

Report 00.775

25 October 2000

File: J/1/2/3

Report to Wellington Regional Council
From: Lloyd Bezett, Policy Analyst Council Secretariat

Wellington Regional Navigation and Safety Bylaws – Special Order

1. Purpose

To consider, by way of Special Order:

- (a) the adoption of the *Wellington Regional Navigational and Safety Bylaws 2000*, and
- (b) the repealing all parts of the *Bylaws of the Wellington Harbour Board 1985* except those relating to Pilots and Pilotage.

2. Background

Reports 99.491 and 00.558 to the Environment Committee outlined the background of the legislative changes which have taken place and the group work that has been undertaken in revising bylaws to make them as nationally consistent as possible.

In addition Report 000.662 sought the approval of the Environment Committee to a draft set of Bylaws. This Special Meeting of the Council is necessary to put into place the recommendations of the Committee.

A copy of the proposed Wellington Regional Navigation and Safety Bylaws is attached. (**Attachment 1 - enclosed separately**). These new bylaws will largely replace the existing Wellington Harbour Bylaws 1985, with the exception of the pilotage provisions which will be retained until replaced by Maritime Rules. It is proposed that the new bylaws apply in all the waters around the coastline of the Region out to a distance of three nautical miles offshore, and including Wellington Harbour, Porirua Harbour, Pauatahanui Inlet, Lake Wairarapa and Lake Onoke.

For this reason it is no longer appropriate to refer to them as “harbour bylaws” and the title of “Wellington Regional Navigation and Safety Bylaws 2000” is a more apt description.

There are some significant changes from the previous bylaws. These are outlined below in order. The numbering refers to the section in the bylaws

2.1 Lifejackets

- 2.1.1 This bylaw will be the first time that pleasure craft have been statutorily required to **carry** sufficient lifejackets for each person on board. This requirement was developed from the recommendations of the Pleasure Boat Safety Advisory Group Report of December 1999 after a nationwide Maritime Safety Authority public consultation process.

The Wellington Coroner also recommended this requirement after inquests into the drowning of several persons in the Wellington Region during the past few years. Victims fell from small boats and drowned when not carrying or wearing lifejackets.

The Environment Committee noted that the wide definition of a vessel would mean that persons on surfboards would be required to carry a lifejacket. Changes to the Bylaws have therefore been made to exempt surfboards from this requirement. The issue of windsurfers is discussed below.

- 2.1.3 This bylaw requires the actual **wearing** of lifejackets in certain sea and weather conditions. These requirements were also developed from the recommendations of the Pleasure Boat Safety Advisory Group Report of December 1999. Surfboards have also been exempted from this provision.

2.4 Vessels to be serviceable or removed

The intent of this bylaw is to avoid or reduce the problems caused by unseaworthy hulks or abandoned hulks remaining in place until they eventually sink.

2.9 Notification of collisions or accidents

This is to ensure that we become aware of any accidents. Investigations of serious accidents are the preserve of the Maritime Safety Authority or Transport Accident Investigation Commission.

3.2 Speed of vessels

These bylaws mirror the existing bylaws except that the clearance distance required has been increased from 30 metres to 50 metres, primarily to give a larger safety distance for Personal Water Craft (“jetskis”).

The existing requirement that “no person under the age of 15 years may propel or navigate a powered vessel that is capable of a proper speed exceeding 10 knots” is retained.

6. Specific Bylaws for Wellington

All the preceding bylaws are from a National Model set of standardised bylaws intended to ensure consistency throughout New Zealand. Schedules enable certain local areas to be defined.

The bylaws in section 6 are all bylaws relating specifically to Wellington Harbour.

Many of these bylaws result from recommendations made by the Maritime Safety Authority in their report into the collision between *Sydney Express* and *Maria Luisa* in Wellington Harbour entrance in December 1996.

6.3 Duties of persons in charge of motor boat, yachts, launches etc. in Wellington Harbour

This is presently a relatively obscure rule in s.44 of the General Harbour Regulations 1968, and has been repeated in bylaws to give this requirement a higher profile. This is to prevent large ships in harbour from being obstructed or have problems caused by smaller, more easily manoeuvrable craft getting in their way. Note that this only applies in the gazetted area of Wellington Harbour. It does not apply in any of the remainder of “regional waters”.

6.7 Reporting of vessel’s air draft prior to entering Evans Bay

Large ships bound for Burnham or Miramar wharves, or tall-masted large sailing vessels whose air draft (or maximum height of the vessel above sea level) exceeds 24 metres will intrude into the northern aircraft approach glidepath into Wellington Airport. This event requires notification to air traffic control by Beacon Hill, and this existing requirement is merely included in bylaws for ease of reference.

3. Comment

The amendment and creation of bylaws requires the use of the Special Order provisions of the Local Government Act 1974. These state that the Council shall pass a resolution proposing to adopt the Bylaws, publicly notify its intention twice, and then consider confirmation of this resolution at a subsequent meeting (no later than 70 days after the first meeting).

The proposal will be open for public submissions for just over a month. Submitters can make representation to the Council up until the time the Special Order is confirmed. Amendments to the Bylaws can be made by Council prior to their confirmation.

The revised timetable for the Special Order process is as follows:

Environment Committee	19 October
Regional Council	1 November
1 st public notice	4 November
2 nd public notice	25 November
Regional Council confirmation	7 December
Bylaws come into effect	15 December

Please note that this process will also revoke the Wellington Harbour Bylaws 1985, with the exception of Part 3, Pilots and Pilotage (**Attachment 2**) which are retained. The reason for this is that recent changes to the Maritime Transport Act means that regional councils no longer have the power to make bylaws about pilots and pilotage. These provisions will, in future, be the subjects of Maritime Rules. Once Maritime Rules concerning pilots and pilotage come into effect, then these retained sections of the old bylaws will effectively lapse.

Windsurfers

It has been suggested that the exemption from the requirement to carry and wear lifejackets that has been given to surfboards should be extended to windsurfers. Officers have spoken the Wellington Windsurfing Association, which has identified that wearing a lifejacket on a windsurfer poses a hazard of fouling with the harness when a person falls off. This can trap a person under the board.

However, there are circumstances when it would be in the interests for safety for person on a windsurfer to wear a lifejacket, ie. an inexperienced person who is unable to return to shore.

While it is the recommendation of the Harbourmaster that persons on windsurfers should not be required to carry or wear a lifejacket, the Council should consider this issue.

4. Communications

The Regional Council will circulate the Wellington Regional Navigation and Safety Bylaws 2000 to territorial authorities and stakeholders for comment.

We will also issue press releases and utilise the Council's Internet site to highlight significant safety changes, such as the new lifejacket requirements.

5. Recommendation

- (1) *That the Council consider whether persons on windsurfers should be exempt from the requirement to carry and wear lifejackets.*

(2) *That the Council, by way of Special Order:*

- (a) *adopt the Wellington Regional Navigation and Safety Bylaws 2000 as per Attachment 1 to Report 00.775 subject to any amendments.*
- (b) *repeal all parts of the Bylaws of the Wellington Harbour Board 1985 except those identified to be saved in Attachment 2 to Report 00.775.*

Report prepared by:

Report Approved by:

LLOYD BEZETT
Policy analyst, Council Secretariat

TED MAGUIRE
Council Secretary

JANE BRADBURY
Divisional Manager, Environment