

Confirmed Public minutes of the Environment Committee - Wellington Regional Navigation Safety Bylaws Hearing meeting on 25 May 2021

Taumata Kōrero – Council Chamber, Greater Wellington Regional Council
100 Cuba Street, Te Aro, Wellington at 9.38am

Members Present

Councillor Gaylor (Chair)
Councillor Connelly (Deputy Chair)
Councillor Brash
Councillor Kirk-Burnnand
Councillor Laban
Councillor Lee
Councillor Nash
Councillor Ponter
Councillor Staples

Karakia timatanga

The Committee Chair invited Councillor Connelly to open the meeting with a karakia timatanga.

Public

1 Apologies

Moved: Cr Connelly / Cr Laban

That the Committee accepts the apologies for absence from Councillors Blakeley, Hughes, Lamason and van Lier and Barbie Barton.

The motion was carried.

2 Declarations of conflicts of interest

There were no declarations of conflicts of interest.

3 Process for considering submissions and feedback on the Wellington Regional Navigation and Safety Bylaws 2009 – Report 21.190 [For information]

4 Hearing of oral submissions

A timetable of oral submissions was circulated.

Ellen Blake, submission number 9, spoke to their submission.

5 Analysis of submissions and feedback on proposed amendments to the Navigation and Safety Bylaws – Report 21.206

Grant Nalder, Manager Harbours/Regional Harbourmaster, spoke to the report.

The Committee completed its deliberations.

Moved: Cr Connelly / Cr Staples

That the Committee:

- 1 Considers the submissions and feedback on the proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2009, together with officers' comments and recommendations, (Attachment 1) in determining its findings and recommendations to Council.
- 2 Recommends that Council agrees to adopt the proposed changes to the Wellington Regional Navigation and Safety Bylaws 2009, subject to the following additional changes being included in the finalised Wellington Regional Navigation and Safety Bylaws:
 - a That 'wing' is added to the definition of 'Sailboard.'
 - b That the following stand-alone provision be included:

'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 in, on, or using the waters, or fishing, or undertaking any activity in the vicinity of the vessel.'
 - c That clause 2.6 be amended by adding:

'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.'
 - d That clause 3 be amended by adding:

'Swimmers more than 200 metres from shore must tow a float or other means of increasing visibility, unless accompanied by a support craft.'

- e That clauses 2.3.1 and 2.8.1 be amended by adding:
'Designated launching area.'
- f That the following be added to the definitions:
Dive flag – see Flag A.
Free diving – breath hold diving that relies on breath holding until resurfacing.
Shore SCUBA diver – a diver using breather apparatus that enters and exits the water from shore and not a vessel.
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.
Underway – as defined in Maritime Rules Part 22.
- g That clause 3.4.5 be modified to read:
'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.'
- h That the following be added to the definitions:
'Restricted visibility' as defined in the Maritime Rules Part 22.'
- i That a new clause 5.5.4 be added:
'A commercial operation that displays a MNZ or MSA number satisfies the identification requirements in clauses 5.3 or 5.4.'
- j That clause 5.4.1 be replaced with the following:
'Every personal water craft being used on the waters of the Wellington Region must display a distinctive individual numbers; this may be the trailer's registration or a PWC registration number.'
- k That a new clause 5.4.2 be added:
'If not using the trailer registration number then the personal water craft must be registered with:
- The Council; or
 - An authorised agent of the Council; or
 - Another regional council.'
- l That a new clause 5.4.3 be added:
'If using a PWC registration number, this must be displayed on the trailer drawbar.'

- m That clause 5.5.4 be replaced with the following:
'The vessel name or identifying letters and number must be displayed prominently on the trailer.'
- n That clause 2.8.1 be amended by replacing "by waters" with "from seaward."
- o That the definition of 'Explosive' be amended to:
'Have the same meaning as in the Hazardous Substances and New Organisms Act 1996.'
- p That subclause 4.1.1(c) be amended by inserting the following words:
'This declaration must include Net Explosive Quantity and gross weight.'
- q That new clauses 5.4.3 (the second reference) and 5.5.1 be amended by inserting:
"In a contrasting colour"
- r That Schedule 2 be amended by including "bunker barges."
- s That the definition of 'Paddle craft' be amended to:
"includes waka ama."
- t That the following be added to the definitions:
"In writing" includes 'communication by email.'
- u That the definitions of the lakes be revised to:
'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.'
'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 Palliser Bay (when the entrance is open).'
- v That in clause 2.15 the word "one" be replaced with the word "two."
- w That the following new paragraph be added to clause 2.15:
'(d) a non-motorised vessel within a harbour or less than 1000 metres of the coast only requires one waterproof form of communication.'
- x That in clause 3.2.7 "Director of Maritime Safety" be replaced with 'Harbourmaster.'
- y That a new clause 6.2.2 be added to include:
'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,' and:

Renumber subsequent subclauses and any cross-references.

- z That clause 6.1.2 be replaced with:
'Pleasure craft are exempt from clause 6.1.1 except during the hours of darkness and in restricted visibility.'
 - aa That new clause 6.2.4 be amended by replacing the words "This does not apply to Pleasure Craft during daylight and good visibility" with 'Pleasure craft are exempt from clause 6.2.4 except during the hours of darkness and in restricted visibility.'
 - bb Incorporate references to speed in both knots and kilometres per hour in each clause that refers to knots.
- 3 Requests that officers investigate and report back to the Committee regarding possible changes to improve safety for swimmers at Oriental Bay.
 - 4 In relation to the proposal from submitter number 5 to remove this water ski access lane in Days Bay; this proposal was rejected.
 - 5 Submitter number 9 raised the issue of noise from the coastal area and specifically the port. This is outside of the scope of the Bylaws, however, this does fall within Greater Wellington's resource management functions.

The motion was **carried**.

Noted: The Committee agreed that the final copy of the proposed **Wellington Regional Navigation Safety Bylaws** is to be forwarded to maritime lawyers for a final review and confirmation of wording prior to them being submitted to Council.

The meeting closed at 10.57am.

Councillor P Gaylor

Chair



Date:

17/6/2021.

