

22 December 2020

File Ref: OIAP-7-17170

Brian Warburton

By email: fyi-request-14197-09093d58@requests.fyi.org.nz

Dear Mr Warburton

Request for information 2020-193

I refer to your request for information dated 24 November 2020, which was received by Greater Wellington Regional Council (Greater Wellington) on 25 November 2020. You have requested the following:

"Can you please send me a copy of all the documents I need so I can understand what obligations there are on the Titahi Bay Surf Life Saving Club when undertaking training and using high speed boats. I believe there are regular breaches of the Harbours Bylaw (section 3.2 - speed of vessels) by TBSLSC.

This is allowed for under Clause 3.2.7 of the Bylaw but only if: "the craft is operated in accordance with the [clubs] Inflatable Rescue Boat training policy that has been approved by the Director of Maritime NZ".

So, I'd expect that your response to my request will include a copy of Titahi Bay's SLC training policy, and the corresponding approval."

Greater Wellington's response follows:

Can you please send me a copy of all the documents I need so I can understand what obligations there are on the Titahi Bay Surf Life Saving Club when undertaking training and using high speed boats. I believe there are regular breaches of the Harbours Bylaw (section 3.2 - speed of vessels) by TBSLSC.

Titahi Bay Surf Life Saving Club (TBSLSC) is affiliated to Surf Life Saving New Zealand (SLSNZ) and operates within their policies and procedures. The following SLSNZ Training Manuals are **attached** for your reference and information:

1. Surf Life Saving Rescue Water Craft Training Manual. Please refer to Section D – Maritime Regulations Page 15 which provides information related to speed and maximum speed in the circumstances described.
2. Surf Life Saving New Zealand Inflatable Rescue Boat Training Manual. Please refer to Section D Maritime Regulations Page 27 which also provides information related to speed and maximum speed, without reasonable excuse, in the circumstances described.

The following link and excerpt from the Navigation and Safety Bylaws Wellington region is:

<http://www.gw.govt.nz/assets/Our-Environment/Harbours/Bylaws-A4-format-for-website-with-contents2011.pdf>

3.2 Speed of vessels

3.2.1

No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:

- (a) Within 50 metres of any other vessel, floating structure or person in the water; or
- (b) Either within 200 metres of the shore or of any structure, or on the inshore side of any buoy(s) demarcating that distance from the shore or structure; or
- (c) Within 200 metres of any vessel or floating structure that is flying Flag A; or
- (d) When knowingly or deliberately approaching within 200 metres of a marine mammal.

3.2.2

No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow or side of that vessel.

3.2.7

Subclauses 3.2.1(b) and 3.2.2 shall not apply to a craft operated by a Surf Lifesaving Club affiliated to Surf Lifesaving New Zealand, which is being operated in accordance with its Inflatable Rescue Boat training policy that has been approved by the Director of Maritime New Zealand.

This is allowed for under Clause 3.2.7 of the Bylaw but only if: "the craft is operated in accordance with the [clubs] Inflatable Rescue Boat training policy that has been approved by the Director of Maritime NZ.

Although the above comment is not part of your request, Greater Wellington has contacted Maritime New Zealand and has been advised that there are no approved policies or procedures in

relation to SLSNZ that modify the need to comply with inshore speed limits. It should be noted that part 91.6 of the Maritime Rules effectively provides for speed limits to be exceeded with reasonable excuse.

The link to Maritime Rules Part 91 is as follows:

<https://www.maritimenz.govt.nz/rules/part-91/>

So, I'd expect that your response to my request will include a copy of Titahi Bay's SLC training policy, and the corresponding approval.

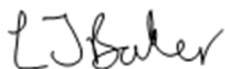
This part of your request is refused under section 17(g) Local Government Official Information and Meetings Act 1987 as the information requested is not held by the local authority, and Greater Wellington does not believe that the information is held by another local authority, a department, a Minister of the Crown, or organisation.

However, as advised above, TBSLC is affiliated to SLSNZ and operates within their policies and procedures. Other resources available on the SLSNZ website can be found at the following link:

<https://www.surflifesaving.org.nz/lifesaving/lifesaving-resources>

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987

Yours sincerely



Lucy Baker
Acting General Manager, Environment Group

Attachments