He advised that people from all over the world attended these camps and that the Seaview Safari Camp had been responsible users of Tuapiro Point for 35 years. In that time he and the staff had never seen anyone gathering kaimoana from the area. He surmised it would be a shame to lose the use of Tuapiro Point for horse riding as the camp provided a once in a lifetime experience for those who attended. In response to questions, Mr Savill advised:

- The Seaview Safari Camp was a not-for-profit business.
- They had sponsored students who would not normally be able to afford to attend the camp.
- Riders were encouraged to pick up horse manure.
- Limiting numbers of horses on the beach was not ideal because it would split up campers. They normally took out groups of 35 people although the groups could get up to 40 people maximum.

Brendan Barraclough introduced himself via mīhi. He advised he had used Tuapiro Point for 35 years as a place of healing for horses and riders. He explained that standing horses in the currents helped to heal wounds, reduced swelling and was beneficial for horses' joints. He had recently helped a horse with a terrible injury that he would have had to have put down without the use of Tuapiro Point. He asked that his culture of horse riding be recognised and that Tuapiro Point remain open to everyone. In response to a question, Mr Barraclough advised that he swam his horses in the water current straight out from the boat ramp.

Jenny Hobbs, Chairperson of the Katikati Community Board, encouraged the Councillors to make an evidence-based decision in this matter. She asked that the people with opposing beliefs on the subject be respectful of each other and come to an amicable decision.

Cathy MacKay explained that she grew up in Katikati and used to ride on the roads up to the highway, which was no longer safe to do. She explained that Tuapiro was one of the safest places to ride and that other areas were not as accessible, safe or as effective for exercising horses. She proposed the following solutions:

- Improved communication between local iwi, horse riders and Council.
- More clear signage to show riders where they should not go.
- Information boards available to educate riders and the public about cultural practices.
- Inviting the Horse Riding Clubs to participate in working bees in the area.

- Open up cycleways for riders use.
- Provide regular mounting blocks so riders could more easily get back on their horses after picking up and disposing of manure.

PP14.2.2

Submission 83, 84: Diana Stein; Submission 91: Keith and Carol Leary; Submission 94: Andrea Kite; Submission 610 Deborah Hume; Submission 107: Joy Oliver

Joy Oliver advised she had been riding most of her life and did horse eventing. She explained that there were less and less places for horse riders to ride their horses safely in the Western Bay and that, in her opinion, New Zealand beaches were for all New Zealanders. She talked about Tauranga City Council's horse riding policy and said she felt it was important to keep outdoor options open for children, and that the majority of horse riders were respectful of the Tuapiro Point environment. In response to a question, she advised that she collects any manure her horses leave behind and takes it home.

Andrea Kite explained that she uses the Tuapiro Point area for about 30-40 minutes at the most at any one time and suggested the following solutions:

- The signage be updated.
- Monitoring of the riders in the area be done over a longer period of time and by an independent group.
- She requested an independent report of the kaimoana in the area and advised she had not seen anyone collecting kaimoana at Tuapiro Point.
- More management of the use of the area including a seasonal ban or a permit system for large groups of riders.

Ms Kite also spoke on behalf of another submitter who had been unable to attend and added that the horse riding community was generally respectful of the area. She asked why, during the monitoring of the area, local iwi had not approached riders to advise that they were not riding in correct areas. In response to a question, Ms Kite advised that exercising horses in water was very good for horses joints, tendons and feet and provided resistance training for horses.

Keith Leary spoke to his submission. He explained that he and his wife did not own a horse but had been residents on Tuapiro Road for the last six years. They had observed the horse riding community being very respectful during this time and had not found horse manure to be an issue. He advised that they would cycle around Tuapiro Point but did not see a lot of cyclists in the area. He had found the boy racers more problematic in the area.

Deborah Hume advised that she found the signage in the area confusing and spoke about how safe Tuapiro Point was for riders and horses of all ages and abilities. In response to questions, Ms Hume commented that mounting blocks where riders could mount and dismount their horses would help riders be able to more quickly remove any horse manure.

Diana Stein spoke to a tabled document regarding the lack of beaches that horse riders could use in the Western Bay of Plenty, causes of pollution in the harbour over and above the issues raised regarding horse manure, the cost of other recreational spaces in the Western Bay of Plenty and the safety issues at other recommended riding sites in the area. She explained that some of the upset caused in the community was because they believed the decision to ban access for horse riders to Tuapiro had already been made and asked for a long term guarantee from the Council for public access to Tuapiro Point for horse riders.

PP14.2.3

Submission 156: Andrew Hollis; Submission 159: Rebecca Tasker; Submission 162: Amy Gough; Submission 440: Lisa Coulson

Lisa Coulson spoke to a tabled powerpoint presentation and made the following points:

- She questioned and negated the presented reasons for the change in the bylaw around horses damaging Tuapiro Point, horse manure polluting the area, the need to protect kaimoana, the number of riders using the area at any one time and advised that she had not been supplied with evidence that these things were happening despite requesting it.
- Rules that had been broken were due to misunderstandings and were unintentional.
- Those who had been monitoring the horse riders had not approached any riders to advise them they were in breach of any rules.
- She questioned the facts presented in the submission received from the Bay of Plenty Regional Council.
- There was a lot of money being spent by Council on other recreational projects in the area but very little for equestrians.
- Tuapiro Point was an important resource for the horse riding community and was being taken away with no appropriate substitute being offered.

Ms Coulson suggested the following solutions:

- The horse riding community would be happy to be included in environmental initiatives for the betterment of Tuapiro Point.
- Information be provided advising of the cultural significance of Tuapiro Point to educate other users.
- A permit system be introduced to manage large groups use of the area.
- Independent monitoring of the use of Tuapiro Point over an extended period of time.
- That all interested parties meet up and come to a mutually beneficial conclusion that does not involve the banning of horses at Tuapiro Point.

Amy Gough spoke on behalf of the Seaview Ranch Christian Camp as a member of the Savill family. She tabled a document that spoke to the nature of the camp and the work that they did. It also included positive reviews from four people who had attended camps there. Ms Gough advised that to the best of her knowledge their group were respectful users

of Tuapiro Point and that they ran up to six camps a year that went out to the beach no more than five times.

Rebecca Tasker advised that she trained horses and dogs for a living and that Tuapiro Point was the safest place for her four year old son to ride. She had been involved in activities with horses at Tuapiro Point that had been wonderful experiences for those who had been involved and asked that the iwi work with the horse riding community to address their concerns about the use of the area without excluding horse riding.

Andrew Hollis advised that he and his family had been part of the community for many years and that he was a geologist. He questioned the legality of and reasoning behind banning horses from Tuapiro Point. He explained that concerns around horses injuring others was unfounded and those most likely to be hurt were the horse riders themselves, that he did not believe that horse manure was an issue in the area and suggested that if horses had been damaging areas that they should be signposted and fenced off.

He did not support the use of permits to manage horse riding on the beach and believed that closing the beach to horse riders would result in non-compliance. He compared the draft bylaw to the Tauranga City Council stance on horses on beaches and advised that human and dog faeces contained pathogens that were hazardous to human health but that horse manure did not.

PP14.2.4

Submission 171: Jane Savill; Submissions 231, 372: Sarah Rice (and on behalf of Submission 180: Rochelle Kerkmeester; Submission 181: Donna Kerkmeester and Submission 182: Anita Shirley Gray); Submission 252; Jo Schimanski; Submission 253: Riley Warren

Riley Warren, a nine year old horse rider, explained that Tuapiro Point was one of the safest places for him to ride, which enabled him to ride his horse more confidently. He advised that he had young friends who also rode at Tuapiro Point.

Sarah Rice explained that she had submitted personally and as the head coach at the Te Puna Pony Club. She spoke for Donna and Rochelle Kerkmeester and Anita Gray who were not able to attend the hearing and tabled a document from all the submitters she represented. Ms Rice explained the safety aspects of riding at Tuapiro Point and in contrast the safety concerns of riding in paddocks and on the road. She asked that consideration be given for more inclusion of horses in public spaces and referenced the 2012 change to the bylaw banning horses from the beach in Te Puna. She advised that she was concerned about pollution in the harbour and felt that the horses that used the area did not impact hugely to this issue especially in contrast to other contributing factors including but not limited to the black swan population and dredging. She concluded by saying the equestrian community was environmentally conscious and

banning them from being able to use Tuapiro Point would limit the number of people who could care for the area.

Jane Savill spoke to the success of the work at the Seaview Safari Camp and the contribution the camp had made to the Katikati Community. She was passionate about the work that the camp did and did not want future generations to be penalised by not being able to use Tuapiro Point. She advised that she would be happy to be adhere to restrictions of use if it meant the area would stay open to horse riders. In response to a question, she advised that, in her opinion, their group did not overuse or crowd the beach.

Jo Schimanski spoke in support of her written submission. She advised of the need for groups to compromise, the natural environment of Tuapiro Point and felt the horse riders had been unfairly singled out in this instance.

PP14.2.5

Submission 49, 311: Raewyn O'Hara; Submission 369: Duncan Sharpe France; Submission 389: Sonja Gordon; Submission 393: Denyse Cambie; Submission 395, 415: Lizette Turnbull

Sonja Gordon advised of her passion for horses and the use of Tuapiro Point. She explained that Tuapiro Point was an oasis for the community and asked that a long term solution conducive to all parties be discussed rather than just banning the use of the area.

Lizette Turnbull advised that as a primary school teacher she was concerned for the youth of Katikati and explained the skills that young riders learned as they learned to ride in safe environments like Tuapiro Point. She was concerned that closing Tuapiro Point to young riders would make horse riding less accessible to young people in the area especially when she felt the community was quite happy to follow clear protocols in using the area. In response to questions, Ms Turnbull advised there were around 120 young riders in the greater Tauranga area and approximately 40 in Katikati, and that some of those riders were of Māori descent.

Denyse Cambie explained her concerns around the transparency of the bylaw process and the reasoning behind the draft bylaw changes. She advised that from a riding perspective Tuapiro Point was very safe and opened up opportunities to ride for those who otherwise would not be able to and how other available beaches were not comparable particularly for novice or inexperienced riders. She believed the issues caused during peak season could be resolved with regulations and that there were far more concerning contributing factors to pollution in the harbour and damage to the area than horses and their riders. In response to questions Ms Cambie advised that she had seen no scientific evidence to prove that horses were doing any more danger to the kaimoana beds than people would.

Duncan Frances Sharpe explained he was not a horse rider but did enjoy the use of Tuapiro Point and had concerns that that community were not being heard regarding their opposition to the draft bylaw changes. In

response to questions he advised that horse riders had not impeded his ability to enjoy Tuapiro Point and that as a geologist had not seen any evidence of the reported damage that had led to the draft changes.

Raewyn O'Hara explained that as horses had served in wars for hundreds of years that the use of Tuapiro Point should remain open to them to enrich their lives and those of the riders. She was concerned that there were few places where riders and their horses could go.

3.57pm
4.04pm

The meeting was adjourned.
The meeting was reconvened.

PP14.2.6

Submission 447: Susan Woodcock; Submission 476 and 477: Robert and Emma Bostock; Submission 478: Thelma Williams; Bridget Weller

Thelma Williams asked for the opposing groups to negotiate and for compromise to take place. She explained that she regularly walked at Tuapiro and rarely saw horses and riders and that she believed the kaimoana seabeds were already compromised and horses were not contributing to the damage.

Emma Bostock advised that she would likely need to close her business, Horse Sense Ltd, if Tuapiro Point was closed to riders. Horse Sense Ltd taught novice and inexperienced riders of all ages how to ride and Tuapiro Point was the only safe beach in the area to do this. She also explained that she was very passionate about the environment and did not feel that horses were causing the issues reported at Tuapiro Point. She also advised that she had felt intimidated by those who had opposed the horse riders view point in the community and advised that while riding to the Council building, drivers had been needlessly aggressive when she and a group of riders had delivered a petition.

Bridget Weller spoke to a tabled document and advised that she thought that the equestrian community were very respectful of others and their environment. She had found that Tuapiro Point worked well as a reserve and there always seemed to be space for everyone who was using it at the time. She very rarely saw horse manure but did often see rubbish there and felt that the equestrian community had been unfairly blamed for the issues at Tuapiro Point.

Susan Woodcock introduced herself to the Committee and advised that she had lived in Katikati for 21 years, had owned horses for a long time, had two children who rode horses and Tuapiro Point was an ideal location for them to ride and for horses to be trained. She explained that, in her opinion, removing horses from the area would not solve the environmental issues. She explained that there had been increasingly less safe areas for riders in the area with properties becoming more private due to health and safety requirements. In response to questions she advised that riders use the water in Tuapiro Point for repairing horses and resistance training.

PP14.2.7

Submissions 489, 545: Ronald Guy; Submission 490: Genevieve Denzie; Submission 503: Alayna Rogers; Submission 509: Diane Free; Submission 561: Samantha Free; Submission 517: Jamie Symes; Submission 518: Adam Symes; Submission 580: Bernadette Heibner; Submission 499: Leonie Rogers

Samantha Free advised she was ten years old and loved riding at Tuapiro Point. In response to a question she advised that Tuapiro was a safe environment for her to ride and that she took her horse into the water there.

Diane Free explained that she had been riding at Tuapiro Point over the last eight years and enjoyed this because it was a safe, family environment that was good for young and novice riders. She spoke to a tabled document and reiterated previous points about other riding areas being further away and not as safe as Tuapiro Point, that the signage and maps at Tuapiro Point were unclear, that most equestrians were respectful of the environment, that horse manure was not toxic and that there were far worse contaminants in the harbour that needed addressing.

Adam Symes was six years old and explained that he enjoyed riding at Tuapiro Point because it was safe, there were lots of places without electric fences and cars and he could practise cantering and trotting his horse safely. He advised that he did ride in the water and that it was difficult to find other places to ride because of health and safety restrictions. His sister Jamie also spoke and advised that she rode and swam her horse at Tuapiro Point.

Bernadette Heibner spoke on behalf of Leonie Rogers (Submission 499). She advised of concerns that Ms Rogers had had that the information provided by Council staff that the public open days regarding the draft bylaw change had been misleading and that this had unfairly represented horse riders at Tuapiro Point.

Alayna Rogers spoke to her submission about her concern that, if Tuapiro Point closed, additional pressure would be put on other beaches like Waihi Beach that had less available access and parking facilities.

Ronald Guy spoke to a tabled document and advised he was the Chairperson for the Adult Riding Club. He was concerned that riders had been harassed at Tuapiro Point and questioned if Council had really thought through the proposed changes from the entire community's perspective. He endorsed what previous submitters had said about the nature of pollution in the harbour and advised that the Riding Club encouraged the collection of manure by riders.

Genevieve Denzie spoke to her written submission and endorsed what previous submitters had said and made the following points:

- Tuapiro Point was an important recreational area used by many groups.

- She questioned the legality of banning one group of people from using Tuapiro Point and discussed the ill will that this proposal had caused in the equestrian community.
- The Council needed to balance the cultural and practical needs of the wider community.
- Signage at Tuapiro Point needed to be updated with clear information as to where riders should not be riding.
- Māori Sovereignty of the land could still be recognised without banning users of Tuapiro Point.

Bernadette Heibner spoke to her own submission and described the draft bylaw as extremely unjust. She advised she was not a rider herself but was concerned about the difference of opinions within the community and asked that opposing group compromised and co-operated and that Council listen to both views. She also believed that it was unfair to single out a specific group of users at Tuapiro Point.

PP14.2.8

Submission 525: Natalya Zajac-Wiggett; Submission 530: Mesha Zajac-Wiggett; Submission 547: Katie Rousell; Submission 563: Ian Noble; Submission 567: Lynn Bode; Submission 568: Kirsten Louise Symes

Chris Jones addressed the Committee and explained that Tuapiro Point was an important resource to the equestrian community because it was appropriate for riders of all ages and stages. While it was important that the area be preserved, Council should also be looking to promote recreational spaces rather than reducing them.

Natalya Zajac-Wiggett, a seven year old rider, explained that Tuapiro Point was one of her favourite places to ride.

Mesha Zajac-Wiggett described Tuapiro Point as a relaxing and healing place for both horses and riders and explained that the calm water made it a great place for novice and young riders to learn to ride and swim horses. She asked that consideration be given to improving the quality, accuracy and locations of the signage at Tuapiro Point.

Ian Noble advised that he was a patron of the Katikati Hack and Hunters Club and acknowledged the passion of those who had already spoken. He explained that the signage at Tuapiro Point was confusing and that the pine trees in the area needed replanting. He spoke to a letter to the editor from the Katikati Advertiser (June 21, 2018) that he tabled advising that swan faeces from the local black swan population was of more concern than horse manure and asked that consideration be given to what areas horses could be ridden in, that signage be updated and improved and that the Council make their decision based on evidence, taking into consideration the passion of the community.

Katie Rousell spoke to a tabled document regarding her submission. She explained she had been riding for many years and had aspirations to ride professionally. She also tabled an article about the "Ride for Road Safety"

event that she had organised as part of a national campaign to highlight the dangers of riding horses on the road. She explained that the success of competitive horse riding in New Zealand was in being able to ride in places like Tuapiro Point and that Katikati had many proud young equestrians.

Lynn Bode, a 17 year old German exchange student explained that she had come to Katikati to experience horse riding on the beach. This had been a very special experience for her and she felt Katikati would lose international students like herself if Tuapiro Point was closed to riders.

Kirsten Symes made the following points about her submission:

- Horse riding was a family activity.
- Tuapiro Point was a critical riding location in the area due to proximity, facilities like parking.
- In her experience all recreational users of Tuapiro Point got on well together.
- Opening up beaches in Te Puna and Omokoroa would take the pressure off Tuapiro Point.
- Suggested permitting for large groups who wanted to use the beach.
- She had seen no research proving that horses were damaging the area any more than any other users and was concerned the equestrian community were being unfairly blamed.
- Efforts should be made to address all forms of pollution in the Tuapiro Point area.
- She had concerns about riders experiencing intimidating behaviour while riding at Tuapiro Point.

PP14.2.9

Submission 422: Richard Prince; Submission 164: Jill Jackson; Submission 430: Libby Ward; Submission 437: Colette Lemon; Submission 439: Barbara Jacobson; Submission 153: Anthony (Ross) Collins; Submission 131: Marion Hall; Submission 444, 619: Sally Jane Goodyear; Submission 445: Michelle Raitak

Jill Jackson asked the Committee why members of Ngati Te Wai had not approached riders earlier if they had had issues with the use of Tuapiro Point. She was also concerned about reported intimidation of horse riders.

Libby Ward showed the Committee a photo of her and her family with their horses. She advised that they did not use Tuapiro Point very often but that their time there represented family and she did not support the closing of Tuapiro Point to horse riders.

Barbara Jacobsen explained that she, like many riders, thought of Tuapiro Point as her backyard and were respectful for the environment. She believed that horse riders were not the issue in the area. As the teacher in charge of equestrian at Katikati College she did not support the closing of the beach to horse rider because young riders needed safe places to ride. She asked that Council respect the overwhelming number of submissions that did not support the draft bylaw change and recognise the need for Tuapiro Point to remain open to horse riders.

Colleen Lemon advised that her family are all horse riders and asked how banning any activity that encouraged well being was an option for Council. She agreed that Tuapiro Point needed to be protected but for the benefit of all users.

Marion Hall spoke to a tabled document regarding her opposition to the bylaw change.

Ross Collins explained that he was supportive of horse riding at Tuapiro Point.

Michelle Raitak spoke to a tabled document and powerpoint presentation about the positive impact her daughters horse riding had had on her family. She encouraged the Council to take on board the feedback from the community and make a positive decision regarding the future of Tuapiro Point. She explained that, in her opinion, banning horses from Tuapiro Point would not fix the environmental issues there and asked that members of the community not be excluded from Tuapiro Point.

Richard Prince spoke to a tabled document regarding some research he had done on kaimoana at Tuapiro Point, and asked that Council sought to do their own research independently of what they had received from other parties and make decisions about the bylaw based on facts and not feelings.

Sally Goodyear also spoke to a tabled document stating that access to beaches was of national concern and, to the best of her knowledge, the Western Bay of Plenty District Council was the only Council trying to ban horse riding from its beaches. She thought that opening up more beaches for horse riding would take pressure off Tuapiro Point and requested that Tuapiro Point stay open for horse riders but that the activity be limited to areas where no damage could be done. She spoke to the issues of numbers of horses on the beach, horse manure, improved signage and solutions other Council had implemented.

PP14.2.10

Submission 100: Boyd Jones; Submission 454: Michael Riki Kiriwai Nelson (and on behalf of Submission 459: Tangata Whenua Members of the Partnership Forum and Submission 188; Bay of Plenty Regional Council)

Boyd Jones addressed the Committee and advised that horse manure was an issue at Tuapiro Point and that it was not harmless. He explained that organisms pathogenic to humans including Clostridium tetani were gut borne in horses and could be found in their manure. When approaching riders with regards to cleaning up after their horses, he had found riders to be extremely disrespectful. He supported horse riding at Tuapiro Point as long as riders took responsibility for their horse's manure and removed it from the area.

Riki Nelson introduced himself via mihi and gave apologies for those who had initially planned to speak with him as they were attending a tangi. He explained the cultural and historic significance of Tuapiro Point to Ngati Te Wai and spoke to a tabled document about the Ngati Te Wai proposal for Tuapiro Point including the following points:

- Ngati Te Wai were committed to a progressive solution that met the needs of both the Ngati Te Wai and the equestrian community.
- The importance of the practice of collecting kaimoana from the kaimoana beds at Tuapiro Point to Ngati Te Wai and the affects of horse manure on that practice.
- Concern was raised about the response of some individuals in the equestrian community to the draft bylaw process towards Council and local Māori.
- Proposed solutions moving towards an amicable solution for all parties involved.

In response to questions, Mr Nelson clarified the following:

- Ngati Te Wai sought to ban horse riding altogether on the southern side of the spit.
- The large group of users that their submission had referred to was the Seaview Safari Camp. Ngati Te Wai supported the work of the camp and were happy to negotiate with the camp owners.
- Ngati Te Wai had collected photos and video footage cataloguing the damage done by horses to the area over a period of time.

PP14.3

Receiving Submissions to the Draft Reserves and Facilities Bylaw

Following the hearing of all submissions to the draft Reserves and Facilities Bylaw the Policy Committee considered the following recommendation:

Resolved: Mackay / Marsh

THAT all written and verbal submissions to the Reserves and Facilities Bylaw be received and submitters thanked for their submissions.

The meeting adjourned at 7.23pm.

Western Bay of Plenty District Council

**Minutes of Meeting No. PP14 of the Policy Committee
held on 27 September 2018 in the Council chamber, Barks Corner, Tauranga
commencing at 9.30am**

Present

Councillor D Marshall (Deputy Chairperson), Councillors G Dally, M Dean, M Lally, P Mackay, K Marsh, M Murray-Benge, J Palmer, J Scrimgeour, D Thwaites and His Worship the Mayor G J Webber

In Attendance

M Taris (Chief Executive Officer), G Allis (Deputy Chief Executive), R Davie (Group Manager Policy, Planning and Regulatory Services), E Watton (Policy and Planning Manager), C Steiner (Senior Policy Analyst (Consultant), P Watson (Reserves and Facilities Manager), G Payne (Strategic Analyst), J Rickard (Senior Policy Analyst), F Begley (Community Relationships Manager), C Nepia (Māori Relationships and Engagement Advisor), R Woodward (Communications Advisor), G Stevens (Senior Consents Planner), F Sweeney (Governance Management Advisor) and M Parnell (Governance Advisor)

Community Boards

A Sole (Chairperson, Waihi Beach Community Board), J Dugmore (Member, Te Puke Community Board) and N Mayo (Member, Katikati Community Board)

Others

Ten members of the public.

Apologies

An apology for lateness was received from Councillor Dally. It was noted that Councillors Murray-Benge and Williams were on leaves of absence.

Resolved: Mayor Webber / Mackay

THAT the apology for lateness from Councillor Dally be accepted.

The Chairperson welcomed everyone to the meeting and thanked those in the public gallery for taking an interest in this discussion. He explained that the public hearing had taken place on 6 August 2018 and that the Committee would now deliberate on the decision at hand.

PP14.4 **Deliberations on the Draft Reserves and Facilities Bylaw 2018**

The Policy Committee considered a report from the Senior Policy Analyst (Consultant) dated 18 September 2018 as circulated with the agenda. She spoke to a tabled powerpoint presentation and gave a summary of the process so far.

She described the initially proposed changes and the feedback received during the consultation period. She summarised the feedback received that both supported and did not support the initial proposal. She also described the issues and options process that Council was required by the Local Government Act to follow in its deliberations process.

Resolved: Marshall / Mackay

1. *THAT the Senior Policy Analyst (Consultant) report dated 18 September 2018 and titled Deliberations on the Draft Reserves and Facilities Bylaw 2018 be received.*
2. *THAT the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.*
3. *THAT the 'Beaches for Everyone' petition delivered to Council's Barks Corner office on 3 August 2018 opposing the proposed ban of horses at Tuapiro Point be received as a late submission to the Draft Reserves and Facilities Bylaw.*

Issue 3: Broader Review of Horse Riding Areas (Operational)

The Senior Policy Analyst (Consultant) advised of the issues and options for issue three and how they responded to the feed back received during the consultation process. She also explained how this would impact staff work programmes and funding streams. She advised that other like Councils bylaws were permissive of horse riding on their beaches.

Resolved: Mackay / Thwaites

4. *That in response to Issue 3: Broader review of horse riding areas, the Policy Committee approves the following:*

Option 3A:

Undertake a review to identify additional opportunities for the provision of horse riding areas in the district in the 2019/20 financial year with the key stakeholders.

Reasons:

- *Responds to submission feedback on this issue.*
- *Addresses concern of the limited number of safe horse riding opportunities in the Western Bay.*

PP14.4.1 **Issue 1: Use of Horses at Tuapiro Point (Bylaw Change)**

The Senior Policy Analyst (Consultant) advised of the issues and options for issue one and the advantages and disadvantages for each including the options for an amended status quo.

In response to a question it was confirmed that the options available alongside the amended status quo could be picked and chosen from by the Committee.

The Senior Policy Analyst (Consultant) described each of the status quo amended options and explained that they had been developed from feedback received during the consultation process. She also explained, as directed by Council at its workshop, that staff, Ngati Te Wai and key stakeholders had met on site at Tuapiro Point and had discussed options that might lead to a compromise on the use of Tuapiro Point for horse riders. She referred to maps showing the current operative bylaw and the proposed permitted area amendments.

In response to questions, staff advised:

- The current parking arrangements at Tuapiro Point were not being affected by the proposed changes, but that the proposed map could be amended to clarify this.
- The review of horse riding areas would take into consideration the future area that Ngati Te Wai had proposed horses could be ridden as per their tabled document at the hearing.
- Western Bay of Plenty District Council's bylaw did not have jurisdiction beyond the mean low water springs (e.g. beyond the low tide line).
- In discussions with key stakeholders it was indicated there was no preference for horse riders to ride along the grassed or forested areas at Tuapiro Point.
- The road leading to the toilet facilities was not a public road and the bylaw applied to it.
- The channel at Tuapiro Point was governed by the Bay of Plenty Regional Council, as it was beyond the mean low water springs.
- It had been established that signage at Tuapiro Point was not sufficient and staff had suggested that using natural landforms like the island and the sea grass as boundaries so that the public could use and enjoy Tuapiro Point in its natural form without the area being cluttered with signage.
- If the Committee chose to include a permit system for horses at Tuapiro Point, this would be an annual permit for riders.
- Permitting for larger groups could be used to get information about who was using the area or as an enforcement tool to limit large groups.

The Committee discussed the following issues:

- There was no agreement with the need for seasonal restrictions, introducing a permit system or limiting large groups but these could be revisited in the wider review of horse riding in the district.
- The Code of Conduct could be available for riders via an app.
- There was a requirement to educate users of Tuapiro Point of the cultural significance of the site.

Resolved: Mayor Webber / Marsh

Option 1C:

Amended status quo (Appendix C) including the options outlined below:

Permitted area amendments

Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.

Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.

Reasons:

- *Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community.*
- *Tuapiro Point is a popular location for horse riders.*
- *Majority of submissions did not support removing Tuapiro Point as a permitted site (96%).*
- *Continues to provide six locations for horse riders to access in accordance with the Bylaw.*
- *A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders.*

Code of conduct

Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.

Reasons:

- *Sets out clear expectations of use.*
- *Approach successfully used in Auckland Regional Parks.*
- *Can be used by different clubs to encourage responsible use by their members.*

10.52am

The meeting adjourned for morning tea.

11.10am

The meeting reconvened.

PP14.4.2 Issue 3: Broader Review of Horse Riding Areas (Bylaw Change)

The Senior Policy Analyst (Consultant) explained the advantages of including the proposed clause.

Resolved: Mayor Webber / Mackay

To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.

PP14.4.3 Issue 4: Drones

The Senior Policy Analyst (Consultant) explained the issues and options for issue four and the advantages and disadvantages of each.

In response to a question staff advised that Council had made a resolution in 2015 to signal its permission as a land owner for those who wanted to use drones on Council reserve land as long as user followed CAA regulations and did not cause a nuisance to other users of the reserve land.

Resolved: Mayor Webber / Mackay

Option 4B:

Continue as per proposed bylaw (Appendix A)

Reasons:

- *Reflects existing Council direction on this issue.*
- *Recognises that there have been no known issues regarding the use of RPAS on Council land.*
- *Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly.*
- *Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future.*

PP14.4.4 Issue 5: Vehicles on Beaches

The Senior Policy Analyst (Consultant) explained the issues and options for issue five and the advantages and disadvantages of each.

In response to a question, staff advised that section 10.1 of the bylaw allowed for people who need to use their vehicles on the beach to obtain written permission from Council to do so.

Resolved: Mayor Webber / Dean

Option 5B:

Amendments to Clause 10 of operative bylaw

Reasons:

- *Ensures community are aware that regional provisions may also apply.*

Resolved: Marshall / Dean

5. *THAT the Policy Committee recommends to Council for adoption the Reserves and Facilities Bylaw 2018 inclusive of the following amendments:*

Issue 1: Horses at Tuapiro Point

Option 1C:

Amended status quo (Appendix C) including the options outlined below:

Permitted area amendments

Continue to permit horses at Tuapiro Point subject to conditions outlined in Clause 13.

Amend Schedule 1 of the bylaw to reflect proposed changes to permitted horse riding areas around Tuapiro Point including clarification regarding the parking area for horse floats and access to the permitted area connecting the public road to the foreshore.

Reasons:

- *Seeks to achieve a compromise between the issues raised by Ngati Te Wai and the issues raised by the horse riding community.*
- *Tuapiro Point is a popular location for horse riders.*
- *Majority of submissions did not support removing Tuapiro Point as a permitted site (96%).*
- *Continues to provide six locations for horse riders to access in accordance with the Bylaw.*
- *A range of potential improvements could be made within the bylaw and operationally (many suggested by submissions) to better manage the impact of the use of the area by horse riders.*

Code of conduct

Develop horse riders code of conduct in conjunction with horse riding representatives and include code of conduct information in the bylaw, on Council's website and in Council communications.

Reasons:

- *Sets out clear expectations of use.*
- *Approach successfully used in Auckland Regional Parks.*
- *Can be used by different clubs to encourage responsible use by their members.*

Issue 3: Broader Review of Horse Riding Areas

To add to Clause 13.1 (c) In a reserve or on a beach where there is dedicated signposted horse riding trails.

Issue 4: Drones

Option 4B:

Continue as per proposed bylaw (Appendix A)

Reasons:

- *Reflects existing Council direction on this issue.*
- *Recognises that there have been no known issues regarding the use of RPAS on Council land.*
- *Clear and simple approach to allowing for this use to occur, avoiding confusion about where RPAS can and cannot fly.*
- *Ensures compliance with CAA regulations and provides flexibility should these regulations change in the future.*

Issue 5: Vehicles on Beaches

Option 5B:

Amendments to Clause 10 of operative bylaw

Reasons:

- *Ensures community are aware that regional provisions may also apply.*

Resolved: Marshall / Mayor Webber

6. *THAT pursuant to s155 of the Local Government Act 2002, the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 as amended is the most appropriate way of addressing the perceived problem, is the most appropriate form of bylaw, and that the bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
7. *THAT the Policy Committee recommends to Council that the Reserves and Facilities Bylaw 2018 become effective on 9 November 2018 and that the Reserves and Facilities Bylaw 2012 be revoked as at that date.*

Issue 2: Bylaw Implementation

The Senior Policy Analyst (Consultant) explained the issues and options for issue two and the advantages and disadvantages of each.

In response to questions, staff advised as follows:

- Fencing suggested.
- That signage regarding the use of Tuapiro Point at the parking area be installed where horse floats park.

Resolved: Scrimgeour / Palmer

8. *THAT in response to Issue 2: Bylaw implementation, the Policy Committee approves the following:*

Option 2A:

Implement a range of improvements to better manage the use of horses at Tuapiro Point:

- *Improve signage at Tuapiro Point*
- *Improve education on bylaw requirements and values of Tuapiro Point*
- *Monitoring approach*

Reasons:

- *Responds to submissions identifying potential improvements to the management of horses at Tuapiro Point.*
- *Clarifies expectations of use.*
- *Work with the Ngati Te Wai and the horse riding community to implement improvements to ensure they are effective.*

Resolved: Mayor Webber / Mackay

9. *THAT the Policy Committee direct staff to develop a Decision Story that gives effect to the resolutions from this meeting, and recommends to Council that the Decision Story be adopted alongside adoption of the final bylaw and provided to submitters as a formal response to submissions made.*

The meeting concluded at 11.44am.

PP14