

Summary of Information

Proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003

1. Purpose

The purpose is to inform the public of proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws).

2. Background

As required by the Local Government Act 2002 (LGA 2002), the Council has recently reviewed the Bylaws. As a result of the review the Council considers that the Bylaws should be amended. The LGA 2002 requires the Council to initiate the special consultative procedure if it considers that bylaws should be amended following their review.

The amendments to the Bylaws have been proposed for a number of reasons:

- to ensure that they are not inconsistent with the Maritime Rules
- to ensure that they are consistent with the national model navigation and safety bylaws
- to incorporate minor editorial changes to clarify the existing Bylaws
- to incorporate recommendations resulting from the recently conducted Port and Harbour Risk Assessment; and
- to ensure that the Bylaws reflect standard practice.

2.1 Summary of the Wellington Regional Navigation and Safety Bylaws 2003

Section 1 Preliminary Provisions:

- Explain where the bylaws apply
- Include a definition clarifying the use of specific terms within these bylaws

Section 2 General Matters relates to:

- carriage and use of lifejackets
- the movements of people and vessels around wharves in launching areas
- maintaining vessels in seaworthy condition

- anchoring and mooring
- adhering to International Collision prevention rules
- notification of incidents and accidents
- damage to navigation aids
- use of flashing lights on vessels
- use of distress signals
- means of communication.

Section 3 Operating Requirements relates to:

- the age of power boat operators
- the speed of vessels in certain circumstances
- restrictions and exemptions relating to speed of vessels
- the use of navigation lights on vessels
- the use of dive flags
- water skiing and towing
- access lanes and reserved areas, marking and usage
- flagged areas for swimming on beaches
- special events
- moorings.

Section 4 Commercial operations, including hazardous works and cargoes, relates to:

- vessels carrying explosives
- oil tankers, responsibilities of vessels and signals to be made
- hot work (gas cutting welding etc) on ships
- discharges of cargo.

Section 5 Administrative Matters relates to:

- appointment of council officers
- who is responsible for a vessel
- notifications to the Harbourmaster
- licensing of commercial operations
- fees and charges.

Section 6 Wellington Harbour relates to:

- transiting Wellington Harbour entrance
- navigating in Wellington Harbour
- pleasure craft keeping clear of shipping
- marine radio reporting and listening requirements
- speed limit in Lambton Harbour
- restricted areas for non commercial vessels.

Schedule 1 defines the areas to which the bylaws apply.

Schedule 2 defines:

- where not to anchor
- the explosives anchorage
- where bulk oil may be discharged
- restricted areas for non-commercial vessels.

Schedule 3 shows maps and gives descriptions for water-ski access lanes, reserved areas and beaches that may be flagged for swimming only in the region.

Schedule 4 is an example of a hot work permit.

Schedule 5 are fees relevant to the bylaws.

Schedule 6 has the recommend tracks for large ships in and out of Wellington Harbour.

Schedule 7 shows the part of Wellington harbour that is defined as a narrow channel.

3. Availability of proposed amendments to the Bylaws

This Summary of Information contains the significant alterations proposed for the Wellington Regional Navigation and Safety Bylaws 2003. A full copy of the proposed amendment to the Bylaws is available from Greater Wellington Regional Council offices in Wellington and Masterton or from our website www.gw.govt.nz.

4. Submission process

Comments and submissions on the proposed amendments are invited to be received by the Greater Wellington Regional Council by 5pm, 5 November 2008. If required, a hearing will be held in November 2008. Submitters should indicate in their submission if they wish to be heard in person to support their submission.

Please note that any submission you make may be publicly available under the *Local Government Official Information and Meetings Act 1987*. If you are making a submission as an individual, we will consider removing your personal details if you request this in your submission.

5. Summary of the Significant Proposed Amendments to the Wellington Regional Navigation and Safety Bylaws 2003

5.1 Proposed amendments

2.1.7 Lifejackets

In vessels under 6 metres in length, lifejackets must be worn, unless the skipper considers that it is safe not to wear them. These changes are being proposed by Maritime New Zealand as changes to Part 91 of the Maritime Rules, with which our Bylaws must be consistent. They are rewording the old requirement to put more positive pressure on the wearing of floatation devices in small craft. This addresses a safety issue identified in the National Pleasure Boat Safety Strategy.

2.12 Flashing lights and sounds

Restrictions are being placed on the use of blue and purple flashing lights, restricting them to use by Enforcement and Rescue services. The use of these lights is outside of the Maritime Rules, so these bylaws are to allow for and control their use in emergency response situations; this is in line with the national model bylaws.

2.14 Means of communication

All vessels must have an appropriate means of communication for the type of boating they are doing, depending upon the vessel and the distance it is going. This can be anything from a whistle on a lifejacket to parachute flares and an emergency radio beacon. This is a proposed change to Maritime Rule 91; it addresses one of the issues identified in the by the National Pleasure Boat Safety Strategy with regard to rescue after an accident.

3.13 Flagged areas on beaches

Areas on certain beaches may be set aside for swimming and body boarding only; they would be marked out by the Lifesaving flags that are used to mark patrolled areas of the beach. This allows some areas of certain beaches to be set aside for swimming and body boarding only; at present we are only proposing to make this an option on Lyall Bay beach. It will only apply while the Surf Patrol is on duty (and the flags are out). This is one way to avoid accidents caused by clashes of incompatible water uses.

4.7 Discharge of Cargo

This is to formalise the requirements for plans to remove logs and other cargo dropped into the harbour to prevent them being a hazard to other vessels. Logs lost overboard while loading can be a significant hazard; there have been steps taken in recent times to remedy this, including an agreed SOP between Centreport and the stevedores. This bylaw re-enforces the need for these agreements to be in place.

6.1 Directions for transiting Wellington Harbour entrance

The radio reporting requirements have been tidied up and clarified.

There is now a requirement for vessels over 70 gross tonnage to follow the recommend tracks in and out of the Harbour; this has been in practice but is now being placed into Bylaws.

The entrance to the Harbour has been better defined as a 'Narrow Channel' for the purpose of the Collision Avoidance Rules.

6.2 General directions for navigating in Wellington Harbour

Radio listening requirements for all vessels at night and in restricted visibility have been changed and made clearer.

6.2.5 There is requirement for larger ships to follow the Recommended Tracks in and out of the Harbour. This gives smaller vessels more information to avoid the larger ships. There is also provision for the ships to deviate from the track if it is the safer option to do so.

6.2.7 Ships are given a minimum passing distance of Point Halswell and Kau Point. This is current practice, through the Pilot Exemption Manual and instruction to shipping. This bylaw confirms the requirement.

6.2.9 All large vessels leaving Lambton Harbour in daylight will sound their horn; this is to give adequate warning to small craft who may be in the area.

6.3.2 These paragraphs give guidance to small boats on how to avoid impeding the shipping and clarifies what impeding means.

6.3.3 Smaller vessel are advised to avoid anchoring near to the recommended tracks and are given guidance as to what will be considered impeding a large vessel. Clarifying when a small vessel has to keep clear of a large vessel, and what keeping clear means, has always been problematic. This is intended to clarify this for both the large and small vessels.

Schedule 3 Part A

Duck Creek

The water-ski lane here is very narrow, and there is a more popular location slightly further along the inlet; it is proposed to create another lane in the new location.

Schedule 3 Part B

Wellington Powerboat Club, Onepoto Arm, Porirua Harbour

The Jet Sport club frequently runs PWC events immediately in front of their clubrooms, they are held on a small course and do not impact significantly on other harbour users. Placing a Reserved Area here, only for approved race days, will remove the necessity for Public Notices and will not impact on the safety of other users.