



Report 09.74
Date 17 February 2009
File J/01/03/05

Committee Council
Author Grant Nalder, Harbour Ranger

Proposed amendments to the Wellington Regional Navigation and Safety Bylaws 2003

1. Purpose

The purpose of this report is for the Council to consider the amendments to the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws).

2. Consideration by Committee

The matters raised in this report were considered by the Regulatory Committee at its meeting on 11 December 2008. The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision.

3. Significance of the decision

The content of this report is the result of the Council's consultation with the public. This took the form of submissions being made on proposed amendments 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.

4. Background

At its meeting on 29 September 2008, the Council resolved to initiate the special consultative procedure to consider proposed amendments to the Bylaws (Report 08.684 refers).

The proposed amendments were put forward for a number of reasons:

- To ensure that the Bylaws are not inconsistent with the Maritime Rules

- To ensure that the Bylaws are consistent with the national model navigation and safety bylaws
- To incorporate recommendations resulting from the recently conducted Port and Harbour Risk Assessment
- To ensure that the Bylaws reflect standard practice.

Following public notices on 1 and 19 October, 44 submissions were received. The Regulatory Committee considered these submissions and heard five submitters on 11 December 2008.

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** – provided separately.)

After considering the submissions and officers comments in respect of those submissions the Regulatory Committee identified a number of necessary changes to the proposed amendments. The Committee then resolved to recommend the Council amend its Bylaws incorporating the changes identified by the Committee. The proposed amendments recommended by the Committee are included as **Attachment 3** (provided separately) to this report.

Following the Committee's consideration of the proposed amendments, officers have identified a small number of changes that were included in the revised proposed amendments to the Bylaws but were omitted from the officers' comments considered and approved by the committee. These changes are included as **Attachment 4** (provided separately) to this report.

5. Comment

The Harbourmaster is comfortable with the proposed amendments endorsed by the Committee and the small number of changes identified by officers; it is recommended that they be adopted by the Council.

Officers have suggested Wednesday 1 July 2009 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.

A copy of the Bylaws with the proposed amendments is attached as **Attachment 5** (provided separately).

6. Communication

As soon as practicable after the making of 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 amended Bylaws will be distributed by officers to boating clubs and shops. In addition, the amended Bylaws will be available on Greater Wellington's website.

Each submitter will receive a letter from the Council Chair, which will thank 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.

7. Recommendations

That the Council:

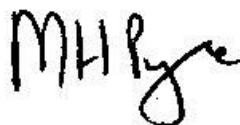
1. **Receives** the report;
2. **Notes** that submitters will be advised of the Council's decision and the reasons for that decision;
3. **Amends** the Wellington Regional Navigation and Safety Bylaws 2003 by making the changes set out in attachments 3 and 4; and
4. **Resolves** that the amendments shall come into operation on 1 July 2009.

Report prepared by:



Grant Nalder
Harbour Ranger

Report approved by:



Mike Pryce
Regional Harbourmaster

Report approved by:



Nigel Corry
Divisional Manager,
Environment Management

Attachment 1: Report 08.935 Officers comments on submissions

Attachment 2: Attachment 1 to report 08.935 Summary of submissions

Attachment 3: Amendments as agreed by the committee

Attachment 4: Changes recommended by officers subsequent to the Committee's recommendations

Attachment 5: The Bylaws incorporating the proposed amendments

