

**Annexure 4: Council Navigation and Safety report**

## **PLAN CHANGE 21: NAVIGATION and SAFETY**

### **INTRODUCTION / BIOGRAPHY**

Port Marlborough NZ Ltd (PML) have lodged an application with Marlborough District Council (MDC) for a private plan change (PC21) with respect to marina development and swing moorings in Waikawa Bay.

Council have retained ViaStrada Ltd as lead consultant to coordinate the assessment of the application for PC21. As part of that assessment ViaStrada have briefed various specialists; this is a review of the navigation and safety issues.

I was employed as Deputy Harbourmaster by the Marlborough District Council from September 2001 to October 2005 when I shifted to Auckland for family reasons. I have since undertaken contract work for MDC on specific projects.

I hold a Royal New Zealand Navy Bridge Watchkeeping Certificate, a Commercial Launchmaster's certificate, and an International Hydrographic Organisation Survey Certificate. I served eight (8) years as an officer in the Royal New Zealand Navy including two (2) years in command of a coastal survey vessel. Subsequently I have had twenty (20) years experience in various marine-related activities, including vessel operations, regulatory roles, surveying, risk management and health and safety.

In recent years I have undertaken risk assessments of various New Zealand districts as part of the Port and Harbour Safety Code, and have worked for clients on health and safety and risk reviews for international marine projects.

In addition to my professional marine background I have been a recreational sailor since my teens. I have owned two yachts, and have kept them in both marinas and on swing moorings.

During my time as Deputy Harbourmaster for MDC I had particular responsibility for navigation safety and spent considerable time on the water. Through this work I have a good understanding of mooring and berthing issues in the Marlborough Sounds and I am familiar with the application site.

### **THE PROPOSAL**

PC21 seeks to extend the existing marina zone to allow PML to further develop the Waikawa Marina. The planned extension would allow for two further tranches of approximately 250 berths each, to the north east and north west of the existing marina entrance, respectively. To allow these developments to take place the plan change proposes relocating the private swing moorings that currently occupy these two areas into three newly created Mooring Management Areas (MMA's) along either shore of the bay. The MMA's would also include the (relocated) swing moorings that are currently the subject of a bulk resource consent application.

If the MMA's are approved the moorings would be managed under a bylaw licensing system and the consent application would be withdrawn.

Note that in the application the term 'Waikawa Bay' includes all the area south of a line drawn from The Snout across to Karaka Point and includes the present marina complex, existing swing moorings that have resource consents, and existing unconsented swing moorings (including those covered by the bulk mooring application).

The motivation for the plan change is to meet a perceived need for increased berthage in the area in future years, and to provide a mechanism for a comprehensive 'bay-wide' solution to the mooring of vessels.

Stakeholders and the public have been widely canvassed for their views by both Council and PML. The submissions received during this consultation process have revealed a wide range of responses, both for and against, and many of those have included concerns over navigation and safety issues.

## SUBMISSIONS RECEIVED

The following are a representative sample of the submissions received that raised navigation and safety issues:

- Interislander supported the proposal but noted that "...more marine berths will increase the number of small craft in a major shipping lane used by our ferries, but this can be mitigated by the ongoing safety education provided by Marlborough District Council...".
- Steven Woledge opposed the proposal on the basis that he felt that it did not achieve a 'bay-wide' mooring solution, leaving a large number of existing swing moorings outside the proposed MMA's. He also feels that mooring owners outside the MMA's will be at a financial disadvantage in the future as they have to periodically renew consents.
- Geoffrey and Maria MacDonald opposed the proposal, having concerns that it would have a negative navigational impact "...interfering with the pottering about in water of dinghy's kayaks, wind surfers, swimmers etc...", and that there would be more incidents of boat owners using private property to access their vessels.
- Guardians of the Sounds opposed the proposal on a variety of grounds. These include:
  - o The perceived negative effects of putting "...another 500 boats into the Sounds."
  - o That there will be "...fierce competition for sheltered moorings and anchorages...".
  - o That diversion of the Waikawa Stream will cause accretion and that inshore moorings in the area will become so shallow as to be unusable.
  - o General issues around the size and scale of the marine development and the density of moorings in the MMA's.
  - o The potential cost to mooring owners, particularly if a reduced-swinging circle type mooring is mandatory.
  - o Concerns over the management of the area and the disbursement of any monies generated in fees,The Guardians also have a viewpoint on the risks associated with overlapping swinging circles.
- Arapawa Maori Rowing Club opposed the proposal on the grounds that "...Waikawa Bay is already fully occupied with enough boats..." and that this was already creating significant safety issues from recreational boaties, with rowing crews being swamped, sunk and sworn at.
- DA and LM Stone suggested that the accessways be widened to allow better access in and around the MMA's and the foreshore, and that the layout of the eastern MMA's be redesigned to lessen the distance that people have to row from the dinghy access to their mooring.

## NAVIGATION and SAFETY ISSUES

Having read the submissions, and having considered the proposed Plan Change, I would make the following comments on the navigation and safety issues:

- a. Marina entrances can be congested and potentially dangerous. On the proposal submitted there will be a further area of congestion inside the new north-eastern marina, adjacent to the existing marina entrance and breakwater. The patrol and management of these areas, particularly in busy periods, will be necessary to minimise incidents.
- b. The proposed north-western marina and the MMA's take advantage of the natural 'funnelling' effect of Waikawa Bay, creating a main fairway into and out of the marina. It is important that adequate dinghy and vehicle parking space is created adjacent to each MMA, to ensure that people in small dinghies are not forced to transit across the main fairway to reach their mooring.
- c. Similarly, clear fairways must be maintained between the MMA's, around the foreshore, and leading to the various wharves around the bay. These should be designed and maintained so that all users of the bay have fair and equal safe access to the areas that they are using.
- d. The bay needs to be safe for everyone, not just those who have boats in the marina and on moorings. Of particular concern are the safety of swimmers, kayakers, rowers / paddlers and those in small yachts.
- e. At present there is no licensing or registration system in New Zealand for recreational boats. This leads to a wide variety of skill levels and navigational ability, even amongst those who have been boating for some time. It is important that the layout of the bay caters for the 'lowest common skill level'. Particular attention needs to be made to signage, navigation aids, and lighting. The seasonal education programmes already in place in the area may need to be increased.
- f. The concerns expressed over the increased traffic in the inner Queen Charlotte Sounds, particularly around shipping lanes, are valid.

In assessing some of the navigation and safety issues I am mindful that it is difficult to make objective assessments based on statistics and reporting. There is a consensus amongst regulators that there is under-reporting of incidents and accidents on the water and in mooring areas. Notwithstanding the relatively few reported incidents, in my experience it is unusual for mooring areas such as those found in the Sounds to have overlapping moorings. Most jurisdictions take a risk-averse approach to mooring layout and licensing and ensure that moored vessels cannot physically collide. However, if mooring systems such as 'Seaflex' are used to reduce the swinging circles of moorings it effectively increases the density of moored boats and potentially makes it more difficult to navigate within the MMA. It must be ensured that even unskilled mooring owners (within reason) should be able to safely manoeuvre around the mooring area.

PC21 does not allow for any additional moorings in the MMA's. Unlike the proposed marina development there is no mechanism for growth. Any new moorings would have to obtain individual resource consent – but the whole purpose of a 'bay-wide' approach to moorings is to avoid such piecemeal development. With no scope for new swing moorings in the MMA's there is a risk that people who do not want / cannot afford a marina berth will resort to laying illegal moorings. This will raise various issues, including those associated with navigation and safety.

## **CONCLUSIONS**

1. The proposal as stated does not raise any significant new navigation or safety risks that cannot be reasonably mitigated.
2. The creation of MMA's and the licensing of moorings would assist in achieving better and safer use of Waikawa Bay.

## **RECOMMENDATIONS**

1. That as a condition of any resource consent issued for the marina development, and whenever moorings are relocated into MMA's, the Harbourmaster specifies what navigation aids and signage are to be installed.
2. That the existing leading light (recently upgraded in intensity) be retained to define the main fairway into and out of the bay.
3. That as part of any large scale development of berthage an education programme be put in place to advise all users of their responsibilities for navigating both within Waikawa Bay and also in the shipping lanes of the inner Queen Charlotte Sound. This programme could be an extension of the current summer publicity and patrols conducted by the Harbourmaster.
4. That the management of the MMA's be undertaken in a transparent manner, funded by licence fees raised under a licensing bylaw. NB In order to achieve a safe boating environment adequate funding is required.
5. That future demand for moorings is catered for by increasing the size of the planned MMA's. This will allow for additional moorings over time and ensure safe and consistent development of Waikawa Bay.