



Report **03.714**
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Committee **Policy, Finance and Strategy Committee**
Author **David Harmer Policy Analyst**

Proposed Bylaws

1. Purpose

For the committee to consider and recommend to Council that it approve the proposed Wellington Regional Navigation and Safety Bylaws 2003.

2. Background

At its meeting on 16 September 2003, the Council resolved to initiate the special consultative procedure to review its navigation and safety bylaws (Report 03.533). The key reason for initiating the review was to provide consistency with Part 91 of the Maritime Rules approved by the Minister of Transport in February 2003. However, the opportunity was also taken to recommend additional improvements to the bylaws.

Greater Wellington's navigation and safety bylaws, approved in December 2000, are inconsistent with some aspects of Part 91. Consequently, the bylaws must be amended as they can not be inconsistent with Maritime Rules after 1 March 2004.

Following a notice published in The Dominion Post on 20 September 2003, which invited submissions on proposed new bylaws, 19 written submissions were received by Greater Wellington and subsequently considered by the Environment Committee. The Committee also heard 10 oral submissions.

Various amendments were recommended by the Environment Committee and made to the proposed bylaws following the committee's consideration of submissions.

3. Comment

Key aspects arising from submissions are outlined below.

Wearing of lifejackets

Issues around the wearing of lifejackets were raised in the submissions. As was explained to the submitters, there is no opportunity to change these particular bylaws due the requirement for consistency with Part 91.

3.3 to 3.6 Lights

It is proposed to include sections from Part 22 of the Maritime Rules, which are the International Collision Prevention Regulations. These sections outline the requirements for displaying lights on power driven, sailing, paddled and anchored vessels. These are included so that enforcement action for vessels that neglect to display lights at night can be taken under the bylaws.

Following submissions received from members of the public, a requirement has been included in the bylaw at 3.5.2(c) for small boats in Wellington and Porirua Harbours that are not able to exhibit sidelights and a sternlight when underway between sunset and sunrise to exhibit an “all-round white light where it can best be seen”.

6 Wellington Harbour

There have been several small changes made in this section that clear up any ambiguities regarding radio-calling procedures and when there is a requirement to monitor Ch14.

Reserved areas – Lyall Bay

The majority of submissions received related to the proposal in the draft bylaws to move the area currently reserved for use by personal water craft (typically jet skis) 150m westward of its current position. This change was suggested in order to safely accommodate the proposed surf reef. This matter was subject to considerable discussion by the Environment Committee.

As a result, it is recommended that the bylaw be drafted so that the reserved area will only be moved if, and when, the surf reef is completed. Legal advice was sought on the precise wording, which requires the public notice be given 30 days before the area is changed. The marker poles will be moved giving beach users a clear indication of the location of the area.

4. Proposed bylaws

The bylaws as proposed following the review and consideration of public submissions are included as **Attachment 1** to this report. The Harbourmaster is happy with the proposed bylaws and it is recommended that they be adopted by Council.

5. Communication

As soon as practicable after the making of the bylaws, Greater Wellington must give public notice, stating –

- (a) the date on which the bylaws will come into operation; and
- (b) that copies of the bylaw may be inspected and obtained from its office (the Regional Council Centre)

The bylaws will be also be distributed by officers to boating clubs and shops, and to boaties over summer period. Copies of the bylaws distributed in this way will be sealed in a waterproof bag. In addition, the bylaws will be made available in portable document format (pdf) on Greater Wellington's website.

Each submitter will receive a letter which acknowledges the receipt of their submission and thanks the submitter for their contribution to the Council's decision making process. As far as possible the letter will also respond to the points raised in the submission.

6. Recommendations

That the Policy, Finance and Strategy Committee:

- (1) *receive the report*
- (2) *note that officers will write to submitters giving the Council's decisions on their requests and the reasons for those decisions, and send submitters a copy of the bylaws once they become available.*
- (3) *recommend to Council that it adopt the proposed Wellington Regional Navigation and Safety Bylaws 2003 (included as **attachment 1** to this report)*

Report prepared by:

Report approved by:

David Harmer
Policy Analyst

Wayne Hastie
Council Secretary

Attachment 1: proposed Wellington Regional Navigation and Safety Bylaws 2003