

Summary of submissions

Proposed Amendment	Submitter	Comment	Officer's Comment	Changes
Definitions				
Dangerous goods	16	Does this need defining (not currently included)	Agree	Add definition of "Has the same meaning as in the International Maritime Dangerous Goods (IMDG) code"
Flag A	16	Remove (the divers flag)	Agree	Remove "(the divers flag)"
Mooring	16	(b) change "the anchorage" to "an anchorage"	Agree	Change "the " to "an"
Porirua Harbour	13	Definition is missing	Agree	Add as defined in Schedule 1 of these bylaws.
tanker	40	Possible confusion as the definition does not include liquid harmful substances other than oil. Suggest add (c) and include any tanker designed for the carriage of bulk harmful liquid substances"	Modify – definition is suitable but needs re-formatting. Addition of (c) would clarify.	Reformat definition to make it more clear.
Wellington Harbour Radio	16	Contact details should be in a schedule (easier to change) and add in the location of the station.	Disagree – process for changing a schedule is the same as changing the bylaws. Agree – add in location of the station.	Add in "The station is located at 41°19.8' S, 174°49.7E"

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	42	Lack of coverage in some areas is not detailed and should be.	Disagree – we detail the channels monitored and are not able to accurately detail what range particular vessels may have from various locations.	
2.1.1	16	Shouldn't this also apply to small commercial craft.	Disagree – commercial vessels are covered by Maritime Rules and Safe Ship Management or Safe Operating Plans.	
2.1.7	13	In Maritime Rule 91 so should not be here	Disagree – bylaws reflect Part 91 but Part 91 does not apply in bylaw areas.	
	40	Being proposed as a change to Part 91 and will also goes to public consultation there.	Agree – frequent Part 91 changes are not conducive to orderly bylaw reviews.	
	Officers	Suggesting re-wording for clarity		"The person in charge of a pleasure craft that is less than 6 metres in length shall ensure that every person shall wear....."
2.1.8	16	Shouldn't this also apply to small commercial craft.	Disagree – commercial vessels are covered by Maritime Rules and Safe Ship Management or Safe Operating Plans.	
2.3.1	04	The master/pilot may not be aware if their engine use will cause scouring.	Disagree – allowance is made for engine use for berthing etc	

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2.3.1	Officer	Suggest correction to word		or while it is loaded
	13	Precludes the use of side thrusters	Disagree – we disagree, it is permissible	
2.5	04	Should the responsibility be on the planes pilot and not a potentially large and slow vessel to keep clear	Disagree – the plane will have to pick a clear landing spot, clear of large vessels, this bylaws deals with small faster vessels.	
2.9	42	Support this inclusion. The contention should be spelt out in detail.	Agree support, disagree fully inserting the Maritime Rules as this is unnecessary and would make the bylaws unwieldy.	
2.9.2	13	Not permissible	Agree	Remove 2.9.2
2.10	04	Use of “any waters”	Disagree – bylaws only apply in defined area.	
2.11	13	In Maritime Rule 91 so should not be here	Disagree – bylaws reflect Part 91 but Part 91 does not apply in bylaw areas	
2.12.1	04	Use of words “or fitted” in relation to blue flashing lights. Suggest add in “except in emergency”	Agree – bylaws is too prescription in its prohibition.	Remove “fit or”. Replace “written” with “prior”. This will only apply to emergency response vessels and prior permission can be obtained.
2.12.4	04	Use of horn in emergency situation	Disagree – bylaw allows for use as navigational safety signal (e.g. for emergencies)	

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	16	Use of horn in emergency situation	Disagree – bylaw allows for use as navigational safety signal (e.g. for emergencies)	
	43	Suggested this should only apply to powered sound signals	Disagree – this distinction is unnecessary	
	13	Conflicts with 6.2.9.	Disagree – 6.2.9 is a legitimate use of the sound signal	
2.13	13	Is this necessary here?	Disagree – for a lot of boaties this may be the only legal information they read and also this gives us enforcement powers.	
2.14	04	This seems to be confusing and against the use of cellphones.	Agree	
	13	In Maritime Rule 91 so should not be here	Disagree – bylaws reflect Part 91 but Part 91 does not apply in bylaw areas	
	40	Being proposed as a change to Part 91 and will also goes to public consultation there.	Agree – frequent Part 91 changes are not conducive to orderly bylaw reviews.	
	42	This is illogical and unworkable. More prescription is needed. The Maritime NZ Boating Safety Strategy (source of this proposal) does not have representation of	Disagree – The MNZ boating forum has a large cross section representation. Unsure on the source of the reference to registration of under 6 metres	

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		marine fishers. GWRC is attempting to collect information for the government on vessels under 6 metres for unknown purposes.	vessels. Not in these bylaws.	
	43	Suggested that this should not apply to manually powered craft e.g. kayaks, due to difficulty in compliance	Disagree – bylaw is not prescriptive, signalling devices such as mirror or whistle can be used on kayaks that are close to shore.	
	Officers	Reword the title to better convey the intention of the bylaw.	Communication implies two way communication, which several submitters feel would be prohibitive. Means of attracting attention implies it can be one way communication, which is within the intention of the proposal. This bylaw would be almost impossible to enforce however it provides a good basis for education.	Change title to "Means of attracting attention when in distress"
3.1.1	13	Person in charge is not necessarily person on helm	Agree – however this bylaw clarifies this point rather than leaving the information vague.	
3.2.1 (d)	42	This should be enforced on shipping over 500tons and include schooling fish, or deleted. Commercial ships deliberately run down fish.	Disagree – marine mammals are protected under DOC legislation and this is placing the marine requirements on a more accessible place. Large ships would not see mammals	

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			(especially dolphins) around their bow, in fact the dolphins seek them out. Large ships can not make rapid alterations in course and speed that smaller vessels can.	
3.3	13	Already required under 2.9	Agree	Remove
3.4	13	Already required under 2.9	Agree	Remove
3.5	13	Already required under 2.9	Disagree – within this clause there are specific requirements for Wellington and Porirua.	Retain 3.5.2. Add in “ Subject to the requirements of Part 22 of the Maritime Rules that stipulate when lights must be exhibited...” Change 3.5.2(c) to “...not able to exhibit sidelights and a stern light must...”
3.6	13	Already required under 2.9	Agree	Remove
3.13	1	Support the proposal. Most surfers would not surf between the flags and if they do it wouldn't be when the flag are out. However the western end is good for beginners	Agree – The area near to just outside the flags would still be available for beginners.	
	2	Disagree with the proposal. This will lead to congestion.	The aim is to preserve the status quo of most swimmers within the flagged area and other water	

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		<p>Swimming is not popular at Lyall Bay so the surfers should not be penalised.</p> <p>Surfing is a fast growing sport and increasing congestion will discourage that and cause accidents.</p> <p>Is this bylaw aiming to encourage people to swim outside the flags? You should instead support swimming between the flags.</p>	<p>users staying clear. The bylaw provides for enforcement only if required and supports the "Swim between the Flags" message. I have spoken to this submitter who wishes to ensure that surfers are not excluded or unreasonably restricted in Lyall Bay, we support that view.</p>	
	3	<p>Kite surfers are supportive and wish to promote safe kite surfing at Lyall Bay.</p> <p>We wish to establish a good relationship with the Surf Club</p> <p>We would like signage to promote this information</p> <p>How far seaward would the area extend.</p>	<p>Co-operation between groups is beneficial in any situation.</p> <p>Signage and education would be an important part of this bylaw, and we would be happy to assist the kite surfers getting their own safety messages across.</p> <p>Generally zones or lanes extend to the 200 metre mark, but this may require discretion.</p>	<p>Consider – what is an appropriate distance from shore?</p>
	5	<p>Where are the accidents that support this bylaw?</p> <p>Why a bylaw instead of education?</p> <p>What do enforcement officers know about setting flagged</p>	<p>We are aiming to be pro-active in education water users before the accidents occur. The beach is becoming busier with more surfers, kite surfers and windsurfers using the area.</p>	<p>Remove "Harbourmaster and Enforcement Officer" from those that can set a flagged area.</p>

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		<p>areas.</p> <p>Water users already know the swim between the flags message.</p> <p>The whole of the area indicated in the schedule could be flagged off and would push beginner into more dangerous areas.</p> <p>What is the basis for only applying this at Lyall Bay?</p>	<p>Having the bylaw gives us a better basis for the education of water users.</p> <p>Agree – the flagged areas should only be set by Surf Life Savers</p> <p>We would not expect the Life Savers to flag off any more of the beach than they currently do, particularly as they would be unlikely to have the resources to safely patrol an area of that size.</p> <p>This proposal is from the National Generic bylaws, meaning it is slowly being introduced around most of the country The bylaw is only proposed to be applied at the Lyall Bay flagged area because that has fast moving water users, and breaking waves (that can restrict visibility) in close proximity to swimmers. In other Wellington flagged areas e.g. Oriental Bay and Scorching Bay other water users are restricted to 5 knots these areas tend to be in calm water with good visibility.</p>	

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	7	I support this as I had my children paddling in the water and beginner surfers entered the water near to us and did not appear to have good control of their boards.		
	9	<p>I do not oppose swimmer only section of the beach.</p> <p>However given the few days that both swimmers and surfer are there together is it a problem that needs a bylaw?</p> <p>Given that the swimmers use the beach for a relatively small part of the year why not place restriction on where and when the flagged areas can be set?</p>	<p>This bylaw is aimed at protection of swimmers from several other water users, not just surfers.</p> <p>We do not expect Surf Life Saving to make any change to their current regime of where and when they place their flags, and they are the best people to make this decision. If it appears that this is being abused we would have to consider the type of restrictions suggested.</p>	
	11	<p>I oppose this propose change.</p> <p>I have seen little problem between surfers and swimmers and surfers do not deliberately surf between the flags.</p> <p>Most people respect the flags and this works</p>	<p>This bylaw is aimed at protection of swimmers from other water users, not just surfers.</p> <p>Agree, we support this and hope it will continue.</p>	
		The no-surf zone is a third of the beach.	Disagree- There is no 'no surf zone' this is the area in which the bylaw applies to the flagged area, other activities can still occur	

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			within this area as long as they remain outside of the flags.	
	12	<p>We do not tend to have a problem with surfers in the flagged area, at times there is a problem with wave riders (possibly kite surfers?) and windsurfers.</p> <p>We were not consulted prior to publication of the bylaw.</p> <p>Their needs to be clarification on the role of surf life guards.</p> <p>The life guards are trained to recognise the best place for the flags</p> <p>While 3.13.2 does allow for rescues in the flagged area it does not cover normal patrolling</p> <p>The flagged are is normal set close to the clubhouse as this is the safest place and generally away from the surfers, however there are times when the flagged area needs to be set up further along the beach.</p>	<p>It is not envisaged that there would be any change in the role of the Surf Club, they should continue to place the flags in the most appropriate place. Their lifeguards should continue there regime of asking other users within the flagged area to move outside the area. If this does not work there would be a means of GWRC officers to provide enforcement if required. The Life Savers will not be enforcement officers.</p> <p>Agree</p> <p>Agree</p> <p>The bylaw does not restrict where the flagged area may be established, only where the bylaw restricting other users is in force.</p>	<p>Remove "Harbourmaster and Enforcement Officer" from those that can set a flagged area.</p> <p>3.13.2 Change second sentence "This shall not prevent Surf Life Saving or other rescues services carrying out normal operations or performing rescues in this area."</p> <p>Consider – is the proposed area in Part C the most appropriate area?</p>

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	14	Oppose the permanent flagged areas, and suggest it can be managed by Surf Club flagged areas.	There is no proposal for a permanent flagged area and the intention is for this to be managed by the Surf Club flagged areas.	
	38 Form letter submissions 8,17,18,19,20,21,22,23,24,25,26,27,28, 29, 30,31, 32, 33, 34, 35,36,37	<p>Oppose. Why is this punitive regime being implemented against users of Lyall Bay?</p> <p>Under this bylaw the Surf Club will not be able to use paddle boards in the flagged areas.</p> <p>Maritime NZ have a policy of education rather than fining, why are surfers being singled out? We believe the Harbour Department are hostile towards surfers because of the Jet Ski lane.</p> <p>Seasoned surfers have in the past prevented kids on boogie boards from getting blown out to sea, from the back of the proposed flagged area.</p> <p>Why should Lyall Bay be singled out and different from other surf beaches around the country? Eg Piha?</p>	<p>The aim is to preserve the status quo of most swimmers within the flagged area with other water users staying clear. The bylaw provides for enforcement only if required and supports the "Swim between the Flags" message.</p> <p>Wording will be change to allow normal operation of surf club.</p> <p>Agree that education is better than punishment (fines). Surfers are not being singled out from any other water users in respect of infringement fines. The emphasis on fines was from a newspaper article, not us. There is room in Lyall Bay for all users and we have no issue within any user in particular.</p> <p>Distance offshore of the exclusion zone is up for discussion, surfers have raised concerns about being fined for taking part in a rescue (in any situation) are never going to be penalised</p>	

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			This Bylaw is taken from the National Generic Model, and in fact is in force at Piha. "Punitive policing" is not the aim, adding weight and certainty to the current situation is the only intention.	
	41	Oppose. This is a draconian measure to keep surfers out of the "tame" end of the beach.	The area indicated in the map is where the bylaw may apply. Other water users may be within this area, if remaining outside the flags.	
4.1.2	Officers	It is unclear to which clauses this refers to.		Replace "4.1" with "4.1.1" and remove "and 4.2"
4.1.2 (b)	16	Remove "no"	Agree/modify – for clarity	Replace "no explosives other than " with "only"
4.2	13	Already covered by 91.18, so should be deleted.	Disagree – bylaws reflect Part 91 but Part 91 does not apply in bylaw areas	
	Officers	Title is not part of bylaw and the bylaw is missing information.		Insert " carrying dangerous goods"
4.4.1	40	Term 'oil tanker' is used but not defined.	Disagree – oil tanker is common usage	
4.3	04	200m distance from Flag B is impractical in current	Agree – reword	Insert "on passage" after vessel. Replace 'a vessel'

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		operations of wharves		with 'any vessel' and add "while it is at anchor or underway" Add " This shall not apply to a vessel acting in accordance with 4.5.1
	16	Suggested re-wording so this only applies to vessel off the berth, so as to not unduly restrict port operations.	Agree/ modify	Insert "on passage" after vessel Replace 'a vessel' with 'any vessel' and add "while it is at anchor or underway" Add " This shall not apply to a vessel acting in accordance with 4.5.1
4.4	Officers	This section deals with ships pre-arrival and not just in harbour.		Reword title to "Duties of master of tanker"
4.4.2(c)	42	Impossible as GWRC allows laden tankers to intentionally ground at Seaview tanker wharf.	Disagree – Any tanker grounding would be a very serious incident and definitely not common practice.	
4.4.2(d)	40	Notifications should extend to tankers carrying liquid harmful substances	Disagree – covered by definition of tanker	
6.1.1(a)	13	Suggested rewording due to possible mis-interpretation.	Disagree – how the submitter interpreted the wording was correct and it does not need change.	

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6.1.2	04	Confusion as to when 6.1.1 is applicable	Agree	Reword 6.1.1 Replace "any commercial vessel" with "any vessel" Reword 6.1.2 to " During the hours of daylight and in good visibility pleasure craft are exempt from 6.1.1 "
6.1.4	13	Change to 20 metres	Agree/modify	Requirement is changing to 18 metres.
	16	Change to 25 or 30 metres	Agree/modify	Requirement is changing to 18 metres.
	40	70 gross tonnage may be unclear as to meaning.	Agree/modify	Requirement is changing to 18 metres.
	Officers	This has created uncertainty about who has rights while on the recommended tracks.		Add " this does not exempt a vessel to which this bylaw applies that is less than 500 gross tonnage from their obligations under bylaws 6.3.1"
6.1.5	04	This could lead to small vessels obstructing larger ships	Agree - that these may create more confusion.	Delete 6.1.5
	16	Vessels under 500 tons GT should not impede larger vessels following the recommended tracks. The	Agree	Delete 6.1.5

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		proposed rule adds confusion.		
6.1.6	04	It may impracticable to join the leads 2 miles south of the buoy.	Disagree – if the ship is within two miles of the buoy they should be under Pilot's instruction and therefore the pilot would have judged it safe to bring them in that far.	Insert after inward bound vessel, ". ..that is not under Pilot's instructions,"
	16	Remove "or leading lights"	Agree	Remove "or leading lights"
6.1.7	13	Unnecessary to denote the "narrow channel".	Disagree – This was introduced following the findings of the Sydney Express/Maria Louisa inquest on the strong recommendation of Maritime Safety Authority at the time.	
	42	Lack of definition of where the 'narrow channel' is.	Disagree – this is defined in schedule 6 Part A.	
6.2.2	10	Requirement for all vessels to listen on VHF 14 is difficult for small craft.	Agree	Insert in ". ..that have a VHF fitted or carried on board..."
	16	Change "on Wellington Harbour" to "within Harbour limits"	Disagree – covered by definitions	
6.2.3	13	Word "pilot" unnecessary	Agree	Remove "pilot"
	16	Change "Wellington Harbour" to "Harbour Limits"	Disagree – covered by definitions	
6.2.3(d)	16	Change "is" to "are"	Agree	Change "is" to "are"

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6.2.3(e)	16	Change "safely carried out" to "developed and executed"	Agree	Replace "safely carried out" to "developed and executed"
6.2.4	40	Under IMO regulations the Master has the discretion to turn AIS off due to security reasons.	Disagree – should a higher security level be declared the security provisions would override this bylaw.	
6.2.5	13	Unable to lower anchor from bridge	Disagree – 6.2.3 must be able to complied with, there is no requirement for it to be done from the bridge.	
6.2.6	13	This would prevent making a lee for the pilot or overtaking.	Agree	Remove " For the purpose of this bylaw...etc" Reword "...tracks shall, in a prudent seamanship like manner, unless.....weather, follow the relevant track as shown in Schedule 6."
	16	Remove "within 50 metres" as this may be impractical in certain circumstances.	Agree	See above
6.2.7	16	Insert new section allowing deviation from tracks for other than Safety of Navigation or weather	Agree	6.2.7 A vessel under Pilot's instruction may deviate from the recommended track, provided it is safe to do so

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				and they comply with 6.2.8 prior to deviating.
6.2.8 (renumbered 6.2.7)	16	Notification should be via VHF to ensure other vessels are aware of it.	Agree	Add at the end "by VHF"
6.2.8	13	Already covered by 6.2.6	Agree – but used for reinforcement	
	16	See 6.1.4		
	42	Distance of 3 cables should be expressed in metres.	Agree – and also 2.8 cables	Insert "(556 metres)" & "(519 metres)"
6.2.9	13	Should be using different sound signals	Disagree – This is not a manoeuvring signal but a warning to other craft that the vessels is about to leave the berth.	
6.3	42	This rule encourages dangerous behaviour and should be removed due to the inclusion of Maritime Rule Part 22. (NB the submitter refers to this rule as the "Harbour limit Rule"	Disagree – this bylaw requires small vessel to keep clear of large shipping that restricted in room and time to manoeuvre around small vessels in confined waters. The International Collision prevention rules of which Part 22 is the NZ equivalent provide for local variations in the Rules.	
6.3.1	13	Conflicts with 6.1.4	Disagree - -6.1.4 has been modified to clarify.	
	44	Agree	Agree	
6.3.2	13	Where do the inward/outward tracks start/finish?	Agree – they end at the end of the marked tracks	

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	16	<p>Centreport feels that all tracks should be shown including Burnham and Seaview. Part B should not be included.</p> <p>Insert "as a solid line in the plan in schedule 6". This would exclude the Falcon Shoal area from the bylaws as it would be difficult to enforce due to the number of recreational craft in the area.</p>	<p>Disagree – The majority of shipping follows the 'main' tracks Schedule 6 Part B, and this is where the majority of close quarters incidents occur. The additional track shown in Part A are less frequently used, and any vessel using them still have the protection of 6.3.1, requiring small vessels to keep clear.</p> <p>Falcon Shoal is the area that has the most problems.</p>	
	44	Agree – appropriate education is best solution	Agree	
6.3.3	13	Interpretation of "not impede" at odd with other opinions.	Disagree – Correct this has not been tested in court, there has been much written on this subject and most of it is contradictory. This bylaw aims to attempt to clarify the apparent misunderstandings that arise.	
6.3.3(a)	44	This approach is too prescriptive, a 'one size fits all' which is not the case and takes away from the judgement of the skipper.	Agree	Delete 6.3.3(a)

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6.3.3(b)	44	This becomes unworkable in some parts of the Harbour e.g. Lambton Harbour and Evans Bay, where ships are slow moving. 100m side clearance become very restrictive in the entrance	Agree	Delete 6.3.3(b)
6.3.3(c)	16	Reword to "Which requires the master to take avoiding action"	Agree / modify	Reword "limited to any action or inaction that requires the master of the vessel over 500 gross tonnage, to take avoiding action"
	44	Agree	Agree	
6.4.1	13	Inward requirements for all commercial vessels but outwards for vessels over 70 tons. Why?	Agree – remove the 70 gross tonnage reference from 6.4.2	Reword 6.4.2 "any commercial vessel shall as soon...."
6.4.3	13	Bylaws appears to be in conflict with the heading	Disagree – This is applicable to vessels that have left one berth and moved to another, instead of heading to sea.	
	16	Delete " marine" in front of VHF	Agree	Delete "marine"
6.6	13	Carrying charts should be more widely compulsory	Disagree – carriage of equipment is covered by Maritime Rules and they do not have a blanket requirement for charts. This bylaw	

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			to cover the part of the Harbour with the highest risk.	
6.7	16	Add in "or leaving" in title. Add "or before leaving any berth in Evans Bay"	Agree	Add "or leaving" in title and Add "or before leaving any berth in Evans Bay" in bylaw.
6.8.1	16	Change wording of the bylaw	Disagree - the current wording is more consistent with other parts of the bylaws.	
Schedule one	13	Incorrect definition	Disagree – Lambton Harbour is defined in the bylaws.	
Schedule two	13	Lambton Harbour should be prohibited anchorage	Disagree- ships do not anchor there in the normal course of events but it may be necessary from time to time.	
Schedule 3 Part B	06	Support for temporary reserved area/	Agree	
Schedule 6 Part A	13	Lack of clarity in passage plan	Agree – This was put in for indication and comment, the final version will include waypoints as suggested.	
	42	Falcon Shoal outward bound track should be deleted. This will prevent intimidation of fishers by ferry masters.	Disagree – having a separate outward bound track can provide good separation of shipping when there is a large ship inward bound.	

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	42	No definition of '500 ton rule'	Agree – change schedule to say Bylaw 6.3 (500 ton rule) applies	