

Consultation Document for the

Hawke's Bay Navigation Safety Bylaw Review 2023



HAWKES BAY
REGIONAL COUNCIL

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Message from our Harbourmaster



For me, being Hawke's Bay's Harbourmaster is essentially about ensuring people make it home safe and sound to their whanau at the end of the day's activity in, or on, the water.

In Hawke's Bay we're lucky to have an extensive coastline, multiple river systems, accessible beaches, a large lake to our north, as well as a busy port. We see a wide variety of year-round recreational and cultural water-based activities, alongside our commercial users.

Our goal is to keep people safe on the water in and around our region. We want to recognise the different values and uses associated with Hawke's Bay's waterways and ensure that people use and share them safely.

Our Navigational Safety Bylaw helps us do this. Its purpose is to ensure that different users of coastal and inland waters across the region can safely use and share our waters, whether it is for recreational or commercial purposes. The bylaw is in addition to the requirements of the Maritime Transport Act 1994 and the Maritime Rules and considers factors specific to our region.

Hawke's Bay Regional Council is responsible for keeping our Navigation Safety Bylaw fit for purpose by completing a review every five years to reflect changing uses and previous experiences gained since the last review. As part of the review, we must include a formal consultation with our community to allow them to have their say.

A lot has happened since our last bylaw review in 2018. We've seen the expansion of 6 Wharf, Te Whiti, at Napier Port, an ever-increasing number of cruise ships, new technologies and new types of watercraft taking to the water, all of which we take into account as part of our review.

In northern Hawke's Bay, we're also seeing increased activity from Rocket Lab from its location at the tip of the Māhia Peninsula. Together we've worked on safety around launch conditions, including zone marking, advertising and radio communications.

An updated Draft Hawke's Bay Navigation Bylaw 2023 has been prepared. Changes proposed in this draft bylaw will help us to build on our successes under the current bylaw and are necessary to address new and emerging safety issues. This consultation document outlines the proposed changes for the 2023 version and details how you can provide your feedback.

We thank you in advance for taking part in the consultation and engaging with us on how we best keep the people of Hawke's Bay safe in and around our region while enjoying both our coastal and inland water environments.

So be safe everyone, and enjoy,

Captain Martin Moore



Help us keep people safe on the water

The purpose of our Navigational Safety Bylaw is to keep people safe on the water around Hawke's Bay. We want to recognise the different values and uses associated with the region's waterways and ensure that people use and share them safely. Every five years we review our bylaw to assess and improve its effectiveness in response to actual and potential safety issues as well as looking ahead to the future for any emerging risks.

The bylaw considers all our water users and our many areas, some of which are particularly popular and used for multiple water activities or sports. It's some of these shared areas that we need to look most closely at, as well as ensuring all our boaties have good safety systems in place and the right equipment on board.

This document summarises the safety issues that have been identified and proposed key changes we're looking to make for the 2023 edition. A proposed Navigation Safety Bylaw 2023 has been drafted and is available for review alongside the 2018 version.

We want your feedback on proposed changes. Please feel free to respond to the questions and give us any other feedback.

The easiest way to have your say is online at hbrc.govt.nz, search: #consultation

Tukua mai ō whakaaro

Have your say

Hawke's Bay's Navigational Safety Bylaw

Navigational Safety Bylaws are created in accordance with the Maritime Transport Act (1994) and the Local Government Act (2002). Our bylaw has been established to regulate maritime safety in Hawke's Bay's navigable waters. It should be read in conjunction with other Maritime Rules particularly parts 91 and 22.

Previous editions of Hawke's Bay's Navigation Safety Bylaw have included or repeated elements of the Maritime Transport Act (1994) and the Maritime Rules, we're aiming to simplify our next version by only referencing the specific rules.

This bylaw review and associated consultation are solely concerned with issues of navigational safety. They do not cover topics associated with environmental protection which are addressed elsewhere and remain outside the scope of this review.



The easiest way is online at hbrc.govt.nz, search: #haveyoursay

Consultation timeline:

29 September 2023	Feedback period opens
29 October 2023	Feedback period ends
6 November 2023	Hearings for submitters to present their views in person
6 December 2023	Council considers and deliberates on feedback
31 January 2024	Council adopts Navigational Safety Bylaw 2023



What we're seeing in our water environments

Overall, the existing bylaw is working well and is delivering as intended. Inevitably over the 'life' of The bylaw new issues emerge. This review is an opportunity to build on our success as well as address new and emerging issues and ensure our bylaw continues to be effective, efficient, and relevant.

Mixed Use Areas

What we do in and on the water is changing and evolving. This may be due to the increased popularity of certain areas or sports, or the evolution of new sports. It may also be due to the changing nature of the environment or water way, meaning an activity is no longer suitable, safe or accessible, or that it is spilling out into new areas.

We have seen changes in water activities at both Napier's Pandora Pond and the waterfront at Hardinge Road with a much wider variety of sports and recreational uses than previously. There is now a much larger community of ocean swimmers along Hardinge Road, as well as paddle boarders, foiling and winged craft, power vessels, along with casual swimmers up towards Perfume Point.

In Pandora Pond and the inner harbour, there has been an increased uptake of waka ama training and school learn-to-sail programmes utilising these confined and sometimes busy areas.

Similarly, the community at Pourerere is growing year on year. What was once a relatively tranquil lagoon area used for passive recreational water activities is now seeing an increasing volume of water users as well as more people using motorised craft.

These areas where we see such mixed use in relatively confined areas can present safety challenges due to the potential risk of collision between passive recreational water users (e.g. swimmers or learner sailors) and faster moving watercraft.

We do note that many water activities are relative to the weather or sea conditions and that due to this, some users may not often coincide. For example, when there is big swell or windy, choppy conditions that might suit surfers or wind sports, these conditions are less favourable to swimmers, so the actual risk is most often less than the perceived risk.

One of our key safety tools, the five-knot rule, also guides us in many situations. Any water-craft should go no faster than 5 knots (a fast walking pace) within 50 metres of another vessel or swimmer, or 200 metres of the shore, any structure, or vessel flying a dive flag.

New Technologies

America's Cup sailing has rapidly launched hydrofoil technologies into the recreational user community. Located under the water and attached to the hull or board by a mast, a hydrofoil lifts the hull or board of the watercraft out of the water, decreasing drag and increasing speed. The below surface foil and mast may be a potential hazard to people when used at speed.

As we look to the future, foiling bikes, small sail boats with foils and commuter crafts are in development and will also become more and more accessible to people. While we are yet to see them in Hawke's Bay, we'd like to acknowledge their possible future arrival.

Underwater drones have also been highlighted as a new technology, though we are yet to see many of them in Hawke's Bay.

Accessibility

While less revolutionary, the volume and use of inflatable jet boats is on the rise. Used to explore and access deep into our river systems, recent design developments mean they are increasingly lightweight, durable, stable and accessible. The volume of boats, speed in congested spaces or low visibility areas are concerns that need to be considered, alongside encouraging general education and safety awareness in users, especially those new to the sport.

With the ability of inflatable jet boats to reach far up our rivers, accessibility concerns have been identified as a potential issue. We have a distinct lack of road access to the outer reaches of our rivers should a serious accident occur. With more users comes the risk of a rising number of accidents that may require medical intervention and rescue. As much as possible, we want to avoid or minimise accidents.

Rocket Lab

From low-frequency beginnings, rocket launches at the Māhia peninsular are now regular and will likely be commonplace into the future. During launch periods we need to be able to keep local water users and boaties safe from the risk of falling debris underneath the flight path.

While there is mention of launch activity in the existing bylaw, we have sought to make this more prominent and aim to make the public aware about where to find current information on launch windows, reserved marine areas, zoning and similar.

We have also sought to minimise unnecessary bureaucracy for Rocket Lab by including much more flexible public notice provisions.

**Tukua mai ō
whakaaro**

**Have
your say**



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What are we consulting on?

Proposed bylaw changes

As previously noted, we are proposing to streamline the bylaw. Provisions in the current bylaw that duplicated or paraphrased requirements set out in the Maritime Transport Act (or Maritime Rules) have been removed. By streamlining the bylaw, we can focus on and tailor provisions specific to this region. Requirements set out under the Maritime Transport Act or Maritime Rules still apply and our bylaw needs to be read in conjunction with Maritime Rules.

To address the safety challenges of mixed-use areas such as Hardinge Rd, Pandora Pond and Pourerere stream/lagoon we are proposing new requirements, in conjunction with new signage and educational measures. The aim of this is to maintain and improve safety in areas that currently see swimmers, surfers, paddle boarders, foiling craft and motorised boats all in close proximity.

We're proposing to restrict motorised vessels from Napier's Hardinge Road waterfront in the area shown in the map.



Motorised vessels are already restricted from Napier's Pandora Pond, we're proposing to also restrict the use of high-speed foiling craft in the area shown in the map.



We're proposing to restrict the use of motorised vessels and high-speed foiling craft downstream between the bridge and the coast of the Pourerere stream/lagoon area as shown in the map.



We're lucky to have plenty of options for all types of water users in Hawke's Bay. With a best endeavours approach, we hope to provide a safe space in consideration of most users.

Community feedback



If you have other thoughts, views, or suggestions, on any of the topics we've covered, we'd like to hear about them.

If you know of or have seen something you think might apply to Hawke's Bay in terms of new technologies, please let us know.

Remember they must be about navigational safety for water users in or on our waterways or coastlines.

Environmental considerations are outside the scope of the Navigational Safety Bylaw.

Key safety tips from our Harbourmaster



Check the weather



What safety equipment do you have?



Tell someone where you're heading and when you'll be home



Leave the alcohol at home



Take two waterproof forms of communication



Always wear your life jacket



5 knots - Reduce your speed around people, boats and the shore



It takes three to ski



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TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Navigational Safety Bylaw 2023 Feedback form

There are a number of ways to share your views with us on this proposal.

Please read the consultation document before having your say. Thank you for taking the time to get involved.

First name: Last name:

Email:

Address:

.....

If you are submitting as the official spokesperson on behalf of an organisation, please give the organisation name here:

Do you think the proposed bylaw will be effective (or otherwise) in managing risks to navigation and safety in Hawkes' Bay?

.....

What if any changes do you seek to the proposed bylaw to address issues, gaps and/or manage risks to navigation and safety in Hawkes Bay?

.....

.....

Do you support restricting the use of motorised vessels for the Napier Hardinge Road as shown in the map?

YES NO

Do you have any other feedback or views about the use of motorised vessels at Hardinge Road?

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Do you support restricting the use of high-speed foiling craft from Napier's Pandora Pond as shown in the map?

YES NO

Do you have any other feedback or views about high-speed foiling craft, or similar, at Napier's Pandora Pond?

.....

.....

Do you support restricting the use of motorised vessels and high-speed foiling craft, between the bridge and the coast of the Pourerere stream/lagoon area?

YES NO

.....

Tukua mai ō whakaaro

Have your say

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Do you have any other feedback or views about the use of motorised vessels and high-speed foiling craft at the Pourerere stream/lagoon?

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Do you have any feedback on potential regulatory or educational requirements for new technologies such as inflatable jet boats, foiling bikes/commuter craft or underwater drones?

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Do you have any further safety issues or feedback on the draft consultation document or proposed bylaw?

.....

.....

Would you like an in-person hearing on your submission? YES NO

If yes, please provide a daytime contact number and/or email address

.....

Need more room? You can attach extra pages, just make sure they include your name and address.

Privacy Statement - Submissions are public information. Your name and feedback will be included in public documents as part of the decision-making process. All other personal details will remain private. This information will be held by Hawke's Bay Regional Council but only for the purpose of this consultation process.

One submission per individual.

Online: hbrc.govt.nz, search: #haveyoursay or scan our QR code

Email: haveyoursay@hbrc.govt.nz

Post: Hawke's Bay Regional Council, Private Bag 6006, Napier 4142

Hand deliver: 159 Dalton Street, Napier

**Hawke's Bay Regional Council must receive your submission by
8pm on Sunday 29 October 2023**



TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



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