



If calling, please ask for Democratic Services

Environment Committee

Tuesday 25 May 2021, 9.30am

Council Chamber, Greater Wellington Regional Council,
100 Cuba Street, Te Aro, Wellington

Members

Cr Gaylor (Chair)

Cr Connelly (Deputy Chair)

Cr Blakeley

Cr Brash

Cr Hughes

Cr Kirk-Burnnand

Cr Laban

Cr Lamason

Cr Lee

Cr Nash

Cr Ponter

Cr Staples

Cr van Lier

Barbie Barton

Recommendations in reports are not to be construed as Council policy until adopted by Council

Environment Committee

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Council Chamber, Greater Wellington Regional Council,
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Public Business

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Environment Committee
25 May 2021
Report 21.190



For Information

PROCESS FOR CONSIDERING SUBMISSIONS AND FEEDBACK ON THE REVIEW OF THE WELLINGTON REGION NAVIGATION AND SAFETY BYLAWS 2009

Te take mō te pūrongo

Purpose

1. To inform the Environment Committee (the Committee) of the process for considering submissions and feedback on the amendments proposed in the review of the Wellington Region Navigation and Safety Bylaws 2009 (the Bylaws).

Te tāhū kōrero

Background

2. At its meeting on 10 September 2020, the Committee adopted the Statement of Proposal for consultation on the proposed amendments to the Bylaws (Review of the Wellington Region Navigation and Safety Bylaws 2009 (Report 20.312)).
3. At its meeting on 1 April 2021, the Committee agreed to receive and consider late submissions (Submissions on the Navigation and Safety Bylaws Review (Report 21.103)). The Committee also agreed at this meeting to hear the submitters who wish to be heard at the meeting scheduled for 13 May 2021, and to also deliberate and recommend to Council the adoption of the amended Bylaws. The hearing and Committee meeting has been rescheduled to 25 May 2021.

Public consultation

4. The consultation period was open from 12 September 2020 to 30 November 2020.

Consultation practices

5. Views presented to a local authority (and any committee acting for that local authority) should be accepted with an open mind, and should be given due consideration by the local authority in making a decision.
6. The Committee should also take into account that persons who wish to have their views on a decision or matter considered by the local authority should be provided with a reasonable opportunity to present those views to that local authority.
7. It is consistent with best practice that Committee members should be present for the substantial duration of the hearing and deliberations in order to participate in the decision-making of the Committee.

Te tātaritanga Analysis

Submissions and feedback received

8. Greater Wellington received 12 written submissions.
9. The written submissions have been distributed separately to Committee members. Officers suggest that the Committee takes as read these written submissions and that the Committee members discuss only those submissions on which they want to make a particular comment.
10. Feedback from the community was obtained through the Greater Wellington Regional Council (Greater Wellington) *Have Your Say* website, together with written submissions received by direct mail. Analysis on the feedback is detailed in the 'Analysis of submissions and feedback on the proposed amendments to the Wellington Region Navigation and Safety Bylaws 2009' (Report 21.206), which is also being considered at this committee meeting.

Oral presentation process

11. The hearing's purpose is to hear oral presentations in support of specific written submissions. Currently, four submitters wish to be heard and are scheduled for Tuesday 25 May 2021. A hearing schedule will be provided to the Committee (together with this report and Report 21.206), with a final hearing schedule provided on the hearing date.
12. At the 1 April 2021 meeting, the Committee requested the Committee Chair to allow each submitter an allocation of 10 minutes to address the Committee (Report 21.103). The Committee will then have a further five minutes to ask each submitter questions.
13. Officers propose that deliberations commence following the hearing of oral presentations.

Consideration of issues raised in submissions and feedback

14. The Committee must consider all written submissions, regardless of whether each submission is presented in person. The Committee must also consider all of the feedback that was received on the Statement of Proposal.

Te whakatūtakitaki Engagement

15. This hearing concludes the public consultation process on the review of the Bylaws.

Ngā tūāoma e whai ake nei Next steps

16. The Committee Chair will prepare a report to Council for its meeting on 29 June 2021, setting out the Committee's recommendations on the adoption of the proposed amendments to the Bylaws.

17. Each person who made a submission or provided feedback (and who provided a contact address (including email)) will, subsequent to Council adopting the proposed amendments, receive a response outlining Council's decision and any key changes from the proposed amendments.
18. A press release will be published on Greater Wellington's website, outlining Council's decision and any key changes from the proposed amendments.

Ngā kaiwaitohu

Signatories

Writer	Lucas Stevenson – Kaitohutohu, Democratic Services
Approvers	Alex Smith – Kaitohutohu Matua, Democratic Services Francis Ryan – Kaiwhakahaere Matua, Democratic Services Al Cross, General Manager, Environment Management Luke Troy – Kaiwhakahaere Matua Rautaki

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> The Environment Committee “oversees the development and review of Council’s environmental strategies, policies, plans, programmes and initiatives... (including... in the area of... maritime navigation and safety...) and recommends these matters (and variations) to Council for adoption.” This report is also part of the required process under the Local Government Act 2002 for Council to review and make changes to the Wellington Region Navigation and Safety Bylaws 2009.
<i>Implications for Māori</i> There are no known implications for Māori.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> The Bylaws are a primary control to meet the aims of the Port and Harbour Marine Safety Code.
<i>Internal consultation</i> This report was prepared in consultation with the Environment Management group.
<i>Risks and impacts - legal / health and safety etc.</i> There are no known risks or impacts arising from this report.

Environment Committee
25 May 2021
Report 21.206



For Decision

ANALYSIS OF SUBMISSIONS AND FEEDBACK ON THE PROPOSED AMENDMENTS TO THE WELLINGTON REGION NAVIGATION AND SAFETY BYLAWS 2009

Te take mō te pūrongo
Purpose

1. To provide the Environment Committee (the Committee) with an overview of the written submissions and feedback received on the proposed amendments to the Wellington Regional Navigation Safety Bylaws 2009 (the Bylaws).

He tūtohu
Recommendations

That the Committee:

1. **Considers** the submissions and feedback on the proposed amendments to the Wellington Regional Navigation Safety Bylaws 2009, together with officers' comments and recommendations, (Attachment 1) in determining its findings and recommendations to Council.
2. **Recommends** to Council, following consideration of the submissions and feedback on the proposed amendments to the Wellington Regional Navigation Safety Bylaws 2009 and officers' comments, any changes to the proposed amendments as agreed by this Committee.

Te tāhū kōrero
Background

2. Submissions are summarised in [Attachment 1](#). This includes comments made by Councillors at the 10 September 2020 Committee meeting and additional officer advice.
3. Twelve parties submitted and four indicated that they wished to be heard. Of those four the Waikato Regional Harbourmaster is unable to attend the hearing and based on feedback KiwiRail no longer wish to appear.
4. The Bylaws cannot be inconsistent with the Maritime Rules, particularly Maritime rule Part 91. Maritime New Zealand refer to this in their submission. It should be noted that Maritime Rule Part 91 is now well out of date in relation to certain aspects compared with many other regional councils.

Te tātaritanga

Analysis

5. The subject of the submissions vary across a range of the sections of the Bylaws, with some overlap.
6. There is general support for the proposed lifejacket rules. Several submissions are around changes to terminology and definitions. Naming and identification of vessels, particularly Personal Water Craft (Jetski's) also feature.
7. The Navigation Safety Special Interest Group, Bylaws working group (referred to in paragraph 19 below) were unable to submit on these Bylaws, however, the submission from Environment Waikato (#10) was made by one of the working group members.
8. The Maritime New Zealand submission made several recommendations of legal review. These relate to Lifejackets on paddleboards, appointment of officers, licencing of commercial operations and requirement to use Automated Identification System. Officers have initiated a legal review and this will be provided at the hearing alongside the officer's comments.
9. As a result of discussion with the commercial harbour users, a Risk Assessment is underway considering the main shipping channel and its approaches as reported and as noted to the Finance Risk and Assurance Committee in the Harbour Management – Risk and Compliance updates for February and May. (Reports 21.8 and 21.160).
10. Some submitters made submissions in relation to parts of the Bylaws that fall within the scope of the risk assessment mentioned above. To avoid possible multiple changes in a relatively short timeframe, officer's recommend that any submissions on that area are left aside and considered as part of the risk assessment. Submitters have been made aware of this.
11. The relevant parties are involved in the risk assessment work and their submissions were put forward as information relevant to that review.

Ngā hua ahumoni

Financial implications

12. There are no financial implications.

Ngā tikanga whakatau

Decision-making process

13. At its 10 September 2020 meeting, the Committee agreed that as the review of the Bylaws include a matter assessed as being "of significant interest to the public", the special consultative procedure should be followed.
14. The requirements for the special consultative process are set out in sections 83 and 86(2) of the Local Government Act 2002.

Te hiranga Significance

15. Officers considered the significance (as defined by Part 6 of the Local Government Act 2002) of the matters for decision, taking into account Council's *Significance and Engagement Policy* and Greater Wellington's *Decision-making Guidelines*. Officers consider that the matters are of medium significance.
16. The reasons for our assessment are that the proposed amended Bylaws:
 - a Are of significant importance to the Wellington Region as they address a range of key issues. These include managing commercial shipping to reduce risk to ships (including over a million ferry passengers per annum), their cargos, and the coastal environment; and providing rules for the public around the safe use of recreational craft in and around the Wellington Region's waters
 - b Are of interest to the community, particularly around improving boating safety. The public's interest includes a desire for better awareness of how to be safe, concerns about perceived restrictions of freedoms and right of access and which create strong feelings, and testing the value of additional costs
 - c Are consistent with the Code agreed between Greater Wellington and CentrePort, and provide a key control for the risks identified by the Code process. Such bylaws are also consistent with Council's responsibilities for maritime safety under the Maritime Transport Act 1994.

Te whakatūtakitaki Engagement

17. Engagement was undertaken as agreed at the 10 September 2020 meeting (Review of Wellington Region Navigation and Safety Bylaws - Report 20.312) (the Bylaws)
18. The engagement included direct emails to 105 individuals, groups and companies. The proposed changes were promoted by way of Public Notice, social media and via the Council Have Your Say website.
19. As well as formal engagement officers continued to talk to interested parties and sought information and feedback to make better informed decisions with a view to improve the Bylaws.

Ngā tūāoma e whai ake nei Next steps

20. Once the decisions have been made by the Committee and before the report goes to Council the entire set of the revised proposed Bylaws will undergo a legal review. Any changes other than minor corrections or wording will be reported to Council.

**Ngā āpitihanga
Attachment**

Number	Title
1	Summary of submissions and officers' comments and recommendations on the proposed amendments to the Wellington Region Navigation and Safety Bylaws 2009

**Ngā kaiwaitohu
Signatories**

Writer	Grant Nalder – Manager Harbours/Regional Harbourmaster
Approver	Al Cross – General Manager Environment Group

He whakarāpopoto i ngā huritaonga Summary of considerations
<i>Fit with Council's roles or with Committee's terms of reference</i> Under the Maritime Transport Act 1994 the Council may make Bylaws to ensure Maritime Safety. This includes reviews.
<i>Implications for Māori</i> There are no specific implications for Māori, however risk mitigation and management can protect and preserve taonga.
<i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i> This report does not contribute directly to Council's or Greater Wellington's key strategies, plans, or policies.
<i>Internal consultation</i> Democratic services were consulted on this process and Legal services for advice on submissions.
<i>Risks and impacts - legal / health and safety etc.</i> Failure to review and update the Bylaws will cause them to lapse and reduce effective safety controls.

Attachment 1 to Report 21.206

Summary of submissions and officers' recommendations on the proposed amendments to the Wellington Region Navigation and Safety Bylaws 2009

Note: Quoted text from a submission is *italicised*. **Bold text** indicates proposed changes/ additions.

Submission number	Name	Submission summary	Officers' comment/s Noted / not accepted	Officers' recommendation/s No change to bylaw Accepted – change identified
1	Bill Dawes (Safer boating forum member and Paddleboard advocate)	<p>"Your bylaws look great."</p> <p>Include "<i>wing</i>" in the 'sailboard' definition.</p> <p>Amend clause 3.2.6(d) which explicitly exempts a sailboard from having to obey the 5 knots rule.</p> <p>Consider Auckland Council's clause "<i>any board sport carried out with due regard for the safety of other water users, and in accordance with the accepted safe practices of the individual sport</i>" or</p> <p>ECan's "<i>No person who is permitted by any provision of this bylaw or any Maritime Rule to navigate a vessel at a speed exceeding 5 knots shall do in any manner that is likely to endanger or unduly interfere with the reasonable enjoyment of any person who is</i></p>	<p>Noted with thanks.</p> <p>Agreed</p> <p>Noted and accepted</p> <p>This proposal is similar to the Maritime Rule Part 22 Safe Speed rule, only with more emphasis on other water users. It is reasonably subjective and may be difficult to enforce, however it provides good guidance.</p>	<p>Propose to add "wing" to the definition of 'Sailboard'.</p> <p>Propose the Bylaws have an exemption from 200 metres, however they must still comply with clause 3.2.1(a) that requires 5 knots within 50 metres.</p> <p>Propose to add ECan's provision as a stand-alone provision:</p> <p>"No person who is permitted by any provision of this bylaw or any Maritime Rule to navigate a vessel at a speed exceeding 5 knots shall do in any manner that is likely to endanger or unduly interfere with the reasonable</p>

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		<i>in, on, or using the waters, or fishing, or undertaking any activity in the vicinity of the vessel."</i>		enjoyment of any person who is in, on, or using the waters, or fishing, or undertaking any activity in the vicinity of the vessel."
2	David Houston, for Wellington Police Maritime Unit	<p>Supports the proposed changes to clause 2.6 that provide restrictions for anchoring and mooring in the harbour.</p> <p>Amend clause 2.6 to the following effect:</p> <ul style="list-style-type: none"> • <i>In the event that a vessel has not asked for permission to use the mooring, the Harbour Master can direct the owner of offending vessel to leave the mooring. Failing to do so, will result in the vessel being removed and any costs will be ... (back to the offending vessel owner)</i> • <i>If the offending vessel owner cannot be located then the Harbour Master can arrange for the vessel to be removed and any costs... (back to the offending vessel owner).</i> 	<p>Noted, with thanks.</p> <p>Agreed</p> <p>The Harbourmaster may direct vessels under the Maritime Transport Act (MTA). Having this power in the Bylaws makes it clear and provides for cost recovery.</p>	<p>Propose to add to clause 2.6:</p> <p>"No vessel may use a mooring without the mooring owner's permission. If they do so, the Harbourmaster may direct the owner of the vessel to remove it from that mooring. If they do not comply or the owner cannot be located then the vessel may be removed by the Harbourmaster (or their agent) at the vessel owner's expense."</p>

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		Solo Swimmers are frequently seen outside the 200 metre / 5 knot zone with no flags or bright colours to make them more visible.	This is similar to the requirement we have proposed for shore divers. To include a similar requirement for swimmers would be consistent with that clause. Swimmers outside 200 metres are at risk as other water users aren't expecting to see them. A swimmer on their own is very hard to see.	Propose to add to clause 3: "Swimmers more than 200 metres from shore must tow a float or other means of increasing visibility, unless accompanied by a support craft."
3	Leeza Boyd, for Kapiti Coast District Council	Suggest adding the <i>"designated boat launching area"</i> sites into clauses 2.3.1 and 2.8.1 which also refer to wharves and ramps so that launch and retrieve sites are also covered by these clauses. Regarding the area to which the Bylaws apply, amend <i>"from the Otaki River Mouth"</i> , to <i>"from south of the Waikawa Beach township"</i> which is the northern boundary of the Kapiti Coast District.	Agreed - these were omissions Agreed	Propose to add "designated launching area" into clauses 2.3.1 and 2.8.1. Propose to correct the definition as suggested.
4	Keith Manch, for Maritime New Zealand	Section 33M of the MTA requires that navigation bylaws should not be inconsistent with regulations or rules made under the Act.	<i>Underlined points require legal review or indicate advice received.</i>	

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		<p><i>Underlined points require legal review or indicate advice received.</i></p> <p>Amend the definition of 'paddle craft' to exclude rafts.</p> <p>Include definitions of 'free diver' and 'dive flag' and 'surface marker buoy' and 'shore diver' if these terms are retained in proposed new clauses 3.4.4 and 3.4.5.</p>	<p>Disagree.</p> <p>We do not have commercial rafting operations in Wellington and see no reason to exclude rafts.</p> <p>Agree.</p> <p>Add additional definitions.</p>	<p>No change required.</p> <p>Propose adding the following definitions:</p> <p>Dive flag – see the Flag A.</p> <p>Free diving – breath hold diving that relies on breath holding until resurfacing.</p> <p>Shore SCUBA diver – a diver using breather apparatus that enters and exits the water from shore and not a vessel.</p> <p>Diver's marker float - any float that can be deployed on or before surfacing by a SCUBA diver, can include a safety sausage or Surface Marker Buoy.</p> <p>Underway – as defined in Maritime Rules Part 22.</p>

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Submission number	Name	Submission summary	Officers' comment/s Noted / not accepted	Officers' recommendation/s No change to bylaw Accepted – change identified
		<p>Amend the definition of 'hours of darkness' to remove reference to the NZ Almanac.</p> <p>Include a definition of 'restricted visibility'.</p> <p><u>Amend new clause 2.1.4 to ensure the lifejacket exclusions are not inconsistent with the MTA rules.</u></p> <p><u>Ensure clause 2.6.7 is within the Council's ability to make bylaws.</u></p>	<p>Not accepted.</p> <p>Agreed.</p> <p>Add additional definitions.</p> <p>Disagreed.</p> <p>New clause 2.1.4 exempts from our Bylaws, not Maritime Rules Part 91. Therefore, the new clause is already not inconsistent with MTA rules.</p> <p>Note the Bylaw does not restrict the ability to live aboard; instead it gives a reason to discuss some of Council's environmental concerns with respect to water quality. Legal update at hearing. <u>Legal</u></p>	<p>Propose changing new clause 3.4.5 to: "Any shore SCUBA diver that intends to surface, or is likely to surface more than 200 metres from shore must display a diver's marker float similar that marks their position when surfacing."</p> <p>No change required.</p> <p>Propose adding to the definitions 'Restricted visibility' as defined in the Maritime Rules Part 22.</p> <p>No change needed.</p> <p>No change to the intent is recommended.</p> <p>Propose to revise the wording based on further legal advice.</p>

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Submission number	Name	Submission summary	Officers' comment/s Noted / not accepted	Officers' recommendation/s No change to bylaw Accepted – change identified
		<p><u>Ensure clause 3.10, the prohibition of vessels from the Pauatahanui Wildlife Reserve, meets the requirements of Maritime Rules 91.12.</u></p> <p><u>Ensure clause 5.1, the powers conferred on officers, can be lawfully established under the MTA.</u></p> <p><u>Clarify clause 5.4 in regards to the type of operations intended to be captured - what</u></p>	<p><u>advice agrees with our proposed intention however suggests redrafting.</u></p> <p>Maritime Rule 91.12 is the same as our Bylaw clause 3.9 that has similar marking requirements. <u>Legal advice is this need to be clear that it is a reserved area under clause 3.9.</u> The location in the schedule to the Bylaws makes this clear.</p> <p>The intention is to be able to appoint enforcement officers from outside of Greater Wellington for specific reasons and specific areas. As this is restricting the powers that may be appointed by the MTA we do not see this as an issue. <u>Legal advice is this needs further consideration. An update may be available at the hearing.</u></p> <p>We believe the clause is worded correctly - the intention is to</p>	<p>No change needed.</p> <p>Any change depends on further legal advice and the Committee's decision regarding the ability to appoint Enforcement Officers external to Greater Wellington, with limited powers in specific areas.</p> <p>No change to proposed intention.</p>

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		<p><u>would constitute 'deficient in terms of safety or compliance with good practice', and 'approval for operating locations'?</u></p>	<p>ensure hire activities where the public are paying for some type of water activity are subject to an approved safety plan. The preference is for the operation to be approved by another authority; however, we will capture any that fall through the gaps. Currently two hire operations are located locally.</p> <p>For "approval for operating locations", commercial operators can be licensed without reference to local authorities. This is to avoid incompatible activities in certain areas. This could be done via Harbourmaster's discretion. The intention is to be transparent about the possibility.</p> <p><u>Legal advice agrees with our proposed intention, and suggests some redrafting.</u></p>	<p>Propose redrafting based on further legal advice.</p>

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		<p><u>Ensure clause 5.5, vessel identification, works with the requirement for some ships to display an MNZ/MSA number.</u></p> <p><u>Ensure clause 6.3, carriage of an AIS, is not inconsistent with the maritime rules, and amend it to capture the types of vessels intended.</u></p>	<p>Agreed.</p> <p><u>Legal advice agrees with our proposed amendments.</u></p> <p>This is intended to capture vessels that frequent the harbour, especially passenger vessels. It does not relate to vessels in the Maritime Rules. The Automatic Identification System (AIS) makes the vessel more visible to other vessels and Harbour radio - this is a useful safety initiative.</p> <p><u>Legal advice is this needs further consideration. An update may be available at the hearing.</u></p>	<p>Propose new clause 5.5.4 - “A commercial operation that has a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.”</p> <p>Any change depends on further legal advice and the Committee’s decision regarding intention.</p>
5	Susan Guthrie	Amend Schedule 3 to remove the water ski access lane at Days Bay, and other locations known to be well used by swimmers.	<p>Noted.</p> <p>This lane is infrequently used, having a designated area for towing (water-skiers, biscuits etc.), which means the rest of the beach can be kept clear for other water users. This is a busy beach</p>	No recommendation - there are arguments for keeping or removing the water ski access lane at Days Bay.

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			for non-powered activity in summer. This is the only water-ski access lane on the eastern side of the harbour.	
6	Russell Morrison	Suggests that water craft (dinghies, kayaks) are marked with owner's contact details, and that Greater Wellington should provide a tag/tie/holder for such information to improve compliance.	Agreed, a sticker would be developed if the proposed Bylaws are accepted.	No change is required.
7	Steve Blom, for StraitNZ	Amend section 6.1.5 to remove 'that is not under Pilots instructions' so the rule applies to all vessels.	Agreed. There are valid points in this submission, this will be covered as part of the risk assessment, run separately to the Bylaws process, looking at the harbour channel and approaches. The result of that process may indicate future changes to the Bylaws.	No change is required at this time.
8 <i>Late</i>	Leon Berard for Department of Conservation	Suggest that vessels are required to have their trailer registration marked on them.	Partial agreement. PWC (Jetskis) -as an alternative to a specific registration number we will accept the trailer registration. If the PWC owners opt for	Propose replacing: New clause 5.4.1 with: "Every personal water craft being used on the waters of the Wellington region must display a

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			<p>registering, the PWC we will require that registration to be displayed on the trailer. This connects the trailer and PWC.</p> <p>Other vessels – we have proposed names as many vessels are named already. This lowers the cost of compliance and makes many vessels already compliant. This would better suit many owners.</p>	<p>distinctive individual numbers, this may be the trailer's registration or a PWC registration number."</p> <p>New clause 5.4.2 with: "If not using the trailer registration number then the personal water craft must be registered with:</p> <ul style="list-style-type: none"> • The Council; • An authorised agent of the Council; or • Another regional council." <p>New clause 5.4.3 with: "If using a PWC registration number, this must be displayed on the trailer drawbar."</p> <p>Propose replacing new clause 5.5.4 with – "The vessel name or identifying letters and number must be displayed prominently on the trailer."</p>

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			In relation to this submission we propose including a requirement to have the vessel name displayed on the trailer for any trailer boats. Alternatively, the trailer registration number could be displayed.	
9 (Wishes to be heard)	Ellen Blake	Include a definition of <i>swimmer</i> , especially for reference in clause 2.6.	We are unsure why a definition is needed as swimmers are not referred to in the Bylaws.	No change needed.
		Clause 2.6 - suggests no anchoring in Oriental Bay, Freyberg beach or Balena Bay.	Not accepted. Anchored vessel could be less of an issue than moving boats, as they also use the Bay on many occasions when swimmers are not present. There is a possible compromise, this may not suit long-distance swimmers who tend to be further from the beach. This would be similar to Lyall Bay, where only swimmers and body boards are allowed between the surf lifesaving swimming flags extending 100 metres from shore.	No change proposed.

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Submission number	Name	Submission summary	Officers' comment/s Noted / not accepted	Officers' recommendation/s No change to bylaw Accepted – change identified
		<p>Clause 2.8.1 is unclear. Is “by waters” a typo?</p> <p>Amend clause 2.13 or 2.14 to include provision for enforcement of excessive noise.</p> <p>Support clauses 3.1 and 3.2.</p> <p>Amend clause 3.10 to include a reserve that excludes powered vessels from entering, anchoring or mooring within 200 metres of Freyberg and Oriental Bay beaches to improve safety for swimmers.</p> <p>Amend the definition of Lake Wairarapa to reflect it being in the South Wairarapa District.</p>	<p>The swim raft off Oriental Bay main beach would be within this distance from shore.</p> <p>It means obstructing the ramp from the water side. This can be changed for clarity.</p> <p>This is already in place. The sounds referred to seem to be ships carrying out emergency drills at about 11am on Saturday mornings. As such, these are permitted.</p> <p>Noted – already in the Bylaws and we do undertake education and enforcement.</p> <p>See above comment on clause 2.6.</p> <p>Agreed.</p>	<p>Propose amending clause 2.8.1 by replacing “by waters” with “from seaward”.</p> <p>No change required.</p> <p>No change required.</p> <p>No change proposed.</p> <p>Propose to update the definition as suggested.</p>

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10	Richard Barnett, Waikato Regional Harbourmaster	Supports a number of clauses, particularly the use of lifejackets (clause 2.1). The New Zealand Safer Boating Forum position is <i>"the wearing of lifejackets is mandatory on vessels 6 metres and less while underway"</i> .	Noted with thanks – unable to attend the hearing due to other commitments.	No change required.
11 (Wishes to be heard – Neil McInnes will appear)	Jonty Mills, for Water Safety New Zealand	Supports and commends many of the proposed amendments, and suggests the addition of a few small points to increase drowning prevention and water safety.		No change recommended.
		Amend clause 2.1.2, mandatory lifejackets, to state that subclauses (a) and (b) do not apply to persons under the age of 16 years.	This does create anomalies, such as when sleeping on an <6 metre boat, or being on board a <6 metre boat in a marina or tied to a wharf. These situations are less common but not unexpected. Swimming from a small boat would appear to be at odds with the Bylaws. Auckland, Waikato and Canterbury Bylaws (recently updated) do not have this in place.	No change recommended.

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		<p>Amend clause 2.1.2, mandatory lifejackets, to state that <i>'The person in charge of that craft should give consideration to passengers swimming ability when permitting the removal of lifejackets.'</i></p> <p>Amend clause 2.1.4, to require stand up paddle boarders to wear a life jacket at all times.</p> <p>Supports clauses 5.4 and 5.5, the registration and identification of personal water craft (jetski).</p> <p>Supports clause 3.6 - banning water skiing at night.</p>	<p>Agree with the intention. However, this good advice is possibly not really Bylaw material and could be included in educational material. This proposal is unlikely to be enforceable.</p> <p>Also relates to Maritime NZ's submission (#4). Disagree. In sheltered waters, near to shore (200 metres) there is argument for a tether being sufficient. Should the paddler get blown further out to sea, the board provides significant buoyancy and an easier target to locate.</p> <p>Noted with thanks.</p> <p>Already in the Bylaws.</p>	<p>No change proposed.</p> <p>No change recommended.</p> <p>No change required.</p> <p>No change required.</p>

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12 <i>Late</i>	Rebecca Beals, for KiwiRail	<p>Seeks amendments to nine clauses, and expresses support for three clauses.</p> <p>Amend the definition of 'explosive' to reference the Hazardous Substances and New Organisms Act 1996.</p> <p>Amend subclause 4.1.1(c), the dangerous goods declaration, to include the <i>Net Explosive Quantity</i> and the <i>gross weight</i>.</p> <p>Amend subclause 4.1(2)(b) to reflect the status quo operational agreement.</p> <p>Support clause 4.3 and suggest further consideration of a Clear Channel Vessel.</p> <p>Amend clause 4.6 to ensure the person carrying out hot works <i>and</i> the ship's master or engineer ensure appropriate precautions are taken.</p>	<p>Agreed</p> <p>Agreed</p> <p>Agreed</p> <p>Agreed.</p> <p>Noted, this can be considered by the Channel Risk Assessment currently underway.</p> <p>This is the current wording, on large ships one of the ship's crew and contractor are involved and this is preferred. On smaller vessels sometimes only the contractor is present. Likewise, on</p>	<p>Propose to change the definition of 'Explosive' to have the same meaning as in the Hazardous Substances and New Organisms Act 1996.</p> <p>Propose to insert into subclause 4.1.1(c) the words 'This declaration must include Net Explosive Quantity and gross weight'.</p> <p>Propose making the suggested change.</p> <p>No change required at this time.</p> <p>No change needed.</p>

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		<p>Support clause 4.8 with additional guidance.</p> <p>Amend clause 5.4 to distinguish <i>powered</i> personal water craft (jetski).</p> <p>Add an 'or' to clause 5.4.1.</p> <p>Amend clause 5.4.3 to ensure registration numbers are marked in a <i>contrasting colour</i>.</p> <p>Amend clause 6.1.5 to ensure '<i>pilots board arriving vessels no further north than the charted pilot boarding location.</i>'</p> <p>Support 6.3.10 use of AIS</p>	<p>larger ships sometimes the contact is with the ship's crew only and not the contractor.</p> <p>Noted.</p> <p>We do education around this rule and enforce when required.</p> <p>This is the standard term used nationwide and in the MTA – this definition refers to a powered craft.</p> <p>Agreed.</p> <p>Agreed.</p> <p>This submission relates to the focus of the Channel Risk Assessment currently underway. We will retain the current rules until this process is completed.</p> <p>Noted, with thanks.</p>	<p>No change required.</p> <p>No change required.</p> <p>Propose change to new clause 5.4.1 (the second reference) – add an 'or' after the first bullet point.</p> <p>Propose to insert "contrasting colour" in new clauses 5.4.3 (the second reference) and new clause 5.5.1.</p> <p>No change required at this time.</p> <p>No change required.</p>

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		Amend Schedule 2 to include <i>Bunker Barges</i> .	Agreed.	Propose to include bunker barges in Schedule 2.
NA	Councillors' comments (10 September 2020)	<p>Waka ama are not specifically included in the paddle craft definition.</p> <p>The definition "In writing" does not specifically include emails.</p> <p>Inconsistencies between definitions of Lakes Wairarapa and Onoke.</p>	<p>Waka ama fit within the definition, as do a variety of other small manually-powered craft.</p> <p>Agreed.</p> <p>Agreed.</p>	<p>Propose adding "including waka ama" to the definition of 'Paddle craft'.</p> <p>Propose adding a definition of: "In writing that includes communication by email."</p> <p>Propose revised definitions of the lakes:</p> <p>"Lake Wairarapa - The more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in south Wairarapa and extends as far downstream as the barrage gates."</p> <p>"Lake Onoke (Lake Ferry) – The more or less continuous area of water commonly known as Lake Onoke or Lake Ferry located in the south Wairarapa and extending through to</p>

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		Should the lifejacket rules include 'of appropriate type'.	Agreed. However, with the wide variety of usages and types of floatation it is difficult to provide a definite list. As part of our education we talk about types and suitability for different activities. This allows greater flexibility in general and the ability to deal with specific circumstances.	Palliser Bay (when the entrance is open)." No change recommended.
NA	Greater Wellington officers	There is no clause numbered 2.1.9. There are two clauses numbered 5.4. From conversation with a dive shop - amend clause 3.4.5 to state <i>"Any diver that intends to surface, or is likely to surface"</i> . For clarity section 2.1.2 should be in two parts, one relating to vessel underway and the other relating to vessel not underway.	Agreed. Agreed Agreed Agreed	Propose to adjust the numbering. Propose to adjust the numbering. This was included in the proposed changes under submission 4 (Maritime NZ). Propose to renumber the second paragraph as clause 2.1.3 and

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		<p>Communications requirement were behind the standard nationwide messaging. This brings it in line with messaging and some other Councils. The exception for smaller manually powered craft brings them down to the current requirements.</p> <p>Speed exemption for Surf Lifesaving rescue craft training. There has previously been an exemption from speed-related bylaws subject to a safety plan approved by the Maritime NZ Director. Recent investigation has indicated that this is safety plan is not in place and is unlikely to be. Without this Surf Lifesavings' ability to train for rescue work is significantly reduced.</p> <p>Subclause 4.1.1(a) is superfluous and not used.</p>	<p>Agreed</p> <p>Agreed.</p> <p>Clause 3.2.7 allows Surf Lifesaving rescue craft to exceed speed limits in accordance with an approved safety boat operating program.</p> <p>Agreed.</p>	<p>renumber the following clauses and related cross-references..</p> <p>Propose replacing in clause 2.15 the word "one" with the word "two" and:</p> <p>Adding a new paragraph: "(d) a non-motorised vessel within a harbour or less than half a nautical mile of the coast only requires one waterproof form of communication."</p> <p>Propose change to clause 3.2.7 to replace "Director of Maritime Safety" with "Harbourmaster".</p> <p>Propose to remove clause 4.1.1(a).</p>

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		<p>An ongoing issue is the potential conflict between maintenance around the wharves and vessel movement, or water movement associated with engine use. To be clear about what is mostly common practice at present, we propose to clarify the need to notify Wellington Harbour Radio before engaging engines and turning their propellers.</p> <p>Consistent use of terms and language. We propose rewording clause 6.1.2 to use the defined terms 'hours of darkness' and 'restricted visibility'. There is no change in the effect of the rule.</p>	<p>Agreed.</p> <p>Agreed.</p>	<p>Propose to insert new clause 6.2.2: “Before any vessel on a commercial berth that clause 6.2.1 applies to starts an engine that may result in their propulsion system operating that vessel must contact Wellington Harbour Radio to ensure it is safe to start their engine.”</p> <p>and renumber subsequent subclauses and any cross-references.</p> <p>Propose to replace clause 6.1.2 with “Pleasure craft are exempt from clause 6.1.1 except during the hours of darkness and in restricted visibility.”</p> <p>Propose to amend new clause 6.2.4 by replacing the words “This does not apply to Pleasure Craft during daylight and good visibility” with the words “Pleasure craft are exempt from clause 6.2.4. except during the hours</p>

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		Personal Watercraft Lane adjacent to the Wellington Powerboat club at Onepoto. This was planned as a temporary / occasional lane to allow club events without the need for a public notice. This is not possible and the lane is redundant.	Agreed.	of darkness and in restricted visibility.” Propose to remove the lane adjacent to the Powerboat club from Part B of Schedule 3.
	Izard Weston - Legal advice (sought)	While this was focussed on Maritime NZ's submission (#4) Izard Weston raised an issue about liability and the appropriateness of clause 2.4.1 regarding the seaworthiness of vessels. This is a common clause in many Bylaw areas and enables us to be proactive with old and potentially unsafe vessels.	Officers will further discuss this issue with Greater Wellington's legal advisors.	No change proposed at this time.