

Report No:	REP11-08-06
File No:	H271
Date:	15 August 2011
Decision Required	

REPORT SUMMARY

Report to: Environment & Planning Committee
Meeting Date: 25 August 2011
Report Author: Steve Hainstock, Harbourmaster
Subject: Annual Maritime Activity Report 2010-2011

EXECUTIVE SUMMARY

This report addresses matters arising from report REP10-07-01, including issues regarding the Kaiteriteri boom and cross-boundary matters regarding the Nelson Harbourmaster. It also summarises actions taken under delegated authority by the Harbourmaster during the period 1 May 2010 to 30 April 2011, and new delegations granted by Maritime New Zealand.

RECOMMENDATION/S

That the Environment & Planning Committee adopt the draft resolution.

DRAFT RESOLUTION

THAT the Environment & Planning Committee:

1. **Receives the Annual Maritime Activity Report 2010-2011 REP11-08-06 and;**
2. **Agrees that:**
 - (a) **for the 2011-2012 summer, buoys be used to mark the boundary between the "Power Craft Prohibited" area at Kaiteriteri lagoon entrance and the "Water skiing Area".**
 - (b) **booms be trialled along the northern and southern boundaries of the area reserved as "Swimming Area"**
 - (c) **a Special Direction be issued restricting the use by waterskiiers of the area labelled "Water Skiing Area" to two hours either side of high tide time as published for Port Nelson, for the period 16 December 2011 to 27 February 2012.**

Appendices:

Submission on Proposed Qualifications and Operational Limits Framework

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Report Author: Steve Hainstock - Harbourmaster
Subject: **Annual Maritime Activity Report 2010-2011**

1. Purpose

- 1.1 This report addresses matters arising from report REP10-07-01, and reports on actions taken under delegated authority by the Harbourmaster during the period 1 May 2010 to 30 April 2011.
- 1.2 A full activity report is not appended this year as an agenda item, but will be provided to members of the Committee upon request to the Regulatory Manager. A summary of the report, including incidents and enforcement activity, can be presented verbally at this meeting if desired by the Committee.

2. Matters Arising from Committee meeting of 1 July 2010

- 2.1 **Action Point:** It was agreed by the Committee that Tasman District Council should enter into a Memorandum of Understanding (MoU) with the Nelson City Council relating to the jurisdiction overlap and the provision of supervision of the Tasman District Council Harbourmaster's actions, where large vessels are involved.

Report back: A discussion was held with the Nelson City Council Harbourmaster. He agreed to provide advice or assistance as required informally in the meantime, but asked that a MoU should be deferred until the Nelson City Council's Navigation Safety Bylaws were adopted, which would formalise the degree of jurisdictional overlap. This was expected to occur before Christmas 2010, but has not to date. An MoU will be drafted upon receipt of advice that the NCC Bylaws are in effect.

Advice was sought and provided in relation to a seismic survey vessel seeking formal "safe haven" in Tasman Bay on 14 May this year.

2.2 Resolution:

THAT the Environment & Planning Committee, Tasman District Council 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.

Report back: The proponents of this scheme have withdrawn their expression of interest.

2.3 Resolution:

THAT the Environment & Planning Committee, Tasman District Council supports separating the water skiing area and adjacent area used by swimmers at the entrance to Kaiteriteri Lagoon by the installation of buoys from any Labour Weekend until early in any December and booms from December of any year until about Easter of any year.

Report back: The booms were installed on 8 December 2010 and removed on 9 April 2011. This was two weeks before Easter, but damage to the system rendered it impractical to leave them in place for a further two to three weeks.

2.4 Resolution:

THAT the Environment & Planning Committee, Tasman District Council requests that the Tasman District Council Harbourmaster reports on the efficacy of buoys and booms deployed at the entrance to the Kaiteriteri Lagoon to the Environment & Planning Committee, Tasman District Council after summer 2010.

Report Back: A report back on the efficacy of the boom, and a discussion of related matters, follows.

3. Kaiteriteri Lagoon boom: report back on efficacy during second season

- 3.1 The boom across the lagoon entrance at Kaiteriteri was cost-shared (\$7,000 in total) by TDC and the Kaiteriteri Recreation Reserves Board (KRRB) in 2009, in response to safety concerns relating to incompatible observed, reported and potential interactions between passive water users, mainly swimmers, and waterski boats using the adjacent waterski reserved area.
- 3.2 During the initial two-month trial period in 2009-2010, the boom was observed to have reduced the frequency and quantity of swimmers straying into the ski area while it was in use, eliminated arguments about the location of that boundary compared to the previous system of buoys up to 50 metres apart, and provided a “safe” contained paddling area at low tide for small children.
- 3.3 Unfortunately, it also resulted in complaints regarding visual amenity effects (problems in securing the booms to the seabed resulting in alignment issues exacerbated this) and claims of it actually creating an unsafe situation during strong tidal flows. Submissions were sought (85% in favour of the boom) and reported back to this Committee last year.
- 3.4 This season (2010-2011) the booms were in place for 17 weeks. No further complaints were received or observed via the media, and when the system was intact it appeared to fulfil its intended functions well again.

- 3.5 Unfortunately, it was not intact very often, particularly during the periods when it is most needed, during spring tides. There were a number of failures, almost all related to the tethering points tearing free of the booms. This appeared to be a side effect of improving the mooring system by the addition of buried anchors, intended to keep alignment. There was an uncharacteristic amount of days with considerable groundswell (by local standards) in the bay this summer, and also strong onshore winds, creating dumping surf at the lagoon entrance, with associated high energy levels.
- 3.6 The result was that KRRB and TDC staff spent a significant amount of time and money monitoring and attempting to maintain the boom, including on rostered days off. Despite this, there were three or four occasions when the boom was left in a breached state for several days because tides or weather were unsafe to effect repairs, or due to other pressing demands on staff time.
- 3.7 Unfortunately, the time required to maintain the boom detracted from other duties, during a period when the presence of the Harbourmaster staff is in high demand throughout the district. Responding to boom issues resulted directly in no patrol effort at the lakes during the peak Christmas/New Year period, and often prevented routine patrols from getting past Separation Point due to time constraints, or needing to be shore based to drive materials to the boom site. The Collingwood/Tukurua area was only patrolled three times by the Harbourmaster in the patrol boat this season, and Tata only seven times.
- 3.8 In summary, if the *status quo* remains regarding the layout of the bay under the Navigation Safety Bylaw for various purposes, and the popularity of the lagoon entrance for swimming remains high, then the boom has proven its efficacy at separating incompatible activities and should be continued. However, that efficacy is tempered by lack of reliability, and a cost to levels of service elsewhere.
- 3.9 The presence of the waterski area in its present form is what drives the requirement for a boom (in conjunction with changes in use of the lagoon entrance since the 1980s with the elimination of septic tank outfall there combined with improved parking for day visitors in that area). As well as being a contributing factor to the risks at the lagoon entrance, the nature of the permanently reserved waterski area also creates practical access difficulties to Little Kaiteriteri, and inhibits use of a large tract of water and beach for other users, in favour of a comparatively small number of waterskiing participants.
- 3.10 Some options for temporary resolution of identified risks are considered below.

4. Financial/Budgetary Considerations

- 4.1 The Deputy Harbourmaster logged 22 hours over 11 calendar days and the Harbourmaster 45.5 hours over 12 calendar days directly involved in installing, repairing or removing the boom. This amounts to approximately \$3,000 in actual staff time, and does not account for associated travel time. Nine boom sections were repaired at a cost of \$594.53 during the season, and five

sections are currently stored in a damaged state, awaiting your decision. Anchors, chain, shackles and swivels purchased to attempt to resolve the issues amounted to \$1,329.29. And end of season cleaning cost \$847.96.

- 4.2 All up, the boom cost TDC directly approximately \$6,000 this season. Costs have not been shared with KRRB, due to their significant but undetermined staffing input likely creating a relatively equal share.

5. Options

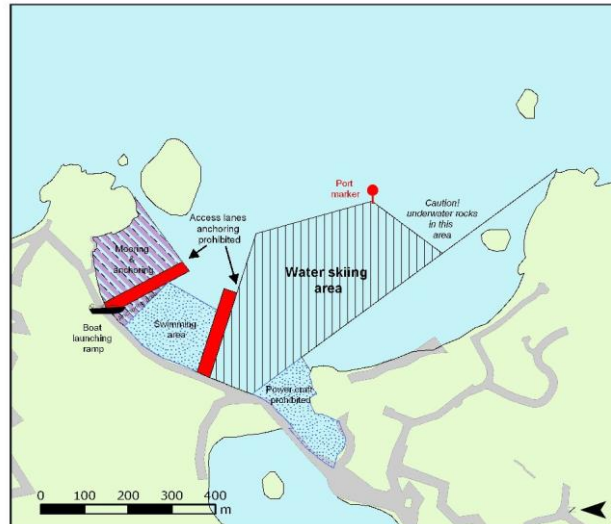
- 5.1 The first option is to continue with last year's resolution, and re-install the boom between early December and Easter. If this option is favoured, then consideration should be given to resourcing a contractor with the equipment and skills to keep the boom operational throughout this period, in order to free up Harbourmaster staff time for other duties.
- 5.2 The second option is to return to the system of buoys only, to relieve pressure on resources. The boom could be installed at the less-exposed Swimming Reservation boundary to prevent boats crossing that, if desired, as this is another area of risk in the bay. This option however does not address the identified risks at the lagoon.
- 5.3 A third option would be a combination of Option 2, with a change in management of the ski area, as a trial for the coming summer. A temporary change could be made by way of a Special Direction by the Harbourmaster, notified by signage at the area and ramp, and via the Kaiteriteri camp newsletter and ramp warden.
- 5.4 Three options for a temporary change to address access issues as well as risk to swimmers, until a more permanent change can be effected by a Bylaw review, would be (from most to least favoured):
- (a) Restrict waterskiing to two hours either side of published high tide time at Nelson
 - (b) Relocate the outer boundary of the ski area so that a buoyed access way to and from the beach can be established between the reserved area and the rocks, in conjunction with (a)
 - (c) Prohibit waterskiing in Kaiteriteri during the peak holiday period
- 5.5 Any other options would go beyond the scope of a temporary direction, or be too difficult to communicate to users in my opinion.
- 5.6 All of these options are likely to have a detrimental effect on the enjoyment and "freedoms" of waterskiers. However, it is only a trial, and these users will have an opportunity to provide their views after the trial. The Kaiteriteri Recreation Reserves Board is prepared to survey their camp visitors on the matter.

- 5.7 To balance that, the preferred option would enhance safety of swimmers at the lagoon entrance by eliminating fast-moving waterski boats close to shore when strong currents in the middle two hours of a tide may carry them out, or at low tide when often almost the entire “power craft prohibited” area is dry. It also allows for the beach-landing area of the waterski area to be available to swimmers for most of the day (although not during the popular (approximate) 10.00 am to 2.00 pm period during spring high tides), which eases congestion elsewhere on the beach. Further, it makes available a large area of water off Little Kaiteriteri, otherwise often reserved for only a small number of ski boats, for kayakers, windsurfers and others to enjoy. Finally, it allows for vessels to reach the steeper shore near the headland next to the lagoon outlet for passenger exchanges at low tide when most of the rest of the main bay is too shallow. This is also a safety issue. Currently, if even one boat is waterskiing, then none of these other activities can take place legally.
- 5.8 Whatever is chosen, it is critical for navigation safety and in the interests of effective management that consideration be urgently given to a review of the Bylaw provisions relating to Kaiteriteri. This view is supported by the Kaiteriteri Recreation Reserve Board, and by MaritimeNZ. This formal process allows for full and proper consultation to take place, especially if extended over the summer visitor period.
- 5.9 The next review of the Navigation Safety Bylaw was programmed for 2014 however the Regulatory Manager has advised a significant affected user group that this process can occur this year, as part of an overall review of the Consolidated Bylaw. A request for this to take place was received by the Harbourmaster on 12 August.

6. Recommendations

The following recommendations refer to Map 7 of the Bylaws, included below for reference.

- 6.1 THAT for the 2011-12 summer, buoys be used to mark the boundary between the “Power Craft Prohibited” area at Kaiteriteri lagoon entrance and the “Water skiing Area”.
- 6.2 THAT booms be trialled along the northern and southern boundaries of the area reserved as “Swimming Area”
- 6.3 THAT a Special Direction be issued restricting the use by waterskiers of the area labelled “Water Skiing Area” to two hours either side of high tide time as published for Port Nelson, for the period 16 December 2011 to 27 February 2012.



Map 7 - Kaiteriteri

7. Actions taken by Harbourmaster under delegated authority 2010-2011

This section is presented for the information of the Committee.

7.1 Wrecks

On 16 December 2010 delegation was granted by this Committee to the Harbourmaster to carry out the functions of a Regional Council with regards to Wrecks, under the Local Government Act 1974.

During the reporting period two vessels were declared Wrecks. The declaration was later lifted in relation to one vessel after the owner was located and satisfactory arrangements made to restore the vessel to a seaworthy condition.

The other vessel has been removed to a TDC-owned impound location, after an unnecessary Search and Rescue activation and salvage at some cost, when found drifting at sea. The matter of a disputed ownership has been resolved. However the owner, a person of no fixed abode, is reluctant to engage with Council staff and his ability to repay debt is in doubt. It is proposed to dispose of the vessel to recover costs.

A number of derelict vessels have been identified around the coast. It is proposed to deal with them on an “as resources are available” basis, or in response to complaints about safety or amenity issues.

7.2 Marine Oil Spill

Delegations from the Minister of Transport to the Chief Executive relating to the exercise of certain Regional Council functions (under an MoU) for Tier-1 oil transfer sites were sub-delegated to Graham Caradus as Regional On Scene Commander ROSC), and Steve Hainstock, as Harbourmaster, on 16 September 2010.

No Tier-1 plans have been approved under these sub-delegations to date, but minor actions have been taken to encourage provision or improvement of such plans by certain parties.

Graham Caradus remains the only ROSC on staff. Steve Hainstock completed the training in June 2010, but failed to achieve the rating. Adrian Humphries, Regulatory Manager, is working towards attaining the rating within two years to provide back-up.

12.3 Powers of the Harbourmaster under Local Government Act 1974

One Special (Harbourmaster's) Direction (s650C) was issued during the reporting period, in order to prevent unsafe activity by a lapsed commercial vessel operation licence holder. The operator has since relicensed, and suspended an aspect of their operation until a satisfactory safety plan is in place.

A number of informal (unwritten) Special Directions were made, generally directing uncooperative kayakers or boaties ashore in cases where no lifejacket was carried. All were complied with.

The power to require a person to give their details (s650E) was also exercised on a number of occasions. One person gave false details, however no further action was taken as the person was a minor and was adequately reprimanded by his mother after being escorted to the shore.

12.4 Commercial Vessel Operation licences

The authority to issue these licences and grant exemptions is delegated to the Harbourmaster, Regulatory Manager and Environment & Planning Manager.

Applications for exemptions are currently being considered for Gowan Bank Backpackers (canoe hire) and Affinity Cruises (Charter boat only passing through with passengers between the Marlborough Sounds and Fiordland). Applications are expected from several other small-scale operations that have been spoken to during the year, generally pending development of safety plans or upgrade of equipment.

An application for a new licence is being considered for Wildcat Charters, Golden Bay, following their recent verbal withdrawal of an application for an exemption. An application is expected soon for a company hiring jet-powered kayaks.

New licences were issued since the last report to:

- CO0105: Island Escape Cruises
- CO0107: Split Apple Lodge (Bert Stannard)
- CO0108: Tim Newman
- CO0028: Awaroa Lodge (reinstatement after a considerable lapse)

As at 1 August 2011, there are 37 active licences. All are renewable annually.

Two of the three hire-and-drive operations for small power boats have changed hands.

- CO0103: Rotoiti Water Taxis, have advised that they have ceased trading.
- CO0076: Estuary Adventures have lodged an application to re-establish their lapsed licence, to operate a new ferry at Mapua.

12.5 Infringement Offence Notices

Three Infringement Offence Notices were issued during the reporting period under the regulations relating to the TDC Consolidated Bylaw, Chapter 5, Navigation Safety 2005.

- 250018: Awaroa: Exceeding 5 knots within 200 metres of shore
- 250019: Motueka: Unauthorised interference with a navigation aid
- 250031: The Anchorage: Exceeding 3 knots in a designated area

12.6 Delegation to issue Permits to Operate Vessels

It had come to my attention that from time to time persons on Council business have hired or otherwise operated vessels, in a commercial capacity, without the appropriate certification.

The Harbourmaster submitted an application to MaritimeNZ under Maritime Rule Part 35 proposing a training and assessment scheme for operators of small vessels on Council business. This Training Framework was approved on 13 December 2010 and remains valid until 10 December 2015.

On 8 February 2011, Delegation was granted to Stephen David Hainstock by the Chief Executive of the Ministry of Transport to issue Certificates of Competency subject to the approved framework.

Council staff, staff of Council contractors, and Honorary Launch Wardens are eligible to apply to the Harbourmaster for a “skippers’ ticket” for named vessels up to 15 metres in length, while on Council business. Staff who already hold a valid NZ Certificate of Competency sufficient for the vessel(s) they operate do not need to obtain a TDC Permit to Operate.

Several staff have completed the basic training required, and one permit has been issued to date:

- POV0001 Trevor James

12.7 Submissions to other agencies

One formal submission was made this year in the capacity of Harbourmaster for TDC, to MaritimeNZ. The submission is appended.

13. Draft Resolution

THAT the Environment & Planning Committee receives section 12 of this report Annual Maritime Activity Report 2010-2011 REP11-08-06 for their information.



Steve Hainstock
Harbourmaster

2 November 2010

QOL review consultation
Maritime New Zealand
PO Box 27006
Marion Square
Wellington 6141

Dear Sir/Madam

SUBMISSION ON PROPOSED QUALIFICATIONS AND OPERATIONAL LIMITS FRAMEWORK

Thank you for the opportunity to comment on the industry consultation draft released 27 September 2010. I attended the roadshow event at Nelson and was encouraged by John Mansell to submit my comments as a Harbourmaster and as the holder of an ILM and former holder of an LLO.

As a background, I was one of the few LLO candidates who studied by distance learning, completing a workbook in the workplace, after a one week course at Otago Polytechnic (under Graham Turner and Matt Harger), back in 1998. I then completed the ILM and RRO certificates in the usual classroom-based manner with Maritime Training Otago in 2002. Accordingly, I have a useful understanding of both processes for obtaining entry level operators' certificates for the inshore sector.

I have served as crew or skipper on Council patrol and workboats, displacement and high-speed tourist passenger launches between 12m and 22m, water taxis between 4m and 15m, barge-tow and diving support workboats and inshore trawlers and crayfishing vessels in NZ. I also served as watch officer on a tourist pontoon complex 40nm offshore in Queensland.

I submit the comments below. Please note that questions are rhetorical, and no specific response is expected.

Part 1 - Operational Limits

1. Specified Limit

I support the proposed "Specified Limit". However, I would seek that the stated grounds for failure to approve an application not specifically include "areas where there is a lot of traffic", but rather use that as a guiding principle only, with each application able to be considered on its merits. Alternatively, traffic density and nature for any cut-off should be clearly defined.

As an example, it is likely that this would be sought for existing launch wardens (Honorary Enforcement Officers) patrolling or responding to on-water situations in either their own or local authority owned vessels. These persons are closely vetted for a number of traits, not least of which is an extensive recreational boating background and sound groundings in the rules that apply, including Part 22. Many however are currently unqualified, but could easily obtain a Dayskipper for example.

By the very nature of their role, they tend to only be needed when recreational traffic densities are high. A significant proportion of this traffic is often unaware of the rules, and the warden is there to educate them for everyone's safety. They do this voluntarily and without pay in most cases, but are arguably acting in a commercial capacity so should be brought into the proposed framework in the most limited capacity available, in order to enhance credibility.

A restriction based upon undefined traffic density would preclude this option, adding to the already considerable difficulties faced by local authorities in seeking to appoint launch wardens.

2. Other limits

I offer no comments regarding the other proposed limits.

Part 2 – Qualifications

1. Portability of non-STCW-95 qualifications

I urge that care is taken to ensure that these qualifications are as portable as possible. The move to name them based on what a holder can do with it, rather than listing unit standards, is a good start.

As an example, my experience in Queensland was disappointing. In 2003 I applied for a certificate of equivalency there on the basis of my ILM, expecting the privileges of a Master Class V or similar. After studying local rules and their course book and completing an examination, I was advised that I met all of the knowledge requirements apart from practical shipboard fire fighting. Accordingly, unless I completed the whole Master V course (as it wasn't done separately), they would only grant me an Open Coxswains certificate. This effectively let me keep watch as crew in Coastal waters, but not be in command of anything bigger than a dinghy. I had recently finished a stint as head skipper for my week-on of a tourism outfit in Milford Sound, carrying up to 80 or so passengers at a time in a fleet of vessels. This was a big step down in privileges, and meant that I was unable to engage in the sort of employment I had gone there to obtain in order to upgrade my experience. I couldn't afford the time or money to retrain at the time.

2. Training and experience requirements for specified certificates

On pages 30 to 35, I propose that the usual basic First Aid unit standards be required for all non-STCW-95 tickets.

I also suggest that all tickets require holding a Restricted Radio Telephone Operators' Certificate (RRTOC) as a prerequisite, with exemptions allowed only if the specified vessel(s) have no VHF radio. Many skippers are unaware that they are required to monitor Channel 16 for example, and are resistant to doing so, and many demonstrate poor radio etiquette. I don't believe this is stressed enough in the Coastguard VHF Operator's course, compared with the rigorous knowledge required to pass the old Department of Internal Affairs examination.

I further suggest that all of these tickets require a Restricted Radar Operator's Certificate (RRO) as an endorsement before that operator may operate any vessel fitted with radar.

The reasoning is that "you don't know what you don't know". Although many small vessels in this class will have very basic, intuitive-use radar units from the recreational boating market, it is still important to understand about searching clutter, false-targets, limitations including targets that don't reflect radar well, effective horizon versus screen range and so on. I thought I knew about radar until I did that week-long course. I'm sure others using it have a false sense of understanding too.

3. Sea service

The minimum of 100 hours sea service (for the CoCA, for example), should be clearly defined. Can you obtain it in one go if you are serving aboard a vessel that leaves port on a voyage and returns after four nights at sea (ie 100hours straight), or are you limited to 8 hours per day, so 12.5 working days required to get the time up?

4. Age limits

Is there any reason why there is no minimum age for the non-STCW-95 certificates? Maritime Rule Part 91.5 requires operators of a power driven vessel that is capable of exceeding 10 knots to have a minimum age of 15 years, unless granted an exemption for specified circumstances.

5. Revalidation

This is an inevitable step, but should be approached with caution to avoid unfairly excluding certain elements of the sector who for whatever reason remain ostensibly competent to hold a certificate for practical purposes, but whose sea service is outdated.

Any re-training in these cases should be targeted. If sea time minima aren't met, then a standard (and low cost) examination to probe for knowledge gaps should be offered. Any remedial training (for example, GPS knowledge or details of the Collision Prevention regulations) should be available discretely, so that such persons are not deterred by the cost and time commitment of re-sitting the whole training regime.

I note that scope for acceptance of shore functions in lieu of sea time will be included. Will this be on a case-by case basis, or will some general situations be allowed for in the regulations (eg fleet operations manager for a ferry company, Harbourmasters and port company operational staff, and so on)?

Also, paragraph 2 of the Revalidation section on page 27 does not make it clear whether 'specified limit' approvals will be subject to revalidation. Will this be up to each organisation running such schemes to set their own policy?

I offer no further comments on the proposal.

Thank you again for this opportunity. I look forward to a well-reasoned and well-designed new framework that will enhance career progression in the industry both internally and overseas while still delivering safe operators to the sector.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'SHainstock', written in a cursive style.

Steve Hainstock
Harbourmaster