



## STAFF REPORT

**TO:** Environment & Planning Committee

**FROM:** Steve Hainstock, Harbourmaster

**REFERENCE:** C451

**SUBJECT:** **HARBOURMASTER'S SUMMER REPORT 2009/2010 - REPORT REP10-07-01** - Report prepared for meeting of 1 July 2010

---

### 1. INTRODUCTION

The following is a report broadly outlining the activities of the Harbourmaster's office since April 2009. Included are summaries of submissions regarding separating water skiing from other activities at Kaiteriteri and Totaranui. There is also a summary of actions taken under delegated authority.

### 2. OVERVIEW OF ACTIVITY

The winter and spring of 2009 were spent consolidating familiarisation with the area, establishing further professional relationships and undertaking training, following the Harbourmaster's first summer in the role in 2008/2009. There was also a good deal of systems development such as inspection forms, information management and planning. Responding to non-programmed enquiries relating to berthage, moorings, marine farms and other administrative matters continue to occupy about 10% of the role.

All known aids to navigation in the district were inventoried and inspected. This information is being incorporated into the cross-divisional Coastal Structures Inventory project. Surveys of most of the more commonly used mooring areas have been undertaken, with the remainder scheduled soon.

With Graham Strickett's retirement, a new fixed-term no fixed hours (casual) position was created for the Deputy Harbourmaster role, which was filled by Paul Dayman this summer. Paul has a background in the tourism launch operations and diving industries in Australia, Alaska and New Zealand, and a lifetime of private experience in local waters. It is likely that he will be invited to fill the position again next season.

In addition to patrolling at sea and on the lakes with the Harbourmaster patrol vessel *Legato* this summer, several shore patrols were undertaken. These focussed on the enclosed water skiing areas, and boating education at the main ramps and beaches accessible by road. On three of these patrols the 4 metre jet outboard Hydrology vessel *Hydro* was towed and launched as needed.

### **3. NAVIGATION SAFETY ENFORCEMENT AND INCIDENTS**

#### **3.1 Patrol Effort**

Coastal patrols were undertaken in *Legato* on 34 days and lake patrols on nine days between 1 October and 30 April. The lake patrols were mostly in association with supervision of events or other work. Additionally, shore patrols were undertaken on 13 days, giving a total dedicated patrol effort of 56 days. A field presence was also maintained when undertaking other duties.

Shore patrols were used as an opportunity to have more one-on-one educational contact with boaties at ramps and to top up brochures on days when *Legato* was being serviced or weather was unfavourable along the Abel Tasman coastline. *Hydro* was found to be a convenient asset to tow along on these days and was deployed at Rabbit Island, Hunter Brown, Grossis Point, Tata and Collingwood in response to incidents observed while shore patrolling.

Several Honorary Launch Wardens (HLW's) have reported their activities to me. Four used their power to take details for Harbourmaster follow-up this year, compared with none last year. No report was made by the Tarakohe Harbour Manager, who is an Enforcement Officer within the Tarakohe Harbour Limits and is also an HLW, but is contracted to Property Services rather than Regulatory.

#### **3.2 Incident Administration**

Improvements in the administration of maritime incidents continue, with discussions underway to tweak the Service Request system to better suit. A proposal has been made to management regarding streamlining the issuing of warning notices and better meeting statutory requirements when collecting details from offenders.

#### **3.3 Reportable Accident and Incident Summary**

- One fatality occurred this season, a drowning in the swimming area at Kaiteriteri Beach in calm and un-crowded conditions.
- A Commercial passenger vessel reported a passenger injury due to jarring in heavy surf. Another dragged anchor at Adele Island overnight and collided with yachts.
- Three recreational vessels were swamped while anchored at Mutton Cove, and a capsized was reported at Onekaka by media but not notified.
- Several breakdowns resulted in search and rescue operations or assists. Lack of basic knowledge and seamanship continue to feature in these incidents.
- A yacht beached following engine failure at Frenchman's Cove. A vessel over 500T grounded near Rangihaeata. The Harbourmaster provided tug assistance with *Legato* to keep her head to sea until re-floated.
- An error with line handling on a yacht resulted in the Mapua floating jetty being severely damaged.

### 3.4 Enforcement Summary

- Two infringement notices have been issued to date, one for \$200 for exceeding 5 knots within 200m of shore at Lake Rotoiti, the other for \$100 for dangerous wake at Bark Bay. Both of these were recreational boating incidents. Other incidents under investigation or awaiting information may also yet result in enforcement action.
- An Abatement Notice was served regarding an unauthorised mooring. A compromise has been reached on this matter.
- At the time of writing, 14 formal written warnings had been issued, with a number to go as time permits. These are not limited by statutory timeframes.

### 3.5 Patrol and Incident Comments and Statistics

#### 3.5.1 Recreational Craft

Unsettled weather over the summer period resulted in inconsistent boating activity around the Tasman coast. Waterskiing continues to be less prevalent than historic photographs would suggest has been the norm.

A new technique employed this season was the introduction of the On Water Safety Check (OWSC), with 103 such checks recorded, and about 150 performed. Recreational vessels not making way were approached and the following standard questions asked after a casual introductory chat:

1. May I see your lifejackets please (if not worn)?
2. When did you last check the weather forecast?
3. Have you advised anyone ashore of your intentions?
4. What communications gear do you have?
5. Have you test run your auxiliary motor recently (if appropriate)?
6. Do you have a copy of the latest Boating in Tasman District brochure?

In general most were well prepared or were receptive to advice where needed, but data was not kept on responses this season. Interestingly when compared with the Kaiteriteri Recreation Reserve Board warden's report, only one vessel was recorded as having been approached for an OWSC more than once.

#### 3.5.2 Bylaw Breach Statistics

The table below includes all breaches of a Bylaw where the ingredients of an offence have been established, so some individual enquiries are linked to more than one breach.

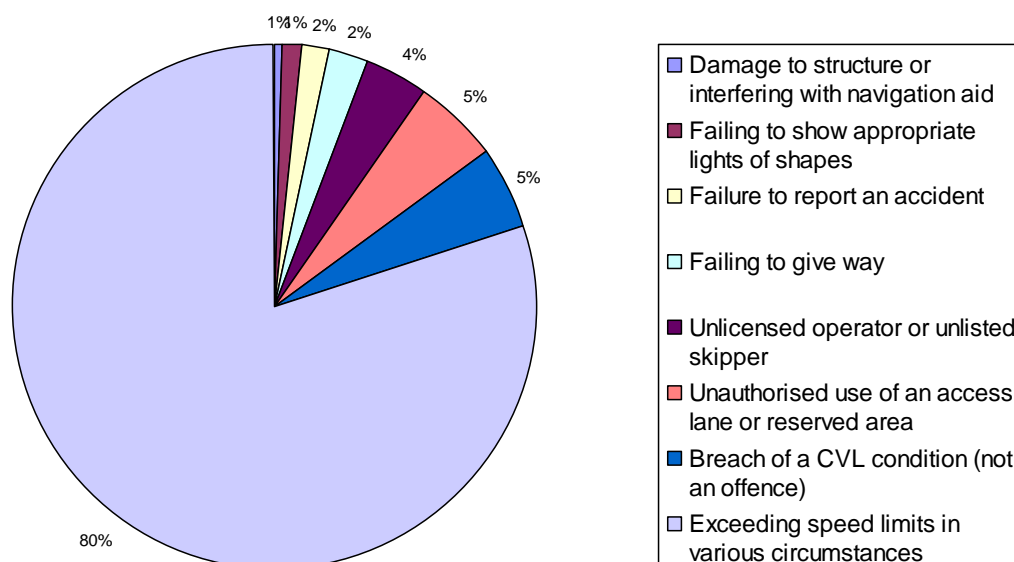
Description of breach	Recreational	Commercial
Exceeding speed limits in various circumstances	109	139
Failing to show A-flag when diving	3	0
Unauthorised use of an access lane or reserved area	28	9
Failing to carry sufficient approved lifejackets	29	0

Description of breach	Recreational	Commercial
Failing to give way	6	4
Failing to show appropriate lights or shapes	6	2
Skiing without an observer	8	0
Bow riding	3	0
Failing to report an accident	5	3
Damage to structure or interfering with navigation aid	2	1
Failing to obey formal Harbourmaster's direction	1	0
Scouring a launching area	1	0
Dangerous wake	4	Not applicable
Underage operator	1	0
Breach of a CVL condition (not an offence)	Not applicable	9
Unlicensed operator or unlisted skipper	Not applicable	7

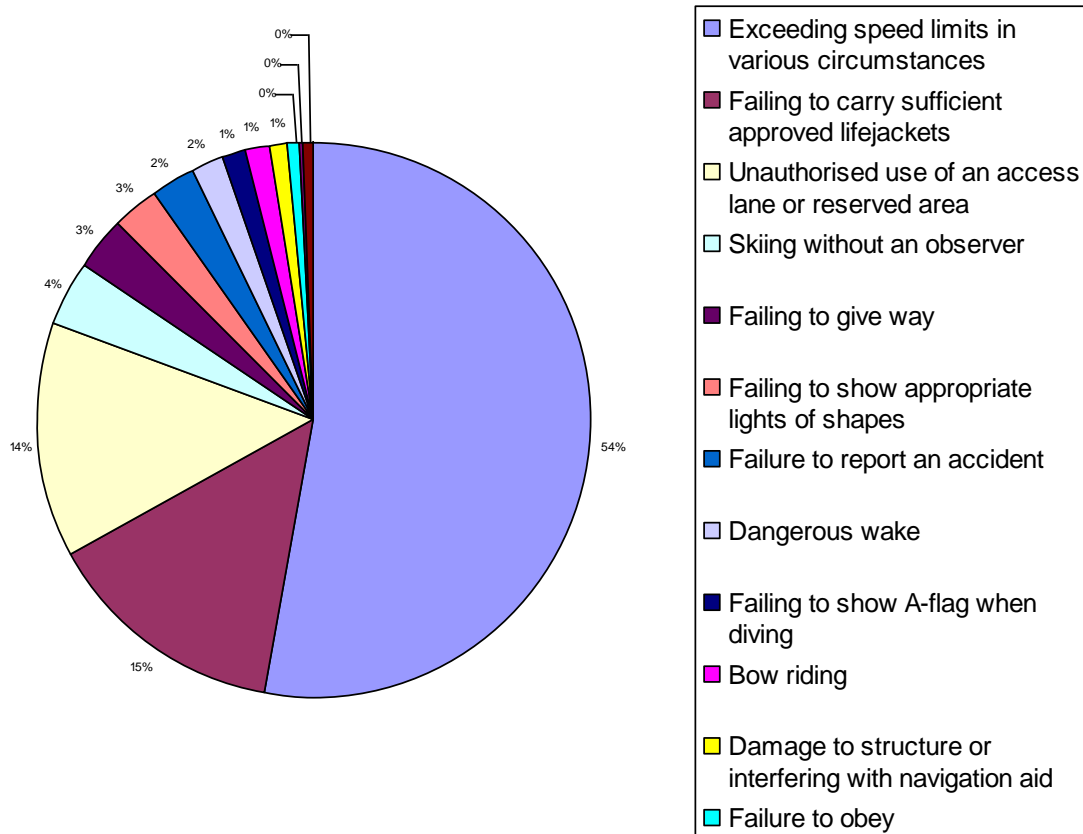
Unlike last year, observed infractions where the suspect could not be apprehended, or where an informal chat and provision of education was sufficient, were recorded, as were those complaints considered to be credible but where the offender was not apprehended. This gives a better overall picture of the incidents than last year's report, which only listed verbal warnings and infringement notices actually issued by the Harbourmaster or Deputy.

Figures 1 and 2 below break down the proportions of offences by category for commercial and recreational vessels respectively.

**Figure 1: Commercial incidents - Proportions by offence category**



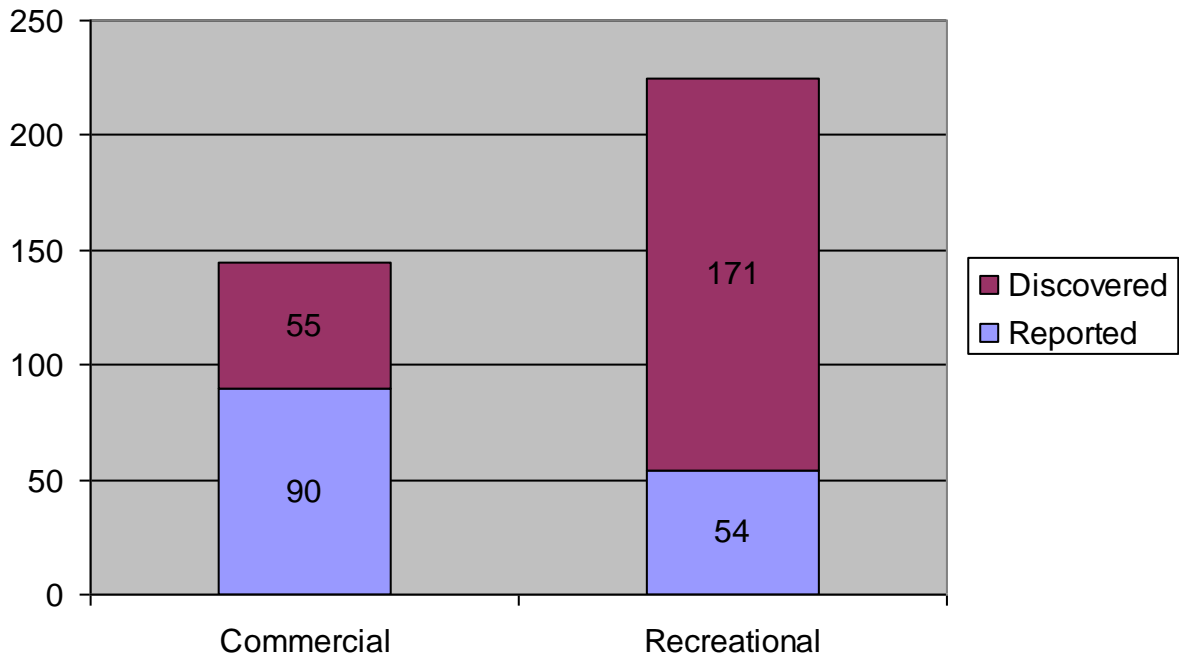
**Figure 2: Recreational incidents – Proportions by offence category**



The majority of breaches involve speeding in both sectors. There is a clear indication that more effort should be directed towards education regarding this and the requirements around access lanes and reserved areas, and for the recreational sector particularly the requirements of Part 22 and regarding personal floatation devices. It is pleasing to note that Maritime Rule Part 22 (Collision Prevention) offences account for only about 3% of incidents for commercial vessels.

Of a total of 225 enquiries related to recreational craft, 171 (76%) were discovered by staff and 54 (24%) were reported by the public or another agency. There were 145 enquiries regarding commercial vessels. Of these 90 (62%) were reported (including a self-report) and 55 (38%) were discovered by staff. This is represented in Figure 3 below.

**Figure 3: Comparison of proportions of enquiries (discrete incident events)**



It is interesting to note that almost two-thirds of commercial incidents were reported by third parties, mainly by way of complaints, compared with one-quarter of recreational incidents.

It is believed that several factors contribute to this discrepancy. The writer believes the predominant factor is that these vessels are easily identified by members of the public, and are disproportionately reported accordingly. Given the amount of commercial traffic particularly in the Abel Tasman area, I believe the number of serious breaches is commendably low. However, it is considered that the professional skippers are role models for less experienced boaties, and they have been repeatedly advised of an expectation that they behave in a professional and seamanlike way at all times.

Non-specific allegations of Bylaw breaches by commercial vessels this season have been responded to by either advising the relevant operations manager, or including the details in a summary sheet along with a request for details of the skipper involved to the company's with a number of allegations levelled against them. This latter approach has been very useful, with all but one of the operators fully completing the request, and informal feedback since received that the skippers are taking the Bylaw more seriously.

On the whole, commercial operator behaviour was considered good, with a noticeable decrease in certain actions that caused concern last season. A large increase in complaints was received, however they were mostly from two particular complainants or bulk reporting of similar incidents recorded by DoC staff at a particular hut. These will largely be actioned by raising the common themes at water taxi staff inductions in the spring.

No Infringement Notices or prosecutions have been taken against any commercial operators this season, although some recent incidents are still under enquiry, including offences witnessed recently during covert observations using a range-finder and speed-radar gun.

There were several incidents this season that were regarded as especially serious and would likely have lead to enforcement action. Unfortunately, witnesses either refused to testify, the offender was unable to be identified, or the statutory timeframe expired before all required evidence had been gathered. Improvements to the administration system for incidents and enquiries should help to eliminate the latter in future.

### 3.6 Matters Arising

The following concerns were reported last year. Those that continued to generate complaints are noted in **bold**, and any resolution in *italics*:

- Diving without a buddy or observer and diving without an A flag  
*- less of a problem this year. Actioned last year with a flyer to dive clubs and shops and improved information in our brochure.*
- **Failure by skippers to report accidents and incidents to Harbourmaster**  
*- proposed map-linked reporting system on MNZ website to parallel report back to councils, used media to highlight reportable incidents TDC responded to. Have also suggested that insurance council require it in their member's policies.*
- **Failure of vessels to monitor VHF channel 16**  
*- Wrote to MNZ requesting improved repeater coverage and that they advertise the requirement and penalty in their publications.*
- Speed of vessels around Honeymoon and Breakers Bays and **Tata Beach**  
*- More patrol presence. Have asked a trusted local to advise of any suitable candidates for a launch warden at Tata.*
- Almost universal failure to observe 3 knot limit at Motueka marina  
*- installed a 3 knot buoy, more patrol presence.*
- **Speed of commercial vessels to and from beaches**, especially at Totaranui  
*- meetings and letters, threat of radar traps.*
- Separation of boat launching/retrieval from other users at Totaranui and Stephens Bay
- Direction of travel by commercial operators around Split Apple Rock  
*- resolved by voluntary agreement at CVL meeting.*
- Wake issues into The Anchorage from commercial traffic

- no formal complaints this year. Problem vessels have adjusted loadings, course and speed to minimise wake. One is fitting a hydrofoil this winter.

- **Unauthorised moorings** in The Anchorage (both pro and con)
  - Have taken over responsibility for mooring compliance, proposal made to management for a systematic approach to unauthorised moorings.
- **Congestion at Torrent Bay and traffic in Glasgow's Bay mooring area.**
  - should be resolved by allocation of Coastal Access Points in ATFRMP
- Inconsistency between signage and Bylaw at Adele Island ski area
  - Replaced signage and buoys to match Bylaw wording.
- **Out of date signage at Lake Rotoiti** and various less-used coastal access points
  - Discussions on-going with DoC at lake (their jurisdiction regarding signage). Other signs have been refurbished or removed.
- Inadequate channel marking at **Motueka**, Waitapu and Riwaka
  - Provided resources to Riwaka users to improve informal marks. Have been advised by senior staff that Endowment Fund for Motueka will come available in near future to fund better marks.
- Fishing in otherwise reserved areas at Rabbit Island and Mapua
- Scouring of unformed launching points
  - Erected signage at several ramps. Much less trouble this season.
- Kaiteriteri – various aspects especially ski landing area location and **conflict with swimmers**, and crowded anchorage/**lack of moorings** leading to collisions
  - Lack of moorings is a policy set in TRMP. Attempted to resolve conflict with swimmers by introduction of boom.

In the last report the issue of waste disposal from vessels was also raised. Recent discussions have revealed that a commercial operator proposes to offer the service on a commercial basis at the Anchorage over the coming New Year period, if TDC will allow them to anchor a barge there for the purpose. They also intend to offer potable water tank fills from the holding tank on the barge. The water aspect has been referred to Public Health for comment. **Direction from the E&P Committee regarding the concept of a rubbish barge is welcome**, noting that any consent requirements will still have to be met.



## **4. VESSELS AND VEHICLES**

### **4.1 Legato MSA 129620:**

The vessel was used on a total of 71 days between 1 May 2009 and 30 April 2010, logging up 459 engine hours. A programmed engine replacement took place, along with a partial rewire and trailer modifications. Other maintenance was routine.

Secure boat storage is currently costing \$1,000 per year in rental to NCC, along with staff time in launching and retrieving the vessel daily. After a cost/benefit analysis, we have agreed to provide a \$5,000 share in costs of construction of a floating berth in the secure part of Port Nelson, alongside the proposed berths for their Pilot and Harbourmaster vessels. The previous Harbourmaster there had agreed to provide use of the berth and adjacent space for trailer storage at no ongoing cost in recognition of TDC's interest in the port. However, this development appears to have stalled with the change in Harbourmaster at Port Nelson, and will be pursued with him this winter.

### **4.2 Hydro MNZ 130871**

This 4 metre Osprey with a jet outboard has proven a useful resource this year to the Harbourmaster. Her shallow draft and light weight are ideally suited to launching from unformed ramps and beaches and navigating in shallow water. She was used twice by Hydrology (a gauging in the Waimea River and to service the tide gauge in conjunction with deploying the boom across the shallows at Kaiteriteri). However, *Hydro* was also used on patrol by the Harbourmaster three times, towed on standby twice more, and used once for ferrying Biosecurity staff and surveying a shallow channel.

It is intended also to use her for surveys of tidal mooring areas this winter and patrols of tidal rivers during the whitebaiting season.

No repairs or significant maintenance have been required.

Due to certification issues (discussed below), only staff with a valid commercial certificate of competency are able to operate *Hydro* currently.

### **4.3 Certification and Manning**

Both TDC vessels have been under the supervision of Survey Nelson Ltd for Safe Ship Management (SSM), however this company recently had its delegation revoked by the Director of Maritime New Zealand. An agreement has been entered into with SGS Inspection Services to provide on-going SSM services to TDC, starting with a mid-cycle survey of both vessels in August. This change will require a full review of the SSM manuals for both vessels.

Also recently announced is a proposed change to the commercial vessel inspection regime which may see the SSM system dropped in favour of a new Maritime Operator Safety System (MOSS) by October 2011. A submission in favour of this change has been made and is included later in the summary of actions taken under delegated authority for the Committee's information.

Currently, no Hydrology staff have a valid qualification to operate *Hydro*. Enquiries to MNZ about applying for what is known as a Part 35 exemption to recognise experience and define specific operational limits last year were discouraging. This is because MNZ are also currently undertaking a review of Qualifications and Operating Limits (the QOL review), and prefer to not have a plethora of exemptions in force. The Harbourmaster was interviewed in the consultation phase, and has represented Council's interests and those of some typical tourism operators in the District.

One outcome of the QOL review may be a simple pathway to a basic qualification for persons (like those in the Hydrology department) who have no real need to undertake lengthy training and establish sea time in order to undertake small vessel work without passengers in defined areas and conditions.

In the meantime, the Harbourmaster or other suitably qualified staff will continue to act as Master for Hydrology operations.

#### **4.3.1 Harbourmaster Qualifications**

Minimum qualifications and competencies for Harbourmasters was discussed at the Harbourmaster Special Interest Group (HMSIG) meeting in June this year. The group prepared a recommendation for MaritimeNZ to consider in the drafting of an expected relevant Maritime Rule. The introduction of such a rule is expected to follow a proposed amendment to the LGA 2002 changing the current wording from "may" to "must" in relation to Regional Council appointment of a Harbourmaster.

Strong representations were made to the group by the TDC Harbourmaster in support of a flexible wording, allowing those Councils that do not enjoy the income of heavy shipping trade (and hence the responsibility to manage it) in their Harbour area to appoint a Regional Harbourmaster with lesser qualifications than originally proposed. This was supported by representatives from other regions where the predominant traffic is recreational and small commercial craft.

The recommendation to be put forward will now be worded:

*"The Harbourmaster must hold a certificate of competency equivalent to that of the master of the largest ship that regularly calls at the harbour, or alternative qualification as determined by the Director."*

It was considered likely that, in circumstances like the one in Tasman District, a Memorandum of Understanding (MoU) between the Council and the nearest Regional Council with a Harbourmaster who holds a Master Foreign Going certificate would be acceptable to the Director. This would mean that the Council would be able to appoint a candidate with experience more closely aligned with the majority of our needs, and avoid the expense of a salary commensurate with a Master Mariner's qualifications. If a Harbourmaster's Direction were required relating to heavy shipping, then that Direction could be endorsed by the Nelson Harbourmaster under the MoU.

For risk mitigation, it is recommended that such an MoU be entered into at the earliest opportunity. This would be more defensible than and operationally preferable to the current informal arrangement with MaritimeNZ for advice regarding large ships.

## 5. PROVISION OF ASSISTANCE TO OTHER DEPARTMENTS OR AGENCIES

- Compliance – transport for Compliance staff on several occasions
- Environmental Health – transport to Coastal Track for human waste survey (one day) and follow up dye test (Tukurua Creek) (one day)
- Biosecurity – transport to Jackett Island (one day) Diver support scheduled for mid-July for Biosecurity survey at Port Tarakohe. Meetings attended and agreement to distribute information on their behalf.
- Coastal Scientist – transport to various coastal sites for inspections
- Building Compliance – odour assessment
- Coastal Permits – advice provided to Consents Planner (various), surveys of mooring areas
- Navy – transport of Officer on official business
- Port Golden Bay – pilot boat duties for cruise ship visit
- MNZ – transport of staff for oiled wildlife response planning (one day)
- Civil Defence – Tsunami warning response and meetings
- Police – Training exercise (one day) and SAR deployment on five occasions
- Fish and Game – Transport of staff on lakes (one day) and exercise F&G Ranger warrant as appropriate while going about duties
- DOC – respond informally to bonfires or reports of fishing in Marine Reserve on several occasions (no warrant yet provided)

### 5.1 Oil Spill Responsibilities under MoU with MaritimeNZ

The Regional On-Scene Commander role for TDC is undertaken by Graham Caradus. Steve Hainstock completed Regional Responder and Management training last year and is undertaking a ROSC course at the time of writing this report. Both attended the Regional Workshop last winter.

In conjunction with Nelson City Council, three exercises were undertaken this year. One was a desk-top management exercise, and there were field exercises at Kaiteriteri and Port Nelson.

TDC has a responsibility to assess and approve site Tier-1 response plans for any marine oil transfer sites in the District. This is underway.

## **6. EDUCATION AND PUBLIC RELATIONS**

DryCrust were engaged to re-format and update the former “Boats belong on the Water” and “Waterskiing” pamphlets, combining them into one glossy “Boating and Watersports in Tasman District” booklet for this past season. There was a significant increase in the information included, but unfortunately no space for sponsored advertisements. Uptake was much improved, with a second print run required. Some 7000 were printed in total, and less than 200 remain in reserve.

Targeted messages may be recorded for the Council’s pre-paid slots on local radio as the new season begins. It is intended to develop a standard boating safety presentation that can be delivered to boating clubs, schools and the like during the winter months from next year.

The Nelson Mail ran a number of small items relating to failed navigation aids and other temporary hazards (such as whales and logs) this year, as well as covering a couple of SAR events. They also published an item in early January with a photo of the patrol boat, which was a good opportunity to get some key messages out. There was also extensive coverage of the Anatoki grounding incident, which included quotes from this office.

An article explaining regulations related to discharge of waste from vessels in Tasman District was prepared for and published by the Marine Farming Association.

The patrol boat was involved in the annual Blessing of the Fleet at Port Nelson last year. It is intended to do the same again this year, with extra bunting.

A free boating safety check is mooted for the Tarakohe ramp to coincide with the Pohara Beach Boat Club annual fishing competition. Unfortunately a key co-ordinator of these events has recently resigned from Water SafetyNZ, but feasibility will be pursued.

### **6.1 Matters Arising**

The request reported last year from the Golden Bay Community Board for 5 knots stickers for small boats was actioned by obtaining a quantity of the MaritimeNZ “Tips about Safe Boating” stickers. These were distributed at suitable outlets in Golden Bay, provided to the two clubs there for their membership, and made available at the Tarakohe ramp at times during the summer.

### **6.2 Honorary Launch Wardens**

A review of the Handbook and policies relating to Honorary Enforcement Officers under the Local Government Act 1974 (known locally as Honorary Launch Wardens, or HLWs) was undertaken last winter, at the recommendation of Human Resources.

Comparisons were made with DoC and Fish and Game NZ Ranger policies, and significant changes were made to our own. The amended HLW Handbook and Guidelines were approved by the Human Resources and Health and Safety Officers. A further amendment was notified to HLWs after an incident in January where an HLW put himself in harm’s way by trespassing to obtain further information about a suspect.

After the review, some HLW warrants were revoked and others put on notice of a "Grandfather Clause" period, as they did not meet best practice qualification minima for Health and Safety purposes. Because of this and a number of retirements in recent years, the HLW base in the district is now fairly limited, with a number of areas lacking coverage. The Golden Bay Community Board have expressed their concern at this state of affairs. Nominations are welcomed.

Plastic photographic warrant cards were issued for a three year period in December 2009 to the HLWs who continued to meet the eligibility requirements. There are now ten voluntary HLWs, four who are warranted in association with their employment with the Kaiteriteri Recreation Reserve Board, and twelve with DoC Motueka or Nelson Lakes, a total of 26.

## **7. COASTAL STRUCTURES**

### **7.1 Seasonal Aids to Navigation**

The seasonal aids to navigation were deployed for an average of six weeks longer than the previous season, from just before Labour Weekend until just after Easter.

Field trials comparing wear of various chain grades are underway to attempt to reduce costs over time.

#### **7.1.1 Kaiteriteri boom trial**

The last report raised concerns about effective separation of water skiers and swimmers at the lagoon entrance, particularly at lower tides. The existing line of 380mm diameter buoys was frequently disregarded by both skiers and swimmers. MaritimeNZ have also expressed such concerns in a letter of 13 December 2007 to TDC, describing Kaiteriteri Bay in the summer as one of the most congested places in NZ and advocating better segregation of the activities.

It is understood that options such as banning water-skiing in the bay, establishing a skier's standing-start platform moored well off the beach or moving the landing area to Little Kaiteriteri have all been explored in the past, but Council has resolved to maintain the status quo.

After discussion with the Kaiteriteri Recreation Reserve Board (KRRB) an inflatable boom was commissioned for trial last summer, at an approximate initial cost of \$7,000, cost-shared with KRRB and manufactured locally. Teething problems with linkages and moorings resulted in a considerable input of time during the two month trial, as did some minor vandalism. However, if installed again an additional outlay of about \$500 should resolve the remaining problems. Signage was updated to reflect the change in marking the reservation boundary.

The secondary aim of the boom was to act as a backup for swimmers who became caught in the strong current in the middle of an ebb tide, disregarding the warning signs erected after a drowning some years ago. It was also expected that the boom would become a plaything and assumed that skiers would give it sufficient room to still achieve acceptable separation.

The tube diameter was carefully chosen to be easily seen and to provide optimal buoyancy for tired swimmers, but not be so large as to be intrusive to an extent not required for navigation safety or to prevent young swimmers from easily getting an arm over it. The colours of black and white are specified for a reserved area boundary by Bylaw 3.9.3. The installation of aids to navigation in Tasman District is allowed by Permitted Activity Rule 25.1.5F in the TRMP.

When first installed, opposition from nearby property owners on visual amenity grounds was quickly reported to TDC and in the media nationwide. Comments received as the trial went on were generally favourable however, including some made by some of the initial detractors. Observations by KRRB staff and the Harbourmasters indicated that the boom served its primary purpose very well, clearly delineating the boundary between skiers and swimmers, with no skiers seen to cross it and very few swimmers. During slack or low flow tides, it also supported tired swimmers well and had the added bonus of forming a sheltered and safe paddling pool at very low tides from time to time depending upon location of scoured holes. It was also well used as a seat or back rest at low tides.

A serious issue arose however during ebb flows associated with spring tides. Reports were received of swimmers feeling trapped against the boom during strong tides, and not ducking under as intended if unable to pull themselves along the boom to the shore. During the very large tides the weekend before the boom was due to be removed, a delegation of day trippers from Nelson complained to the KRRB manager and reportedly the Police (although any such report was not forwarded to TDC) that they had felt obliged to stay there and rescue a constant parade of children drifting down from the road bridge and becoming trapped.

The next day the Kaiteriteri warden patrolled the boom in a dinghy during the peak flows, but observed no problems. The Harbourmaster observed from a high vantage point and could see the current line reaching almost to the access lane buoy line, but little swimming activity behind the boom.

Because of the strong and divided opinions evoked by the boom, at the end of the season comments were invited from the public by notice in local newspapers, closing on June 14, to assist Council in making a decision regarding their ongoing deployment.

The submissions received (and website comments or letters to Nelson Mail) regarding deployment of the boom during the summer school holiday period in future are summarised below:

<b>In favour:</b>	15 Submissions	7 via media	Total 22	<b>85%</b>
<b>Opposed:</b>	2 Submissions	2 via media	Total 4	<b>15%</b>

Suggestions submitted (*italics* is Harbourmaster's comment):

- Temporary extra warning signs during spring tides
- Start the beach end further seaward to reduce tripping hazard and improve aesthetics (x2) (*Likely to lead to alignment problems as is the only fixed point currently, but probably can be overcome. May lead to return of previous*)

*problem of swimmers and skiers arguing over boundary above mid-tide as is not perpendicular to signage.)*

- Move further up channel (x2) (*position is defined in Bylaw as boundary of area prohibited to non-motorised vessels, so not a current option.*)
- Patrol with Lifeguards. (*Surf Lifesaving NZ advise that lifeguard services are funded primarily by regional councils. KRRB may be willing to increase Warden patrol resources during high risk periods with Council assistance*)
- Ban swimming during middle of ebb tides (*Near impossible to achieve in practice*)
- Install grab chains or nets (*Not safe or practical in this situation*)
- Extend deployment period beyond the eight week peak school holiday period
- Ban water skiing in bay December to February (*Submitted by a skier*)

**Recommendation:** Install buoys Labour weekend until early December, then change to booms until about Easter each year. Note that spring low tide levels are needed for practical deployment and retrieval. Have KRRB staff erect prominent temporary signage discouraging swimming in lagoon channel and warning of danger three days either side of springs. Consider funding increased patrols by Warden. *Note that if funded by TDC then it would be desirable to bring the KRRB dinghy into Council's Safe Ship Management system and obtain exemption from MaritimeNZ for Warden to operate it.*

### **7.1.2 Matters arising**

In the last report the issue of costs and inconveniences associated with the MaritimeNZ requirement for approvals of seasonal aids to navigation was raised. It is pleasing to report that our position was ratified by HMSIG and supported by local media, and that on 31 July 2009 MNZ wrote to advise that the requirement would be waived on two conditions:

1. That an appropriate caution be placed on large scale charts of the affected area
2. That detail of the marks be promulgated by Council through its seasonal boating advice.

The first condition has been completed, and our existing seasonal brochures meet their second requirement for now. MNZ have also requested that a map be available on our website showing the marks' exact locations, purpose and use. Collection of updated co-ordinates was completed in April, and publishing this to the TDC web site will be discussed with Information Services later this winter.

There have also been requests from the cruising yacht fraternity that the layout of the various marine farm marks be made available for download each season. The Marine Farming Association and TDC are working towards achieving this.

## **7.2 Permanent Aids to Navigation and Signage**

Inspections, re-branding, cleaning, painting and maintenance of all the navigational safety signage and permanent transit posts was done, which was well overdue in many cases.

Two new permanent aids to navigation were installed.

Most of the lead light structures require maintenance. Replacement of the poles for the inner Mapua leads was consulted on locally and permits obtained last winter, however the work has not been done because of delays in negotiating ongoing access rights. Planning is underway to relocate the Collingwood leads following an agreement between the Collingwood Boat Club and Property Services.

## **7.3 Wharves and Jetties**

### **Mapua Wharf**

During last winter improvements requested by the Mapua Boat Club were made to the fender piles and toe-board at the Mapua wharf, to reduce the risk of vessels hanging up on their beltings after high tides or interference with their mooring lines.

An incident with a yacht resulted in the floating jetty at Mapua wharf being destroyed. The liability of the responsible party will not extend to replacement due to its age and condition at the time. The floater was owned by the MBC, and the wharf by TDC. Both will need work done concurrently. Meetings have been held with the Mapua Boat Club, Cr Norriss, the Transportation Manager and other Engineering staff to develop a suitable concept and secure funding for a replacement pontoon and associated wharf pile replacements. This appears unlikely to happen before next summer.

## **7.4 Coastal Structures Inventory**

A cross-divisional project has been initiated to locate, record, identify ownership of and value all coastal structures in the district, involving at this stage Engineering and Maritime staff, with other E&P and Property Services staff expected to be brought on board as required.

This involves all coastal structures, including wharves and jetties, ramps, signage, seawalls and other protection works, aids to navigation, moorings and so on. All will be entered onto Engineering's asset management database and linked to relevant Resource Consents or a permitted activity rule, and those identified as TDC owned will be valued and have a maintenance plan developed, for insurance and budgeting purposes. Previous inventories have been ad hoc, incomplete and often siloed.

## **7.5 Moorings Administration Proposal**

Unauthorised moorings have been identified in Port and Harbour Risk Assessments for other authorities as both a navigational risk and potential legal liability. There is also the need for TDC to have a record of the holders of all moorings for emergency management purposes (for example after a Tsunami) and for Biosecurity purposes.



In Tasman, moorings are controlled under the RMA by provisions in the Coastal Plan section of the TRMP. There are three relevant levels of control:

1. Permitted activity moorings, specified in a schedule
2. Controlled activity moorings, where consent is obliged to be granted if space is available in certain designated Mooring Areas
3. Discretionary activity moorings elsewhere, which in some areas, e.g. Kaiteriteri and the Abel Tasman National Park coast are effectively prohibited for new applications except under certain restrictive conditions.

The principal reasons for the rules relating to moorings were laid out in October 1998 in Section 25.1.9 of the TRMP. This states:

*The District contains several existing structures that have no current authorisation – because none was needed previously, or consent requirements were not administered. Those existing unauthorised structures that have no adverse effects have been given permitted activity status, subject to a condition relating to their structural integrity. Consent needs to be obtained for other unauthorised structures, if adverse effects can be adequately managed, otherwise the structures need to be removed. All new structures require consent, which will not be granted unless adverse effects can be avoided, remedied or mitigated.*

There are also provisions relating to moorings in the TDC Navigation Safety Bylaw, which in some respects overlap with TRMP or consent conditions.

Compliance with the requirement to gain a permit of some sort has been patchy for a number of reasons in the past. This has resulted in some areas having almost total compliance, and others with large numbers of moorings none of which are authorised. With the local marinas at or near capacity and increasing marina berthage costs, it is very attractive for boaties to have a mooring (or two, or three). Compared with on-going marina costs, moorings are cheap. They are even cheaper if they are not routinely inspected or maintained and are constructed in an ad-hoc manner without an engineer's design approval. Even for consented or permitted moorings, there are a large proportion who fail to report (and presumably) undertake inspections as required.

Following discussions with the Compliance Manager, the Harbourmaster has been tasked with the responsibility for compliance with mooring rules and the appropriate proportion of the monitoring budget will be allocated to Regulatory from the end of the current financial year.

A project plan to achieve this has been provided to Regulatory management for discussion with the EPMG. In order to achieve fairness, it may be desirable to declare an amnesty or amend some TRMP conditions.

## **8. REGULATORY INSTRUMENT ADMINISTRATION**

### **8.1 TDC Navigation Safety Bylaw 2005 (Amended 2006)**

#### **8.1.1 Actions Taken Under Bylaw 3.10**

Temporary reservations and/or speed upliftings were granted for the following events:

- Jet Boat traverse, Buller River (not exercised) – November 2009
- Waka Ama racing, Kaiteriteri – November 2009
- Jet boat slalom, Waimea River – December 2009
- Tata Beach swim, Tata – January 2010
- Power Boat racing, Lake Rotoiti – February 2010
- Waka Ama Tuna Hoe, Lake Rotoiti – March 2010
- Antique and Classic Boat Show, Lake Rotoiti – March 2010
- Installation of a rising main in Waimea Inlet – April–May 2010

Other similar events attended were the Tata Titanic Cardboard Boat Race and the Collingwood Raft Race in January 2010. The Awaroa Tinny Race on New Years Day has not yet been assessed by the Harbourmaster, as management do not approve work on that day.

Practices witnessed at the Collingwood Raft Race raised serious concerns about safe management of the event which are being discussed with the Collingwood Boat Club at the time of writing.

The Tuna Hoe waka event at Lake Rotoiti was attended by the Deputy Harbourmaster, who reported multiple examples of disregard by the organisers for conditions in their permit. This will be raised with the organisers before any future permit is issued.

#### **8.1.2 Bylaw Review**

Advice received since the last report is that a statutory review of the existing TDC Navigation Safety Bylaw 2005 (Amended 2006) must be undertaken by January 2015. Given the timeframe taken for the last review, it is proposed to begin this process in the winter of 2013. The aim would be to have the new Bylaw made by Council in early 2014, so that new Infringement Offences Regulations can be processed by the Department of Internal Affairs and Parliament in time for any enforcement required during the summer of 2014-2015.

#### **8.1.3 Considerations for Changes to Bylaw:**

In addition to the points noted in the last report, the following have been raised for consideration in the next review:

1. Access lanes to coincide with Coastal Access Points (CAPs) in Abel Tasman Foreshore Reserve Management Plan
2. Designation of a powered-craft prohibited area at the southern end of Tata Beach

3. Designation of a powered-craft and/or anchoring prohibited area at southern end of Little Kaiteriteri Beach
4. PWC and Water Ski access lane near Milnthorpe
5. Relocation of Totaranui Water Ski Access Lane to southern end of DoC camp (copy of DoC proposal below)

DoC undertook some informal surveying of Totaranui camp users this summer using a simple for or against petition form at the office. This was supplemented by an invitation to comment published by TDC in Newslines and in the seasonal boating brochure which was open until 14 June. The results are summarised below.

### **Summary of submissions received regarding proposed relocation of Totaranui Ski Lane**

In favour:	<b>73%</b>	(38)
Opposed:	<b>27%</b>	(14)

DoC advise that a full page was ripped out of the survey. The page was believed to contain 90% support for the relocation, which would be about 16 for and two opposed. These are not included in the summary.

Some comments indicated a lack of understanding of the rules that apply elsewhere in the bay, or of the correct use of a ski access lane. Most comments were unrelated to navigation safety grounds, and were largely based on noise and amenity (for the relocation) and convenience, increase in through camp traffic, or proximity to the sheltered water to the north within 200m of the headland (against the relocation).

Valid navigation safety related comments:

For:	safer for swimmers and passive boating
Against:	will encourage speeding along whole beach to and from ramp and sheltered water near ramp

Alternative suggestions included:

1. Alternate years with either the lane available or not, but kept in current position
2. Move it to Mutton Cove
3. Ban Jet skis and waterskiing
4. If shift lane then also shift ramp

## Figure 4: DoC Draft ski lane proposal – Totaranui

### Ski Lane Proposal – DRAFT COPY

Run a survey during the 2009/2010 summer season to see what campers think about shifting the ski lane from the Northern to the Southern end of Totaranui Beach.

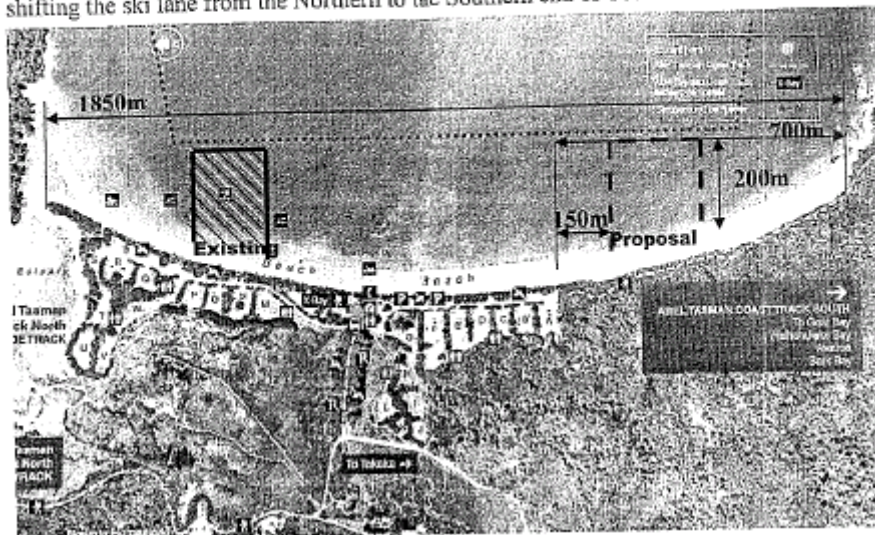


Figure 1. Existing and proposed of ski lanes. NOTE: dotted line is 200m line.

The beach is 1850m long from the Northern Rocks to Southern Rocks.

From A Bay to Southern end rocks, approx 700m.

Proposed ski lane is to be 150m South of A Bay.

#### Reasons for the change

- It will make it safer for swimmers, adults and children
- Less boat noise for campers in Bays X, M, N, O, P, W and R.
- Safer for boat users launching and retrieving their boats at the ramp, less congestion within the 200m zone adjacent to the ramp.
- The proposed area is well clear of the main campground; the beach area is not currently used much by campers and day visitors.
- People that want to watch boats and waterskiers taking off etc only have to walk 150m up the beach.
- Users of kayaks, rubber tubes and other water toys can enjoy going into the water directly in front of their camp and will be able to use the sea without issues of boats and waterskiers.
- It has been a law for a few years now that you cannot exceed 5knots within 200m of the shoreline that includes the rocks at the northern end of the camp.

Plan of action: Consult with campers in summer.

Send letter to Steve about moving ski lane area by the end of summer.

Process next bylaw review – at least 1 year.

## 8.2 Local Government Act 1974

Apart from routine use of the powers to stop vessels and require contact details, the following powers were exercised in the last year:

### (a) Enter property to inspect or maintain a navigation aid

- Multiple locations and times. Warrant produced as matter of course where occupied. Informal notice of entry left on back of business card where property unoccupied.

**(b) Declarations of Wreck**

- A dinghy at Otuwhero inlet. Destroyed after one month as unclaimed.
- A trailer yacht abandoned on bank of Motueka River. Still within timeframe.

**9. ACTIONS TAKEN UNDER DELEGATED AUTHORITY**

**9.1 Submissions**

Since the last report, comments were provided to MaritimeNZ during the development of their several guidelines for operation and rental of commercial paddle craft. These are common activities in Tasman District, and so far Council control has been inconsistently applied. Once these guidelines are finalised, they will provide a sound grounding for licensing of the operations around Murchison and of certain accommodation providers who provide courtesy vessels for guests.

The Harbourmaster also met with MNZ staff as part of their consultation regarding a full review of seafarer qualifications and commercial vessel operating limits, and assisted with dissemination of information to local operators and interested parties.

A formal submission has been made to MaritimeNZ in support of their proposed changes to the Maritime Rules controlling survey and operation of domestic commercial vessels less than 45 metres long. As submissions close the day after this report is due to be presented to the Committee, the submission has been ratified by the Chief Executive Officer. The submission is reproduced below for your reference.

Consultation Co-ordinator  
Maritime N Z  
PO Box 27006  
Wellington 6141

Dear Sir

**SUBMISSION IN SUPPORT (WITH SUGGESTED CHANGES) OF PROPOSED MARITIME RULE PARTS 19 AND 44 (THE MOSS FRAMEWORK)**

Tasman District Council wishes to submit that it is generally in favour of the proposed change from a Safe Ship Management (SSM) model to the Maritime Operator Safety System (MOSS) framework for the oversight of the majority of domestic commercial vessels.

The vessels operated by Council are subject to these changes, and Council also has an interest as a regulator of navigation safety within the Council's territorial waters.

We **support Maritime Rule Part 44** (Surveys, Certification, and Maintenance for ships used within Maritime Transport Operations) **as proposed**.

We wish to **submit the following comments and suggestions on** specific sections of the proposed draft Maritime **Rule Part 19** (Maritime Transport Operator Certification):

1. Rule 19.21 does not specify that an applicant for a Maritime Transport Operator Certificate must be a natural person (confer Rule 44.21 relating to surveyors). However, the Advisory Circular (Part 19 Version 1) refers to the Director

establishing to his or her satisfaction that an applicant is "fit and proper". We suggest EITHER an explanatory note that a delegated position within a company or organisation (e.g. Operations Manager or Harbourmaster) is acceptable following audit by MNZ of the job description, OR a change to the draft Rule specifying that the applicant must be a natural person. This latter option could create issues with staff turnover or business ownership transfers over time.

2. Rule 19.61 (h) and (i) require that the procedures and logbook for the ship be carried onboard at all times. We suggest that this be amended to require carriage of the documents aboard only when the vessel is afloat. This is to recognise that a considerable proportion of small craft operating commercially in NZ are trailer vessels. In some cases, these are open vessels or otherwise at risk from unlawful interference by third parties when in storage, transit ashore or undergoing maintenance. A prudent operator may wish to remove important documents (and valuable equipment required when in use) from the vessel at these times (which may be daily)
3. Rule 19.81 covers exceptions for non-commercial use (pleasure trips). We submit that the existing text of this rule be labelled paragraph (2), and that an additional paragraph be inserted above it, for example:

*(1) When a ship undertakes any voyage for non-commercial use the master must, upon departure for the voyage, record in the ship's log that the voyage is for non-commercial use.*

This blanket requirement to record the non-commercial use of a commercial vessel, even if the trip is within normal operating and crewing limits, is suggested for two reasons;

- (a) If the log is the only evidence available to any subsequent accident investigation, it may help determine the context of the Master's decision making leading up to an accident.
- (b) More than one local government authority has regulations in a Bylaw (under the Local Government Act 1974 or 2002) or Coastal Plan (under the Resource Management Act 1991) that differentiate between commercial and pleasure craft in certain circumstances. An examination of a suspect vessel's log would clarify any dispute over the nature of use of a vessel displaying an MSA or MNZ number in a location where that vessel may be restricted under local regulations. Often, when apprehended these suspects claim that the voyage is private. Obtaining sufficient evidence to prove the offence is difficult in these situations. However, falsification of a document such as the ship's log is regarded as a more serious offence generally than breach of a local government rule, so false entries are unlikely to be made in it. The onus would then fall on the suspect to prove the trip was for private use if the log did not state it was.

Tasman District Council does not wish to be heard in respect of this submission.

## **9.2 Licensing Activity Under Bylaw 5.4**

The Harbourmaster has delegated authority to issue, or waive the requirement for, licences to operate a commercial vessel service in Tasman District.

This Bylaw has always been interpreted as applying to passenger services and their ancillary operations only. Accordingly, no licences have been required of registered commercial fishing vessels, or freight-only operators that are not involved in passenger services in this district. There were 34 active licences during the 2009/2010 season.

Since October 2008, new Commercial Vessel Operator licences have been issued to:

1. Rotoiti Water Taxis Ltd CO0103
2. C and K Simpson Lake Rotoroa Water Taxi CO0106  
-both existing operators who had not been previously licensed
3. Watersports Kaiteriteri Ltd CO0104  
-due to the splitting of an existing operation into two separate entities – no change in scale or nature of operations

An application is in process for Island Escape Cruises Ltd, to operate an infrequent scheduled luxury charter-type service into the district from a base at Nelson.

An application is expected from Nick and Anna King to operate guided fishing trips in the Nelson Lakes upon completion of MaritimeNZ licensing requirements.

Two operators in Golden Bay advertising boat trips and kayak hire for reward were identified in early June and are under investigation.

Known commercial adventure paddle-craft operators in the Murchison district are likely to be approached over the next year as MaritimeNZ guidelines and audit standards are finalised. This sector has come under increasing scrutiny nationwide following a number of serious accidents in recent years, and a degree of Council control is appropriate to help maintain the District's reputation as a safe place to enjoy such activities.

Expressions of interest for a paddle-board operation in Kaiteriteri Bay and a ferry service at Mapua have been discouraged on grounds determined by the Bylaw. An expression of interest has been provisionally supported to operate a charter service in Golden Bay and the northern West Coast from Port Tarakohe.

Applications to suspend the licence with a right of renewal within five years have been approved for two out-of-district charter operators who have not exercised their licences for some time, but have retained DoC concessions for the ATNP.

An exemption from the requirement to hold a licence subject to certain conditions was granted to Pakawau Beach Camp for their guest-use kayaks, however this business has ceased trading. An offer of an exemption has been made to Kaiteriteri Beach Apartments. Another known operator of this type at Mapua has indicated that an application for exemption is forthcoming. Further operations of this type are being actioned as they come to our attention during patrols or by discoveries made in perusal of promotional materials, magazines and websites.

## 10. RECOMMENDATIONS:

1. THAT this report be received by the Environment & Planning Committee of Council.
2. THAT the Environment & Planning Committee notes the interest in the concept of a commercial rubbish collection and water provisioning barge being positioned at Anchorage over the height of the summer, subject to obtaining necessary consents.
3. THAT the Environment & Planning Committee of Council supports separating the Water skiing area and adjacent area used by swimmers at the entrance to Kaiteriteri Lagoon by a installation of buoys from labour Weekend until early December and booms from December until about Easter.
4. THAT the Harbourmaster reports on the efficacy of buoys and booms deployed at the entrance to the Kaiteriteri Lagoon to the Environment & Planning Committee of Council after the coming summer.



Steve Hainstock  
**Harbourmaster**