



STAFF REPORT

TO: Environment & Planning Committee

FROM: Graham Caradus, Harbourmaster

REFERENCE: B954

SUBJECT: **AMENDMENT OF CONSOLIDATED BYLAW CHAPTER 5 NAVIGATION SAFETY - EP06/09/07** – Report Prepared for Meeting of 21 September 2006

1. BACKGROUND

- 1.1 This report initiates the final stage in the processes necessary to amend Tasman District Council Consolidated Bylaw Chapter 5 Navigation Safety (the Bylaw).
- 1.2 The formal part of this process was started at the Environment and Planning Committee meeting of 30 May 2006, when it was moved that the amendment to be adopted and notified to commence the consultative procedure.
- 1.3 Steps undertaken have involved the formal “Statement of Proposal” process including the advertisement of the intended changes in the Nelson Mail and Christchurch Press, as well as in “Newline” number 134 on 15 June 2006 which was distributed to Tasman District Council ratepayers. Submissions from interested parties were sought.
- 1.4 The full statement of proposal remains available for viewing on the Tasman District Council Web site at <http://www.tdc.govt.nz/pdfs/draft-nav-bylaw-06.pdf> or can be seen as part of the agenda for the 30 May 2006 meeting mentioned above.

2. SUBMISSIONS RECEIVED.

- 2.1 To simplify the process, comments on submissions received are presented under the same four broad headings used in the initial Statement of Proposal, as follows:
 - Editorial and Administrative Amendments to the Bylaw.
 - Alteration of Kaiteriteri Bay Maritime Management.
 - Provision of a reserved Area for Swimming: Lake Rotoiti.
 - Port Tarakohe and Port Mapua- Port User Charges.

2.2 Editorial and Administrative Amendments to the Bylaw.

- 2.2.1 No submissions were received that objected to the proposed editorial or administrative amendments and adoption of those amendments is recommended.

2.3 Alteration of Kaiteriteri Bay Maritime Management

- 2.3.1 Submissions have been received both in support (four) and in opposition (63) to this proposal. In general, most interest is focussed on the proposal to remove the water skiing area from Kaiteriteri Beach and to place a water ski access lane on Little Kaiteriteri Beach. Submissions supporting that specific part of the proposal are in an obvious minority compared with those that oppose.
- 2.3.2 Of note is the fact that a submission in support of the proposal was received from the Department of Conservation, who administer commercial concessions on the recreation reserve. Control and management of the camping ground is undertaken by the Kaiteriteri Recreation Reserve Board, and no submission has been received from that Board on this issue.
- 2.3.3 Submissions have been copied to Councillors, but a generalised and very simplistic breakdown of those common themes contained in submissions in opposition are as below. Comments are ranked in descending order of the number received:

Number of submissions containing comment	General comment on reason for objection or comment offered in submission.
39	Little Kaiteriteri Beach is a quiet, almost boat free, safe swimming area: don't change those advantages.
23	Remove water skiing completely from the greater Kaiteriteri Bay, or ban inflatable biscuits and similar towed toys from the area.
13	The proposed water skiing access lane will produce inferior, unsafe or dangerous water skiing conditions.
12	Parking at Little Kaiteriteri will be inadequate.
12	Further consultation should be undertaken, or the amendment process is incorrect.
12	Restrict commercial operations, or criticism of the expansion of commercial operations, or view that the proposal is driven by commercial operations.
11	An increase in car and trailer traffic will cause congestion on Kaiteriteri's small roads.
10	There will be an unwelcome increase in noise for nearby residents and users of Little Kaiteriteri Beach.
8	The change will have a detrimental effect on the beach and adjacent reserve through erosion due to increased use and new wave patterns.
8	The status quo should remain.
7	There will be a loss of the spectator appeal that was available to Kaiteriteri Beach users.
7	Suggest that dangers identified are imagined or otherwise non-existent.
6	Agree with identified dangers or have observed dangers of current situation.

Number of submissions containing comment	General comment on reason for objection or comment offered in submission.
6	Increased policing or signage or more marker buoys are needed.
5	Revert to clockwise rotation in the current water ski lane and make no other changes.
4	Have temporary rules for the peak season.
4	Improve the marking of offshore rocks.
Number of submissions	General comment on reason for objection or comment offered in submission (continued).
3	The activity of water skiing is in conflict with the adjacent reserve.
3	The proposed changes put boats too close to the rocks.
2	Provide a lifeguard.
2	The proposed water ski access lane occupies too much of Little Kaiteriteri Beach.
2	It will be difficult to get pedestrian access and water skiing gear to Little Kaiteriteri Beach.
2	The proposal won't improve safety.
2	Safe boating is a central government responsibility and TDC shouldn't be involved.

3.3.4 Although there is much detail contained in many submissions, no major navigation safety factors that had not been considered during preparation of the Statement of Proposal have been discovered in the submission process.

3.3.5 Council is in the invidious position of being asked to make the best choice from what are imperfect options. Whilst the current layout of the Bay is far from satisfactory because of perceived dangers to swimmers, there is no obvious solution that does not significantly disadvantage some user groups or local residents. The options available remain those identified in the previous report, namely:

3.3.5.1 **Make No Change To The Current Layout**

Comment:

The do nothing option is not considered appropriate because of the identified risks and history of accidents and near misses that have occurred since the current management plan for the marine area has operated.

3.3.5.2 **Alter The Layout By Moving The Water Ski Area**

Comment:

This option (recommended in the Statement of Proposal) of removing the water ski area and placing a water ski access lane at Little Kaiteriteri has been strongly opposed, primarily on the basis that Little Kaiteriteri is a quiet place and that attribute would be destroyed by the proposed water ski lane. Water skiing conditions will be far from ideal most of the time and congestion of vessels within the Bay would continue to be an issue. Many that express these views are land owners in that area.

3.3.5.3 **Remove Water Skiing As An Activity In Kaiteriteri Bay**

Comment:

This is the second most common comment made in submissions, although in some cases it is qualified as a second alternative to the status quo, or users of inflatable towed toys are identified as the sector that should be removed. It is the most commonly suggested solution and this is reflected in the recommendation at the end of this report. This option was identified in the Statement of Proposal, but not recommended as it would result in a departure from the historical practise of water skiing in Kaiteriteri Bay.

3.3.6 Other solutions that have been suggested include having differing times of the day or tide when water skiing may be undertaken, or times of the season/year when it may be banned. Such suggestions are not supported because of the potential for confusion. A management plan that is simple, consistent and easily explained, with sign boards, or in advice notes, is considered most appropriate for avoidance of confusion and subsequent accidents.

3.3.7 Only two viable, simple and readily workable options are considered to exist, and they are “Alter the layout by moving the water ski area” or “Remove water skiing as an activity in Kaiteriteri Bay”. Neither of these options is without some disadvantage to users or residents of the area and it is appropriate to identify those groups that would be most disadvantaged.

3.3.8 Removal of water skiing from Kaiteriteri Bay will most significantly affect holiday makers who wish to take part in or watch water skiing. Some locals may also be affected by having to go further afield to take part in water skiing activities off a beach. The closest beach that can be used for water skiing is in the Astrolabe Roadstead, but this is only available during the summer period of daylight saving. There is nothing in the Bylaw that will prevent water skiers from making deep water starts and undertaking waterskiing anywhere seaward of 200 metres from shore in any location along the coastline.

- 3.3.9 Placing a water ski access lane at Little Kaiteriteri will have an effect on residents in Little Kaiteriteri, primarily from an amenity view point. It is recommended that Council carefully consider the obligation that it has to those residents in the Little Kaiteriteri area.
- 3.3.10 Based on the responses received, removal of water skiing as an activity in Kaiteriteri Bay is the most favoured solution suggested by submitters, and this action is recommended.
- 3.3.11 Amendments to the Bylaw that support removal of the water ski area have been completed in the appended Bylaw including draft amendments. The amended Map 7 is attached.

3.4 Provision of a Reserved Area For Swimming: Lake Rotoiti

- 3.4.1 Only two submissions were received on this matter: one in support from Department of Conservation and one requesting some variation to the proposed swimming area. Other concerns expressed by the submitter are not relevant as the powers to temporarily reserve any areas including those that are reserved for specific activities already exists within the Bylaw. Discussions with DoC staff reveal that the suggested minor alteration of the proposed swimming area is not seen as a significant issue and the minor change to reduce the width of the reserved area by 20 metres is therefore recommended.
- 3.4.2 The necessary alterations to the Bylaw to facilitate this change are included in the appended Bylaw including draft amendments. The amended Map 16 is attached.

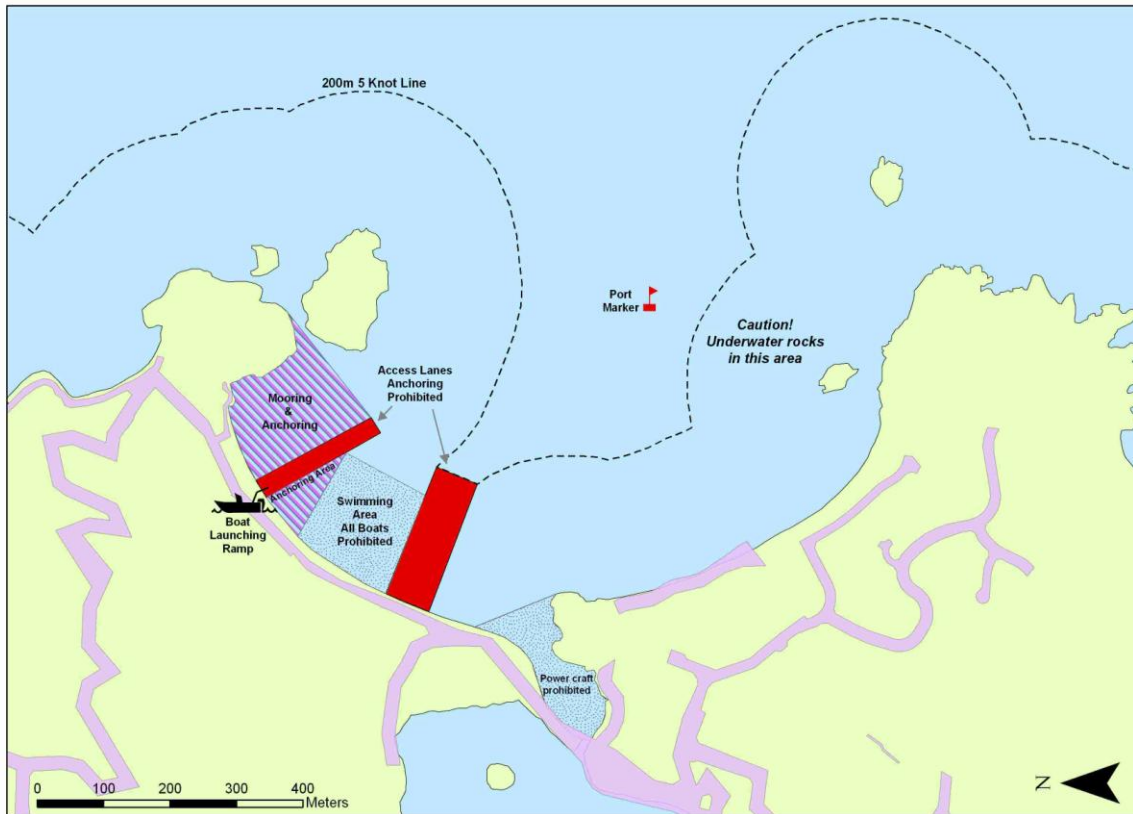
3.5 Port Tarakohe and Port Mapua- Port User Charges

- 3.5.1 Only two submissions have been received and both deal specifically with the charges associated with Port Tarakohe.
- 3.5.2 Those changes recommended by the Port Tarakohe Administration Manager have been inserted into the appended Bylaw including draft amendments.

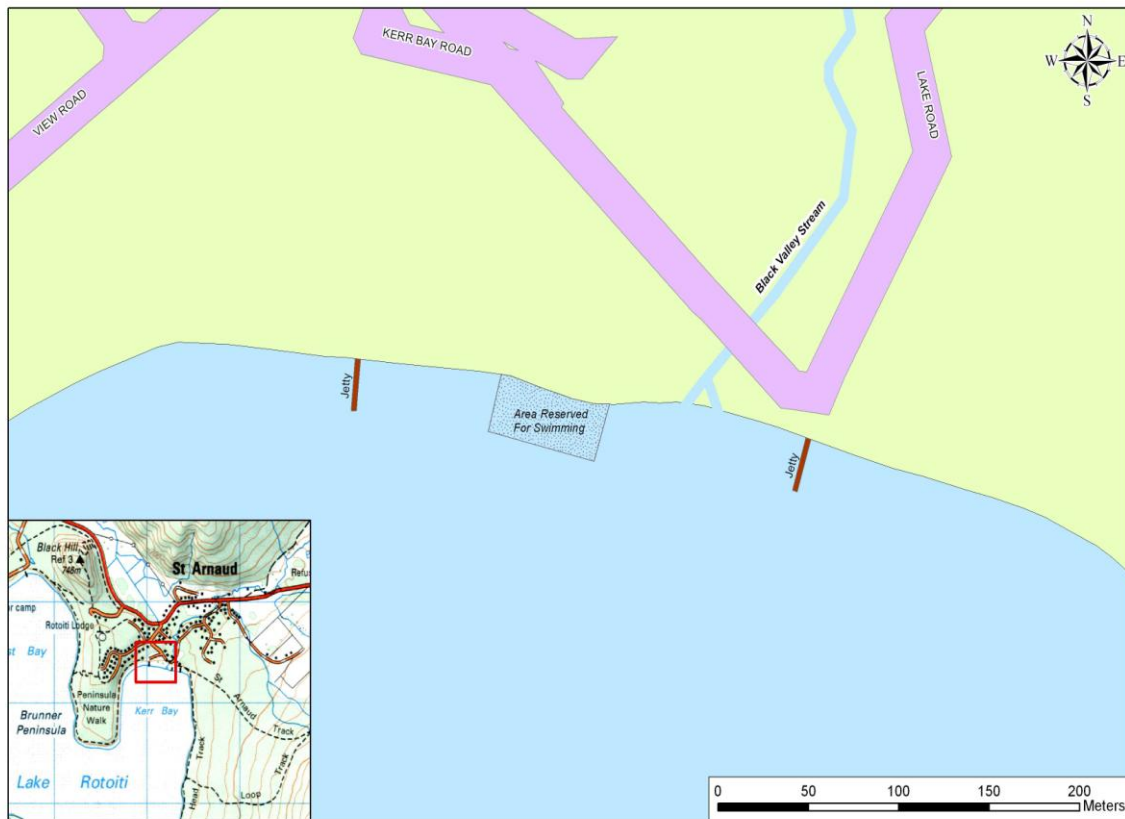
4. RECOMMENDATION

THAT the Tasman District Council, proceeds with amendment of the current 'Tasman District Council Consolidated Bylaw Chapter 5 Navigation Safety January 2005', and that the draft amended bylaw appended to this report be adopted and come into force on 31 October 2006.

Graham Caradus
Harbourmaster



Map 7 – Kaiteriteri



Map 16 - Kerr Bay, St. Arnaud