



Report 08.935  
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Committee Regulatory Committee  
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## **Officers' comments on submissions received on the proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2003**

### **1. Purpose**

To provide the Committee with officers' comments in response to key points made in submissions received on the proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws).

### **2. Significance of the decision**

The matters for decision in this report **do not** trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

### **3. Background**

On 3 November 2008 the Council reviewed the Bylaws, and proposed to amend the Bylaws. In accordance with the requirement in the Local Government Act 2002 the special consultative procedure was initiated. Greater Wellington subsequently received 44 submissions on its proposed amendments to the Bylaws. Copies of all submissions received have been circulated to Committee members under separate cover.

The amendments to the Bylaws were proposed for a number of reasons. The adoption of the NZ Port & Harbour Marine Safety Code in 2004 resulted in the preparation of a Port & Harbour Marine Safety Code Navigational Risk Assessment for Wellington Harbour in November 2005. Many of the proposed amendments to the Bylaws are a result of the implementation of these recommendations. Other proposed amendments were made to ensure compliance with the draft national generic model bylaws. A number of proposed amendments to the Bylaws have been made to take into account proposed changes to Maritime Rule 91.

The reason for each proposed amendment to the Bylaws was provided to the Council in Attachment 1 to Report 08.684 (the comments are replicated in the revised draft of the Bylaws in **Attachment 2**).

## **4. Comment**

Officers have created a table outlining issues raised by submitters in respect of each of the proposed amendments and officers' comments in respect of each issue raised. This table is attached (**see Attachment 1**).

The majority of submissions received commented on the proposed amendment to provide for the exclusion of certain water users at Lyall Bay. The interaction between large and small ships also prompted a number of submissions.

Several submitters have studied the entire bylaws in great depth and made submissions on many points. The differing view points of these submitters has helped in ensuring there is a good balance of opinion representing all users of the Region's coastal and harbour waters.

Some submitters commented on matters that fell outside of the scope of the Bylaws, including environmental impacts and accuracy of hydrographic information. While there is a lot of useful information contained within these submissions, these issues fall outside of our control.

In general, we have received comments on a greater range of issues when previously commenting on the bylaws, indicating that the Maritime community is recognising the value of the bylaws and are taking the opportunity to have their say.

A summary of submitters' comments on the proposed amendment which generated the bulk of submissions, along with officers' responses to these comments, follows.

### **4.1 Proposal to provide for the exclusion of certain water users at Lyall Bay beach**

#### **4.1.1 Submitters' comments**

Over half of the submissions received (28) were sent by submitters concerned with the proposed amendment allowing for the exclusion of water users other than swimmers and body boards from the flagged area of Lyall Bay beach. Of these 28 submissions, 21 were by way of a form letter. These submitters commented that surfers were being singled out.

#### **4.1.2 Officers' comments**

The majority of these submissions appear to be based upon a newspaper article that did not accurately reflect the intention of the proposed amendments to the Bylaws. This article emphasised that there may be fines attached to breaches. In fact, the proposed changes are likely to have more relevance to wind and kite surfers than surfers. Both of these groups have been in contact with us,

and the kite surfers have written in support of the proposal. Regardless of the submitters' position or recreational persuasion, there does seem to be general agreement that it is common sense to swim between the flags and undertake other activities outside of them. In essence, this is exactly what the proposed bylaw is intending to achieve.

## **4.2 Interaction between large and small ships**

### **4.2.1 Submitters' comments**

Submissions have been made regarding the proposed bylaws concerning the interaction between large and small ships.

### **4.2.2 Officers' comments**

The requirement for small craft to "not impede the navigation of larger vessels of 500 gross tonnage or more" is not new, and was originally Part 44 of the General Harbour (Nautical and Miscellaneous) Regulations 1968. When those regulations were repealed in 2003, the same requirements were incorporated into National Model Bylaws and into Maritime Rule 91, with some wording changes. The general principle remains the same, that large vessels cannot safely be expected to zig-zag around the harbour avoiding small craft.

## **4.3 Additional Request**

### **4.3.1 Submitters' comments**

The Wellington Water-ski Club has requested some change to the rules regarding reserved areas, speed and distance from shore.

### **4.3.2 Officers' comments**

This submission proposes an amendment which we have not consulted on. Officers ask that the Committee considers the submission and note that any comments that the Committee makes on this submission will be incorporated into the next review.

## **5. Revised Navigation and Safety Bylaws**

As a result of the initial review and subsequent consultation on the proposed amendments to the Bylaws, officers have developed a revised copy of the Proposed Bylaws. This is enclosed as **Attachment 2**.

## 6. Recommendations

*That the Committee:*

1. ***Receives*** the report; and
2. ***Notes*** the contents; and
3. ***Identifies*** any necessary changes to the proposed bylaws; and
4. ***Directs*** officers to prepare recommendations for the Council on any necessary changes to the proposed bylaws.

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**Attachment 1:** Summary of submissions

**Attachment 2:** Revised Navigation and Safety Bylaws