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Report 00.558

14 July 2000

File: J/1/2/3

Report 2000.Env00558.MP:pd

Report to Environment Committee
from Mike Pryce, Manager, Harbours
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Timetable for Revised Harbour Bylaws

1. Purpose

To report to the Committee on the process and timetable for the development of the revised harbour bylaws for the Wellington Region.

2. Background

The Local Government Amendment Act No. 2 came into force on 28 April 1999. It legislated for a number of functions, duties and powers of regional councils in relation to navigation safety and repealed the Harbours Act 1950.

Report 99.491 of 30 August 1999 explained the implications of the revised legislation.

3. Activities

A Working Group, with representatives from various regional councils, was established with the purpose of drafting a set of generic harbour bylaws to standardise as many requirements as possible. The idea is that the generic bylaws can then be expanded to incorporate any additional local requirements. The Working Group included appropriate representation from the Maritime Safety Authority and the Ministry of Transport.

The Working Group met in Wellington on 17 November 1999, 28 February 2000, 31 May 2000 and 4 July 2000.

4. **Considerations**

Because the responsibilities for navigation safety have been significantly modified by the legislative reforms, there has been some uncertainty as to the scope of matters to be included within navigation bylaws. This has caused some delays in the production of generic bylaws, and it was only at the last meeting of the Working Group that the Maritime Safety Authority clarified the situation. The outcome has been that the content of the bylaws has been significantly reduced, and the Group can now work on finalising a document for wider consultation.

5. **Suggested Timetable**

A suggested timetable for the introduction of new harbour bylaws in time for the next summer period is as follows:

(1) 7 September 2000

Report to Environment Committee

(2) 19 September 2000

Report to full Council to adopt a Special Order revoking the majority of the old Bylaws and adopting new Bylaws.

(3) 23 September 2000

First Public Notice

(4) 14 October 2000

Second Public Notice

(5) 26 October 2000

Council meeting to confirm Special Order having considered submissions, and a resolution to include a date in which the bylaws come into effect.

(6) Bylaw comes into effect 2 November 2000 (no less than 7 days after 26 October 2000 confirmation).

Once the bylaws are adopted, further steps will be required to develop regulations if the Council is to take advantage of infringement offences as an enforcement tool.

Further steps will also need to be taken with respect to the control of pilotage. In the interim, the existing bylaws relating to pilotage will need to be retained.

6. **Area to be covered by the bylaws**

Present harbour bylaws only apply to the gazetted harbour limits of Wellington. The new legislation gives regional councils the ability to make bylaws for all regional

waters. In the case of the Wellington Regional Council, the area could extend from Otaki on the west coast, round through Cook Strait and up to north of Castle Point on the east coast, and could also include all inland waterways.

The majority of the high intensity boat activity currently occurs within existing harbour areas, or within close proximity to the shoreline. It is proposed that the new bylaws apply to the entire coastline to a distance of 3 nautical miles offshore, and to Lake Wairarapa.

7. **General**

The Maritime Safety Authority is keen to encourage councils to prepare their bylaws in advance of publication of new Maritime Rules.

The introduction of revised navigational safety bylaws is only a part of the process. This will be followed by an education and enforcement strategy.

8. **Recommendations**

1. *That the Committee note the outline of work done to progress the production of draft set of generic harbour bylaws.*
2. *That Council reviews all of its Harbour Bylaws as per the suggested timetable.*
3. *That Council extends the water area to which new bylaws apply to include all the waters around the coastline of the region out to a distance of three nautical miles, and to include Lake Wairarapa.*

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