



Report **06.426**
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Committee **Environment Committee**
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Summary of submissions on proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003

1. Purpose

To provide an overview of the submissions Greater Wellington has received from the public on its proposed amendment to the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws).

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Greater Wellington has received 97 submissions on its proposed amendment to the Bylaws. All submissions have been compiled into a bound volume and circulated to Committee members. Eight submitters have also asked to be heard in support of their submission. Oral submissions will be heard and considered by the Committee on 7 September 2006.

4. Comment

4.1 Submitter profiles

4.1.1 Location of submitters

Not surprisingly the majority of submissions were received from people and organisations within the Wellington region. Of the 69 submissions which were received from people within the Wellington region, 58 supported the proposed amendment to the Bylaws. Eleven submitters in the Wellington region did not support the proposed amendment. Seventeen submissions were received from the upper North Island in support of the proposed amendment. One submission

from this location did not support the proposed amendment. Five submitters did not provide a physical address. The remainder of submissions were from the central North Island (1), the South Island (3) and Australia (1).

4.1.2 Submissions put forward by organisations

Of the 97 submission received, eight submissions were from organisations. Five organisations supported the proposed amendment to the Bylaws:

- Surf Life Saving Wellington;
- Te Ngaru Roa aa Maui Inc;
- Surfers Environmental Advocacy Society Inc;
- Maranui Surf Life Saving Club Inc; and
- Surfing New Zealand.

Three submissions were received by organisations who did not support the proposed amendment to the Bylaws:

- New Zealand Jet Sports Boating Association;
- Bombardier Recreational Products; and
- Wellington Jet Ski Association.

4.2 Submissions received supporting the proposed amendment

Eighty five submissions were received supporting the proposed amendment to the Bylaws. Twenty nine of these were form submissions. An analysis of the key reasons provided follows.

4.2.1 Lyall Bay

A large number of submitters commented on the nature and use of Lyall Bay as a popular beach. By far the majority of these submitters commented on Lyall Bay being a popular surf beach. Several submitters stated that the current reserved area was a popular spot for people to use while learning to surf. Submitters noted that surfers have no other consistent and safe venue in the region for surfing while Personal Watercraft (PWC) users have a degree of flexibility in where they operate.

Some submitters felt that PWC themselves were at odds with the general nature of the beach environment. They saw the use of PWC in the reserved area as analogous to a motorbike track being placed in a sports field or recreation area.

A number of submitters noted that the reserved area had enticed more PWC users into the bay. Submitters also commented that PWC users were operating close to the shore for the purpose of wave jumping. In contrast, some submitters commented that the reserved area is not used by many PWC users. A common comment was that if one PWC user were in the reserved area, all other beach users had to leave the reserved area.

A small number of submitters stated that surfers and other beach users have existing rights of usage, noting that they consider PWC users' rights should not

encroach on these existing rights as they are a relatively recent addition to the beach.

A large number of the submissions commented on the danger PWC pose to other beach users because of their size and speed. Many submitters stated that PWC users operate their craft outside of the reserved area.

A small number of submitters provided first hand accounts of witnessing accidents involving PWC, or nearly being involved in them personally.

One submitter stated that, in order for the reserved area to operate safely there would need to be a 50 metre exclusion zone either side of it, but this would mean that a significant amount of the beach would not be able to be used by non PWC users.

Surf Life Saving Wellington commented that due to feeder currents which run parallel along the beach, it is virtually impossible to manage keeping other beach users out of the reserved area. Another submitter noted the difficulty water users faced in determining where the reserved area was and commented that rips, currents and waves made it difficult for water users to get out of the way of PWC if they found themselves encroaching on the reserved area.

A small number of submissions were received from people who identified themselves as kayakers. One kayaker commented that with the rips and wind at Lyall Bay it is not unusual to find oneself two or three hundred metres out of position and in, or having passed through, the reserved area.

4.2.2 Environment

A small number of submitters commented on the negative effects PWC have on the environment, because of burning fossil fuels. Two submissions commented on the amount of raw fuel which, research had shown, was discharged by two-stroke outboard engines. One submission received stated that research has shown that one PWC could dump six gallons of raw fuel into the water in two hours. This submission acknowledged that PWC engines are becoming cleaner environmentally, but noted that the older style PWC are still being used as PWC.

4.2.3 Monitoring the reserved area

Three submitters commented on the monitoring of the current reserved area to ensure that the bylaw was not being breached. They noted the difficulty in monitoring such an area. One submitter noted that members of the public are not aware that they should contact a Harbours Enforcement Officer if they see the bylaw being breached.

4.2.4 Noise

A large number of submitters commented on the noise of PWC. Many stated that the residents of Lyall Bay are fed up with the noise emitted from the PWC, especially towards the Queens Drive side of the bay. These submissions

asserted that the noise of the PWC is more intrusive to these people than the noise from aircraft.

4.3 Submissions received not supporting the proposed amendment

Twelve submitters did not support the proposed amendment to the Bylaws. An analysis of the main reasons given by submitters follows.

4.3.1 Safety

One submitter commented that if the reserved area were taken away, an accident involving serious injury could result. This submitter noted that the Lyall Bay reserved area is the only place in the Wellington Region where PWC users are able to use their PWC in surf.

Another submission received commented that PWC users would encounter safety issues if the reserved area were removed, due to them being forced to avoid the non-designated areas by venturing into shipping channels and open water. This same submitter also discussed recent advances in safety for PWC with the introduction of things such as the “Learning Key”, which ensures that PWC operate at 50 percent of their power, and advances in steering control when PWC have no power.

One submitter questioned whether any serious injury had actually resulted in the reserved area. This submitter noted that research had shown that 83 percent of PWC accidents occur when owners lend their PWC to inexperienced users.

4.3.2 Environment

One submitter stated that PWC have significantly less impact, environmentally, than many other powerboats. This submitter states that there is no documented scientific evidence to support the assertion that PWC are harmful to the environment.

4.3.3 Noise

One submitter commented that new technology PWC have special sound reduction systems and now have noise levels at less than 75 decibels at 30 metres.

4.3.4 Other

One submitter stated that as a minority group, PWC users need to have their rights actively protected. Another submitter stated that they believed the proposed amendment was contrary to the New Zealand Bill of Rights Act 1990.

4.4 Additional request

4.4.1 Restriction zone

A large number of submitters commented on the need for a restriction zone. The submitters requested that a restriction zone be put in place from the airport breakwater to the Dorrie Leslie boat ramp. Submitters commented that a restriction zone would be necessary for this area if the proposed artificial surf reef were built, as the proposed reef will be over 200 metres from shore.

The implementation of a restricted area at Sumner Beach, Christchurch, by Environment Canterbury was discussed by a small number of submitters. The restricted area limits usage of the nominated area to be limited to swimmers, surfers, windsurfers and non-powered vessels.

4.4.2 Surf zone

A small number of submitters requested that Lyall Bay be defined in the Bylaws as a “surf zone”. They noted that surf zones were in place at Raglan and Whangamata.

4.5 Other possible solutions identified by submitters

4.5.1 Increase signage/demarcation

One submitter noted that the reserved area should stay in place but commented that there should be increased signage and, in the summer months, buoys should be put in place to demarcate the area further. This submitter also commented that the reserved area should go out further than 200 metres to take into account the proposed artificial reef. This submitter commented that if a PWC user falls off while in the surf, it is not unlikely that a PWC could travel more than 50 metres.

4.5.2 Require registration

One submission commented on the fact that Greater Wellington should consider requiring the registration of PWC, the submitter noted that registration is required in Auckland and the Waikato.

4.5.3 Move the reserved area

Five submitters who supported the proposed amendment stated that the reserved area could be moved to another location. Two submitters suggested that another location be found. One of these submitters suggested consultation with stakeholders to determine a satisfactory location. Locations were suggested by two submitters, one suggesting a site near the Turkish Memorial on the South Coast. The other location suggested was the Plimmerton Bar which is located at least 200 metres offshore. One submitter suggested that it be left up to the PWC groups to find another location and then apply to be allowed to use the area.

Two submitters who did not support the proposed amendment suggested that the reserved area could be moved. One submitter suggested that the reserved area could be moved to an alternative location along Lyall Bay beach.

5. Recommendations

That the Committee:

1. **Receives** the report.
2. **Notes** the content of the report.

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