



Report 06.571
Date 9 October 2006
File J/01/02/02

Committee Policy, Finance and Strategy Committee
Author Margaret Meek Policy Analyst

Proposed Amendment to the Wellington Regional Navigation and Safety Bylaws 2003

1. Purpose

To consider the recommendations of the Environment Committee regarding a proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003 (Bylaws).

2. Significance of the decision

The content of this report is the result of the Council's consultation with the public which took the form of submissions being made on the proposed amendment to the Bylaws. The formal submission process undertaken by the Council complied with the decision making and special consultative procedures set out in sections 76 to 79 and 83 to 85 of the Local Government Act 2002.

3. Background

At its meeting on 20 July 2006, the Council resolved to initiate the special consultative procedure to consider a proposed amendment to the Bylaws (Report 06.315). The proposed amendment involves removing the Lyall Bay reserved area from Part B of Schedule 3 of the Bylaws, in effect, removing the current jet ski lane.

The proposed amendment was put forward on the grounds of safety. Officers had received reports of jet skiers using their jet skis outside of the reserved area and surfers and other beach users encroaching on the reserved area.

Following notices published in The Dominion Post on 22 July and 5 August 2006, which invited submissions on the proposed amendment to the Bylaws, 97 written submissions were received by Greater Wellington and subsequently considered by the Environment Committee. The Committee also heard eight oral submissions.

The Committee was provided with a summary of the submissions received and officers' comments on key points raised in those submissions (**Attachments 1 and 2**).

After considering the submissions and officers comments in respect of those submissions the Environment Committee resolved to recommend the Council amends its Bylaws by removing the Lyall Bay reserved area from Part B of Schedule 3 of the Bylaws. The Committee considered that removal of the Lyall Bay reserved area was necessary to ensure the safety of all beach users.

4. Comment

The bylaws, as proposed, are included as **Attachment 3** to this report. The Harbourmaster is comfortable with the proposed bylaws and it is recommended that they be adopted by the Council.

Officers have suggested Monday 13 November as a suitable date for the proposed amendment to the Bylaws to come into force. This would allow officers a suitable amount of time to advise the public of the amendment.

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 bylaws may be inspected and obtained from its offices.

The bylaws will also be distributed by officers to boating clubs and shops. In addition, the bylaws will be available on Greater Wellington's website.

Each submitter will receive a letter from the Council Chairman which 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 Committee recommends that the Council:

- 1. **Receives** the report.*
- 2. **Notes** that submitters will be advised of the Council's decision and the reasons for that decision.*
- 3. **Amends** the Wellington Regional Navigation and Safety Bylaws 2003 by removing the Lyall Bay reserved area from Part B of Schedule 3.*
- 4. **Resolves** that the amendment shall come into operation on Monday 13 November 2006.*

Report prepared by:

Report approved by:

Margaret Meek
Policy Analyst

Nigel Corry
Divisional Manager,
Environment Management

Attachment 1: Summary of submissions on proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003 (Report 06.426).

Attachment 2: Officers' comments in response to submissions received on the proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003 (Report 06.439).

Attachment 3: Amended Wellington Regional Navigation and Safety Bylaws 2003.