


OC230274

20 April 2023

Tēnā koe 

I refer to your email dated 28 March 2023 requesting the following documents under the Official Information Act 1982 (the Act):

*“4 Wood OC230021 8/02/2023 Declaration of a major maritime event - SailGP
20 Wood OC230108 21/02/2023 New Zealand Freight and Supply Chain Strategy
Draft”*

One document is released with some information withheld, and one document is withheld in full.

The following sections of the Act have been used:

9(2)(a)	to protect the privacy of natural persons
9(2)(f)(iv)	to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials

With regard to the document that has been withheld under section 9 of the Act, I am satisfied that the reasons for withholding the information at this time are not outweighed by public interest considerations that would make it desirable to make the information available.

You have the right to seek an investigation and review of this response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website www.ombudsman.parliament.nz

The Ministry publishes our Official Information Act responses and the information contained in our reply to you may be published on the Ministry website. Before publishing we will remove any personal or identifiable information.

Nāku noa, nā



Hilary Penman
Manager Ministerial Services

Annex 1 - Document Schedule

Doc #	Reference	Document	Decision on release
1	OC230021	Declaration of a Major Maritime Event – SailGP	Released with some information withheld under Section 9(2)(a).
2	OC230108	New Zealand Freight and Supply Chain Strategy Draft	Withheld in full under Section 9(2)(f)(iv).

13 February 2023

OC230021

Hon Kiritapu Allan**Action required by:****Associate Minister of Transport**

Wednesday, 15 February 2023

DECLARATION OF A MAJOR MARITIME EVENT - SAILGP

Purpose

To sign the attached notice declaring the SailGP in Lyttelton Harbour/Whakaraupō as a major maritime event. We request your signature by 15 February 2023 to allow lead-in time to the event setup commencing on 13 March 2023.

Key points

- The Environment Canterbury Regional Council (**ECan**) has requested that you declare the New Zealand leg of the SailGP in Lyttelton Harbour/Whakaraupō to be a major maritime event. The SailGP is an international sailing competition, with each event made up of multiple races.
- Declaring a major maritime event triggers special enforcement powers under the Maritime Transport Act 1994 (the **Act**) which will allow enforcement officers to properly control and manage the event by maintaining public order within the designated area.
- On Wednesday 7 December 2022, former Associate Minister Hon Kieran McAnulty published notice of his intention to declare a major maritime event, as required by the Act.
- Seventeen submissions have been received in response to the notice (**attached** with our responses). Sixteen of these submissions objected to the race being held because it may impact on the breeding season of Hector's dolphins.
- The impact on Hector's dolphins is outside of the scope of what the Act provides for, as it does not relate to public order or the safety of people and vessels. Race organisers have developed a Marine Mammal Management Plan in partnership with representatives from the Department of Conservation (DOC), ECan, the University of Otago, Christchurch City Council, Live Ocean, Lyttelton Port Company and Black Cat Cruises. We consider this is the appropriate way of ensuring the protection of Hector's dolphins.
- We recommend you now make the declaration by signing the attached *New Zealand Gazette* notice (the **Notice**).

- The Notice contains the information required by section 200A(2) of the Act. We believe that you can be satisfied as to the matters set out in section 200A(3) of the Act, which are prerequisites to you giving notice.

Recommendations

We recommend you:

- | | | |
|---|---|----------|
| 1 | sign the attached notice declaring the New Zealand leg of the SailGP in Lyttelton Harbour/Whakaraupō to be a major maritime event | Yes / No |
| 2 | note that, if you agree to recommendation 1, we will arrange publication of the notice in the <i>New Zealand Gazette</i> | Yes/No |
| 3 | note that the Ministry of Transport will provide responses to the submissions that have been received on the proposed declaration. | Yes/No |



Brendan Booth
Chief Legal Adviser
13 / 02 / 23

Hon Kiritapu Allan
Associate Minister of Transport
..... / /

Minister's office to complete:

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Phoebe Moir, Legal Adviser	s 9(2)(a)	✓
Roger Brown, Special Adviser – Regulatory Policy		
Brendan Booth, Chief Legal Adviser		

DECLARATION OF A MAJOR MARITIME EVENT - SAILGP

The SailGP

Event information

- 1 The SailGP is an international sailing competition, with each event made up of multiple races.
- 2 The SailGP (the **Event**) will be held on Lyttelton Harbour in waters adjacent to Lyttelton Port's Cashin Quay and cruise ship berth – with practice and racing from Monday 13 March 2023 to Sunday 19 March 2023, comprising:
 - 2.1 **Set up and informal practice days:** Monday 13 March through to Wednesday 15 March 2023;
 - 2.2 **Practice days on the official racecourse:** Thursday 16 March and Friday 17 March 2023; and
 - 2.3 **Race days:** Saturday 18 March and Sunday 19 March 2023.
- 3 Race activity on the harbour will generally be active from 1000 to 2100 hours (subject to changes determined on a daily basis by the Harbourmaster's Office). The specific hours of operation will be announced daily by public broadcasting, on the event website and by marine communication channels
- 4 The catamarans will also be on the water in the harbour during the week leading up to the Event. However, they will be spread out over the whole harbour with no dedicated racecourse set up – normal maritime rules and bylaw regulations will apply during this time and no special maritime powers are required.
- 5 The operating company for the Event is F50 League NZ Ltd, a company incorporated in New Zealand.

Environment Canterbury has requested you declare a major maritime event

- 6 The Environment Canterbury Regional Council Regional Harbourmaster (the **Harbourmaster**) has requested a declaration that the event is a major maritime event under section 200A of the Maritime Transport Act 1994 (the **Act**).
- 7 On 18 November 2022, former Associate Minister Hon Kieran McAnulty agreed to publish notice of intention to declare the event as a major maritime event in the *New Zealand Gazette* (the *Gazette*; OC221011 refers). The publication of the notice of intention is a requirement under section 200A of the Act.
- 8 Subsequently, a notice of the intention was published in the *Gazette* on Wednesday 7 December 2022. A copy of the notice was also published in the local Christchurch newspaper *The Press*.

Submissions on notice of intention to declare a major maritime event

- 9 Following publication of the former Associate Minister's intention to declare a major maritime event, there was a 16-day period for public consultation, which ended at 5pm on 23 December 2022. Seventeen submissions were received (**attached**). A summary of the submissions is provided below for your reference. No submissions received raised concerns about the specific conditions contained in the proposed Notice.

Submission from s 9(2)(a)

- 10 s 9(2)(a) made a submission on behalf of the Resource Management Group Ltd requesting a map of the race. We referred them to the map attached to the Notice.

Submissions regarding Hector's dolphins

- 11 Sixteen submissions were received objecting to the race being held because of its potential impact on Hector's dolphins. These submissions came from s 9(2)(a) on behalf of Project Jonah, s 9(2)(a) on behalf of Māui and Hector's Dolphin Defenders Inc, and s 9(2)(a)
- 12 Twelve of the 16 submissions were very brief, and expressed general concerns about races being held within a Marine Mammal Sanctuary, the timing of the race coinciding with the breeding season and dolphins being vulnerable to boat strike.
- 13 Eleven submissions asked that the race be cancelled or moved to a different time of year or location.
- 14 One submission proposed that changes be made to the conditions of the notice to protect Hector's Dolphins.

Substantive submissions regarding Hector's dolphins

- 15 Four of the 16 submissions explained their concerns more thoroughly, as outlined below.
- 15.1 s 9(2)(a) is a marine ecologist specialising in Hector's dolphins. s 9(2)(a) requested that we:
- reconsider the conditions of the SailGP to provide for the protection of Hector's dolphins;
 - move the race to a date later in the year; and
 - put some of the money gained from the race towards conservation.
- 15.2 s 9(2)(a) is a marine biologist and s 9(2)(a) at the University of Otago. s 9(2)(a) requested that we:
- provide detailed information to the public on the yacht race, with open and transparent public consultation; and

- Conduct public consultation on moving the yacht race to a different time and location.

15.3 s 9(2)(a) made a submission on behalf of Project Jonah, a marine mammal welfare charity. s 9(2)(a) asked us questions about:

- whether organisers of the event have been provided instruction on legislation regarding marine mammals;
- whether a plan has been received from event organisers which ensures that all competitors have read and understood the applicable legislation; and
- whether a Marine Mammal Impact Assessment or similar has been carried out by the event organiser which provides for marine mammal observers and other mitigations.

15.4 s 9(2)(a) made a submission on behalf of Māui and Hector's Dolphin Defenders Inc, an incorporated society. s 9(2)(a) asked that we consider giving additional powers and enforcement responsibility to DOC, the Harbourmaster and others to further protect the dolphins.

Our response to matters raised in the submissions

Moving the date of the race

- 16 We consider that the proposal to move the date of the race is outside the scope of your powers and purpose of the Notice.
- 17 In issuing the Notice, you would be allowing additional navigational powers to be made available for the duration of the race rather than allowing the race to happen.
- 18 The power to move the race dates is held by ECan and the race organisers. By extension, conducting further consultation about moving the time or location of the race would also be outside your powers.

Reconsidering the conditions of the notice

- 19 We consider that it would not be necessary or appropriate to include conditions for the protection of Hector's dolphins in the Notice.
- 20 The purpose of the Notice is to enhance navigational safety, and as such we consider that the matters raised by submitters are more appropriate to be addressed by DOC as administrators of the Marine Mammals Management Regime.¹
- 21 Race organisers have also developed a Marine Mammal Management Plan in partnership with representatives from DOC, ECan, the University of Otago, Christchurch City Council, Live Ocean, Lyttelton Port Company and Black Cat Cruises. This plan is summarised on their [website](#) and includes mitigations such as on-land surveys, passive and active acoustic monitoring, aerial surveys, marine mammal

¹ This regime includes the [Marine Mammals Protection Act 1978](#) and the [Marine Mammals Protection Regulations 1992](#).

sighting apps, and potentially underwater acoustic deterrent devices. The plan was made available to the public on 22 December 2022.

- 22 DOC considers the plan is robust and has been involved in providing technical and operational advice to the working group which developed the plan since March 2021. DOC acknowledged that all parties involved have worked hard to consider and mitigate the effects on Hector's dolphins and other marine mammals.
- 23 DOC has further advised that under the Marine Mammals Protection Act and Marine Mammals Protection Regulations, it is illegal to harm, harass, injure or kill marine mammals. All vessels involved in the SailGP, including any support boats or spectators, are expected to abide by this legislation. DOC has made it clear to race organisers that DOC's role is to advocate for the protection of marine mammals, and to carry out compliance functions if any incidents involving protected wildlife were to occur.

Reallocating the proceeds of the race

- 24 Similar to the request to move the date of the race, we consider reallocating the proceeds from the race would be outside your powers and purpose of the Notice.
- 25 Having said this, we have been advised that the race has ongoing contributions to conservation, which include raising awareness of Hector's dolphins, training marine mammal observers, developing new technology, and education of the boating public in best practice marine mammal observation and reporting methods.

Releasing further information

- 26 s 9(2)(a) has requested that we provide detailed information to the public regarding the race, including the Marine Mammal Management Plan.
- 27 A redacted Marine Mammal Management Plan has been made available to the public on SailGP's website. Our proposed response letter to the submitter suggests that the request for information be directed to the race organisers, ECan and DOC as authors of this information.

Draft response letters to submitters for consideration

- 28 Based on the above analysis, we do not consider that it is necessary or appropriate to make any changes to the Notice based on the submissions that we have received.
- 29 In conjunction with DOC, we have prepared a stock response letter that outlines the purpose and limitations of a major maritime event declaration under the Act and refers submitters to the obligations that will apply to the SailGP event under the marine mammal protection legislation which DOC administers.
- 30 The Ministry's draft response letters to the submitters are **attached** for your reference.

Declaration of a major maritime event

Statutory requirements

31 You can declare a major maritime event by publishing a notice in the *Gazette*. However, before doing so you have to be satisfied that the requirements under section 200A(3) of the Act have been met. These requirements are that:

31.1 the application is reasonable;

31.2 the harbourmaster has provided any necessary information to:

- describe the event and waters to which the declaration applies;
- specify the period for which the declaration applies;
- set out the requirements for the purposes of navigation safety and to enable the event to be properly managed;
- authorise the Harbourmaster to determine which ships may enter the designated area and to specify conditions for the day-to-day management of the event within the designated area;
- determine whether any other information should be included to explain the effect of the notice;

31.3 the application of section 200B is in the interests of navigation safety or is an appropriate way to manage and control the event (section 200B contains the special enforcement powers that may be used when a major maritime event is declared), and

31.4 the harbourmaster has considered the needs of commercial shipping.

32 Under section 200A(3) you also must be satisfied that a notice of your intention to declare the event as a major maritime event has been published in the *Gazette* and such daily newspapers as you consider appropriate. In addition, you have to allow no less than 10 days for representations and must consider all representations received within those 10 days.

Our advice regarding the statutory requirements

33 We consider that the statutory requirements have been met through the Notice as well as information provided by the Harbourmaster that a notice under section 200A of the Act is in the interests of maritime safety:

33.1 The area covered by the application will be extremely busy during the event and there will be an increased risk of collision amongst both recreational and commercial vessels.

33.2 It is also vital that the racecourse is kept clear of other vessels so as to be able to conduct the racing in a safe and timely manner. The setting out of buoyed transit lanes around the course will allow transiting vehicles to navigate outside the course.

- 33.3 The declaration of a major maritime event would give an increased ability to put in place safety measures such as speed limits or limiting the types of vessels, which may navigate in the designated area. These types of measures will help limit the risks of having so many vessels on the water.
- 34 Section 200A(3)(c) requires you to be satisfied that the applicant has considered the needs of commercial shipping before you make a declaration of a major maritime event.
- 35 The Harbourmaster advises that ECan has considered the needs of commercial shipping:
- 35.1 When the event was initially announced in early 2021, the Harbourmaster established a commercial water users' group which ran for five months until it was announced that the event was postponed in September 2021.
- 35.2 The group met monthly at the Lyttelton Port Company (LPC) building in Lyttelton and was chaired by the Deputy Harbourmaster. The main objective in establishing the group was to make sure the commercial users of the port and harbour were consulted and aware of the event as well as enabling the Deputy Harbourmaster to gather information required for this application that best suited the local water users.
- 35.3 The group is still meeting but has been renamed the 'On Water Operations Committee' and is now organised and chaired by SailGP itself.
- 35.4 The Harbourmaster's Office is in contact with LPC. The Event is a fixed item on the agenda of the regular monthly meeting between LPC Marine operations, Maritime New Zealand (MNZ) and the Harbourmaster's Office.
- 35.5 Early on in the initial organising of the Event, LPC committed to, and remains committed to, stopping marine operations for the duration of the races. This helps considerably with mitigation of navigation safety risks.
- 36 In making this application, the Harbourmaster has also consulted with NZ Police, which is aware of the Event plans, and will maintain liaison with the Harbourmaster prior to commencement of the Event. In addition, the Harbourmaster has gained agreement from the local iwi on the area designated in the application.
- 37 The impact on Hector's dolphins is outside of the scope of what the Act provides for, as it does not relate to public order or the safety of people and vessels. As noted above, we consider that the matters raised by submitters relating to Hector's dolphins are more appropriate to be addressed by DOC as administrators of the Marine Mammals Management Regime.
- 38 Based on the information provided, we consider that the declaration would be reasonable and meets the statutory requirements in section 200A the Act.

Risks and impacts

- 39 The declaration is being made to support the safe conduct of the event and provides for controls of a similar nature to those under previous declarations in New Zealand.
- 40 However, as with every such declaration, there is a risk that people could perceive movement restrictions as heavy-handed or a limitation on people's freedom of movement.

- 41 The submissions we have received further indicate that there is a risk that the public may perceive this declaration as permitting a race which may pose an increased risk to marine wildlife, even though the notice is not permitting the race nor related to the protection of marine wildlife.

Consultation

- 42 We have consulted with MNZ on the Notice attached to this briefing and were advised that it had no issues concerning the application.

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MARITIME TRANSPORT ACT 1994

DECLARATION OF A MAJOR MARITIME EVENT

Pursuant to section 200A(1) of the Maritime Transport Act 1994, and on the application from the Environment Canterbury Regional Council, I declare the Lyttelton SailGP to be an event to which section 200B of the Maritime Transport Act 1994 applies for:

- Monday 13 March 2023 to Sunday 19 March 2023 inclusive

Designated area

General designated area

The area of tidal waters inside a line drawn from the Western end of Magazine Bay to the easternmost point of Ōtamahua / Quail Island; then by a straight line to Pauaohinekotau Head; then by a straight line to the northern headland of Stoddart Point; then by a straight line to the northernmost point of Ripapa Island; then by a straight line to the western headland of Te Pōhue / Camp Bay; then by a straight line to the point on the southern shore of the harbour intersected by longitude 172° 48.0'; then northwards along longitude 172° 48.0' until meeting the northern shore of the harbour in Mechanics Bay; then in a westerly direction around the water's edge, including the Lyttelton Inner Harbour, returning back to the Western end of Magazine Bay.

Conditions and requirements

Within the designated area defined above, the following conditions and requirements apply.

1. The racecourse to be used on any given day will be publicly announced by 1200 hours on the day of the race by public broadcasting, on the event website and by marine communication channels. Buoyed transit lanes, as may be required, will allow transiting vessels to navigate outside the course.
2. On race days, only power driven vessels may use the transit lanes or restricted areas. No sails may be hoisted while in transit lanes or restricted areas. Vessels must be able to maintain a proper speed of 5 knots during transit and must not stop, turn around or anchor within a transit lane.
3. Charts showing the location of the racecourses and transit lanes will be widely promulgated prior to the event period as part of the event's overall public education programme.
4. Once a racecourse is designated, the perimeter of the course, and designated areas will be conspicuously marked with buoys and stake boats, as appropriate, by the event organiser, F50 League NZ Limited.
5. Once the racecourse is designated and marked, only competing yachts, vessels used by the race committee, umpires, marshals, emergency vessels, Lyttelton Port Company and vessels accredited by the event organiser and Harbourmaster's Office may navigate within the marked perimeter until the Harbourmaster's Office, or delegate, has announced on VHF Ch16 that the day's races have been concluded.

6. The Harbourmaster's Office may vary conditions for the day-to-day management and conduct of activities within the designated areas (as per section 200A(2)(e) of the Maritime Transport Act 1994) as required for the proper management and conduct of vessels and activities within the designated areas or for the purposes of maritime safety. This includes the ability to set speed limits, reduced wake zones and restricted access areas.
7. Except where expressly authorised by the Harbourmaster's Office, all vessels must be navigated in accordance with Maritime Rules Part 22: Collision Prevention.
8. All vessels are to remain in compliance with the Canterbury Regional Council Navigation Safety Bylaw 2016 and Controls as well as Harbourmaster's Directions.
9. No vessel over 40m length overall may navigate within the designated area on race days from one hour before the initial estimated race start time (as estimated at the start of the day by the race officials) to when racing has concluded without prior written approval of the Harbourmaster's Office. The Harbourmaster's Office will closely coordinate commercial shipping movements with Lyttelton Port Company.
10. No vessel over 40m length overall may anchor or hold position within the designated area during the applicable period without prior written approval of the Harbourmaster's Office.
11. The Harbourmaster's Office may introduce restrictions on vessels or classes of vessels including those operating without motorised propulsion during the applicable period. Notification of these restrictions will be promulgated on the day of the race by public broadcasting, on the event website and by marine communication channels.
12. From one hour before the initial estimated race start time (as estimated at the start of the day by the race officials) to when racing has concluded, and if determined by the Harbourmaster, no vessel may enter into or exit from the Inner Harbour without calling Harbour Radio on VHF Ch12 and obtaining their permission to enter into or exit from the Inner Harbour. The Harbourmaster's Office may restrict access to the Inner Harbour area or introduce restrictions on vessels or classes of vessels, including those operating without motorised propulsion, within the area.
13. The Harbourmaster's Office may order the suspension or abandonment of racing operations if, in the opinion of the Harbourmaster's Office or having received advice from Police, adequate levels of public safety cannot be guaranteed or for any other Harbour emergency/situation that may occur. This power will be exercised in consultation between the New Zealand Police, Harbourmaster's Office, the event organiser and Lyttelton Port Company.

Hours of operation

The declaration will apply in all areas from 1000 to 2100 hours (subject to changes determined on a daily basis by the Harbourmaster's Office). The specific hours of operation will be announced by public broadcasting, event website and marine communication channels on a daily basis.

Means of enforcement

Compliance with the above conditions and requirements will be enforced by appointed enforcement officers, as defined in section 200B(6) of the Maritime Transport Act 1994:

1. All constables; and all police employees who are not constables authorised for the purpose by the Commissioner of Police
2. All members of the New Zealand Defence Force authorised for the purpose by the Chief of Defence Force

3. Harbourmasters employed or engaged by any harbour controlling authority
4. Such other persons as may for the time being be authorised for the purpose by the regional council within whose region the event or occasion is being held, including the event marshals, who will be employed or engaged by F50 League NZ Ltd and appointed by Environment Canterbury Regional Council
5. The event organiser is responsible for the management of the race courses and on-water spectator areas. It is also responsible for all movement of team boats, media, spectators and other event related vessels, including to and from the race courses (for competition and training), the on-water media areas and the on-water spectator areas
6. Under section 200B(5) of the Maritime Transport Act 1994, any person in charge of a ship, craft or seaplane who contravenes this notice commits an infringement offence and is liable to the relevant penalty prescribed in the Maritime Transport (Infringement Fees for Offences Relating to Major Maritime Events) Regulations 1999.

Application to enforcement officers

Enforcement officers are exempt from the rules or conditions contained in this notice where necessary to execute their duties, but must at all times navigate in accordance with Maritime Rule Part 22: Collision Prevention.

I make this declaration in accordance with the requirements set out in section 200A(3) of the Maritime Transport Act 1994.

Dated at _____ this _____ day of _____ 2023.

Hon Kiritapu Allan
Associate Minister of Transport

Appendix 1 – Map of designated area



Attachment 1 – Submissions (for reference)

Submission from s 9(2)(a)

8th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Maritime Event – Lyttleton Harbour – March 2023

Kia ora,

I have received notice Pursuant to section 200A(3)(d) of the Maritime Transport Act 1994, for the application from the Environment Canterbury Regional Council for the Lyttelton SailGP event in March 2023.

Can you please supply a map outlining the area in question.

Regards

s 9(2)(a)

s 9(2)(a)

Resource Management Group Ltd

s 9(2)(a)

W www.rmgroup.co.nz

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Submission from s 9(2)(a)

12th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Hectors,' Dolphin habitat not suitable for a Sail race

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Submission from s 9(2)(a)

15th December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

SailGP at Lyttelton Harbour an additional threat to endemic endangered Hector's dolphins

Tēnā koutou,

My name is s 9(2)(a) and I am a marine ecologist with 10+ years of experience working with marine mammals in different parts of the world. I am writing to you with regards to the SailGP race that will take place in Lyttelton Harbour in 2023 and 2025. Even though I am originally from South America (Chile), I feel a strong connection with Horomaka, Banks Peninsula, after spending five years in the area while doing my PhD research on Aotearoa's only endemic dolphin species, the Hector's dolphin (*Cephalorhynchus hectori*). During that time, I was out on a boat conducting standardised surveys as part of one of the world's longest running marine mammal research programmes. More than 30 years of data from this programme (held by the marine mammal research group at the University of Otago) show that Lyttelton Harbour is an important habitat to this species, with consistent dolphin sightings over the years - including mothers and calves. Moreover, this species is known to have a seasonal distribution, with more animals distributed near shore in the warmer months. Summer is also when birthing occurs. Mothers and their calves use the sheltered bays and harbours extensively. If you haven't seen a baby Hector's dolphin picture this: a tiny dolphin roughly the size of a rugby ball. When they are born, their mothers help them surface for air as they are not great swimmers, their fins haven't straightened and haven't gained strength yet. They are very clumsy and slow, and are at high risk of boat strike.

How is it possible that Aotearoa New Zealand, a nation admired by the world due its "greenness" and care for the Taiao, allows an event of the magnitude of SailGP to take place in a Marine Mammal Sanctuary during the dolphin's breeding season? Not only these dolphins are the only endemic dolphins to Aotearoa - as Kiwi as the Kiwi, but they are **endangered** and amongst the rarest marine dolphins in the world (IUCN, 2013). They have low population growth rates (Slooten and Lad, 1991) they are very vulnerable to anthropogenic threats (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012). Currently these animals face countless cumulative threats to their survival including pollution, bycatch, coastal development, diseases, climate change, vessel traffic, disturbance, noise, changes in their prey availability, aquaculture, among others (DOC, 2020). Furthermore, there are records of mortality due to boat strikes (DOC, 2022). Even though sailboats would not cause disturbance due to noise, their high speed creates a huge risk for boat strike, especially for calves and juveniles. It is very likely that there will be more than three vessels within 300 metres of a dolphin group and that vessels will cut through a group or obstruct the dolphins' movements. It will be a source of stress and very likely cause displacement, therefore adding an additional threat to their already extensive list of cumulative threats previously mentioned.

Marine mammals in Aotearoa are protected through the Marine Mammals Protection Act (1978) and Marine Mammal Protection Regulations (1992), where it is clearly stated that within 300 metres of the dolphin, you must travel no faster than idle or 'no wake' speed (≤ 5

knots), there cannot be more than three vessels within 300 metres of the dolphin (or group of dolphins). Dolphins can only be approached from a direction that is parallel and slightly to the rear. Vessels cannot circle the marine mammals, obstruct their path or cut through any groups and must move slowly away, among other rules. Moreover, rules state "do not disturb, harass or make loud noises near marine mammals" and to "cease contact if marine mammals show signs of being disturbed or alarmed". **As a skipper myself I know for a fact there is no way you can respect those regulations while travelling on a vessel at high speed.** Skippers will be focused on the race and unable to manoeuvre to avoid collisions with wildlife. Even for experienced marine mammal scientists/observers it is hard to spot Hector's dolphins due to their small size and the fact that they don't lift much of their body out of the water when they surface. It is even harder to spot them when there is wind and white caps (which will be the conditions for the sail race). Mitigation plans for SailGP include having marine mammal observers, however, it is not likely that the race will be stopped in time when dolphins are dangerously close to vessels travelling at high speeds.

As a marine ecologist with experience working with Hector's dolphins in Banks Peninsula, I would like you to reconsider the conditions of the SailGP and at least move it to a date later in the year to make sure that fewer dolphins are exposed and that this summer's dolphin calves are older and better and swimming to have a higher survival chance. I am utterly disappointed at the NZ Government, ECan and Transport NZ for allowing an event of this magnitude to take place in a Marine Mammal Sanctuary which is the stronghold in Aotearoa for this endemic endangered species. I really hope there are no dolphin (or other wildlife) mortalities due to the event. I also hope that part of the money that this event will bring to the region gets utilised for the conservation of this taonga species, keystone of marine ecosystems. I don't think anyone in Aotearoa would be happy if there was a Rally through a national park where kiwi birds live. Why is the ocean any different? Why are you risking one of the world's most endangered dolphins for money?

Please take this submission into consideration, and more importantly **please include Professors Liz Slooten and Steve Dawson in the design and implementation of mitigation measures**, as they are the most knowledgeable experts on this species and have been working in Lyttelton Harbour and the rest of Banks Peninsula for nearly 40 years.

Feel free to contact me for further information,

Best regards,

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s 9(2)(a)

Marine Ecologist

Baker, A. N., Smith, A. N. H. & Pichler, F. B. 2002. Geographical variation in Hector's dolphin: Recognition of a new subspecies of *Cephalorhynchus hectori*. Journal of the Royal Society of New Zealand 32:713–717.

Dawson, S. M. 1990. Polychlorinated dibenzo-p-dioxins and dibenzofurans in New Zealand's Hector's dolphin. Chemosphere, 20: 1035-1042.

Department of Conservation (DOC). 2020. Hector's and Māui Dolphin Threat Management Plan 2020 ISBN 978-1-99-115299-2.

Department of Conservation (DOC). 2022. Hector's and Māui Dolphin Incident Database. Wellington: Department of Conservation.

Hamner, R., Pichler, F., Heimeier, D., Constantine, R. and Scott Baker, C. 2012. Genetic differentiation and limited gene flow among fragmented populations of New Zealand endemic Hector's and Maui's dolphins. Conservation Genetics. 13 (4): 987 - 1002.

Slooten, E. and Lad, F. 1991. Population biology and conservation of Hector's dolphin. Canadian Journal of Zoology. 69: 1701-1707.

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Submission from s 9(2)(a)

21st December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Dolphins

Hi, please do not subject these amazing mammals to a fast pace boat race in their habitat!! This is their breeding time and there are SO few of them anyway. We need – especially at this time of global warming to put money aside and make a conscious decision to help any cetaceans and not hinder their lives, breeding or natural habitat. When they are gone – what will you tell your grandchildren?? I helped these mammals or I helped killed their population?? Which would they be most proud of you for?? Please think sensibly.

Thank you

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Race in Littleton harbour

To whom it may concern,

I oppose this race and all future races in littleton harbour.

Races must not be held in Hector's dolphin habitat, at all. The proposed date of the race is also during their breeding season which will obviously be extremely disruptive. We must all do our part to protect and save this precious, dwindling species.

Regards

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Major Maritime Event 7th December

Dear Sir,

I have just read about the intention to race yachts through the Lyttleton Inner Harbour and through Hector Dolphin Habitat and worse than that during breeding season. If I have understood these facts correctly then this is beyond selfish and irresponsible. Careless beyond belief really.

I implore you to make the changes necessary to ensure the Hector Dolphins are not disturbed by humans having some fun! Anyone with a conscience would find a way to avoid this scenario!

Kind regards

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

(no subject)

Hello there, I have taken the time to request that we respect the very small number of hector dolphins that exist have space to exist without a race passing them by or running them down. A race in waters where these animals live is a ludicrous idea. Is it the intention of the organisers to net the dolphins or create a safety boundary for them? If not then this race should be cancelled or denied.

Thank you.

I hope Christchurch can show to care more about the dolphins than the mere minutes of pleasure this race brings to the participants.

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Stop the race

Please stop the Grand Prix and save the dolphins!!

s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

sailing hector breeding season Lyttelton Harbour

Please do not allow a race to take place during hector dolphin breeding season in their habitat. This causes unnecessary stress to these animals.

Thank you and Merry Christmas,

s 9(2)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

complaint to Lyttelton SailGP

Hi,

I'm just writing to voice my concern over the proposed yacht race starting from Magazine Bay; environmentalists and fans of the native wildlife of New Zealand believe it could be harmful towards the sensitive population of Hector's dolphins and I implore your organization to seek alternative locations away from vulnerable species at a critical point in their breeding season. Increased boat activity at any speed could severely impact their ability to maintain the population.

Hoping in the spirit of the holiday season your organization may reconsider and work in partnership with local environmental groups to ensure a safe boat race for both humans and creatures alike.

Best regards,

s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Objection to boat race

Seriously?

Why would you do this in breeding season when hectors dolphins are already so rare

Seems unreasonable, unthoughtful, unnecessary, unethical and irresponsible.

Kind Regards, s 9(2)(a)

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

No to Sail Race During Breeding Season

Hi there,

Writing to express concern about a sailing race taking place in Lyttelton Harbour during hector dolphin breeding season.

I follow a group on facebook that shares sightings of dolphins and whales, there are 1-2 times a week sightings of pods of dolphins, hectors and others in the Lyttelton Harbour.

We can move the timing and location of racing; they aren't able to shift where they live and breed.

Protecting Aotearoa's biodiversity is incredibly important; actions like these indicate that the government isn't prioritising Aotearoa's biodiversity strategy.

Thanks,

s 9(2)(a)

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Sail GP Lyttleton Harbour – Notice Number 2022-go5092

Kia ora Roger,

I am writing in with regard to the proposed Major Maritime Event for Lyttleton Harbour from Monday 13 March 2013 to Sunday 19th March 2023 inclusive (<https://gazette.govt.nz/notice/id/2022-go5092>).

Project Jonah is a marine mammal welfare charity, working to create a world where marine mammals and their homes are respected and protected. In Aotearoa New Zealand, we are incredibly lucky that many species visit our shores, or call our waters home. This includes the smallest species of marine dolphin, Hector's dolphin, known to frequent the waters of the Akaroa peninsula. Sadly these small, nationally vulnerable dolphins spend their lives in shallow waters, often on the surface, and as a result are prone to injury and death through fisheries bycatch and vessel strike (<https://www.doc.govt.nz/nature/native-animals/marine-mammals/dolphins/hectors-dolphin/>).

Whilst the Notice of Intention to Declare a Major Maritime Event listed on gazette.govt.nz gives guidance to those vessel operators whose activities might be restricted by the event, it gives no information as to the restrictions being placed on the event organiser for their impacts on the environment they might be operating in.

For instance, what guidance has been given to the event operators to ensure all operators of vessels in this area during this event, remain compliant with the vessel operating guidance given in the [Marine Mammals Protection Regulations 1992](#), most notably, part 3, section 20:

Special conditions applying to dolphins or seals

In addition to complying with the conditions set out in [regulation 18](#), any commercial operation and any person coming into contact with dolphins or seals shall also comply with the following conditions:

- (a) no vessel shall proceed through a pod of dolphins:
- (b) persons may swim with dolphins and seals but not with juvenile dolphins or a pod of dolphins that includes juvenile dolphins:
- (c) commercial operators may use an airhorn to call swimmers back to the boat or to the shore:
- (d) except as provided in paragraph (c), no person shall make any loud or disturbing noise near dolphins or seals:
- (e) no vessel or aircraft shall approach within 300 metres (1 000 feet) of any pod of dolphins or herd of seals for the purpose of enabling passengers to watch the dolphins or seals, if the number of vessels or aircraft, or both, already positioned to enable passengers to watch that pod or herd is 3 or more:
- (f) where 2 or more vessels or aircraft approach an unaccompanied dolphin or seal, the masters concerned shall co-ordinate their approach and manoeuvres, and the pilots concerned shall co-ordinate their approach and manoeuvres:
- (g) a vessel shall approach a dolphin from a direction that is parallel to the dolphin and slightly to the rear of the dolphin.

My points for consideration with a focus on our unique marine mammals in their home environment are:

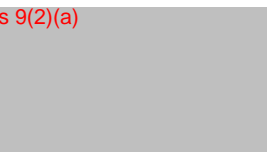
- 1) Have the organisers of this event been provided instruction of the legislation regarding marine mammals as stringent as the instructions gazetted to other vessel operators?
- 2) Has a plan been received from the event organisers that ensures all competitors in the event have read and understood the applicable legislation?
- 3) In the Seismic Surveys Code of Conduct (<https://www.doc.govt.nz/our-work/seismic-surveys-code-of-conduct/overview/>), administered by the Department of Conservation, a Marine Mammal Impact Assessment is required from those wishing to conduct an exercise before doing so. In the instance of the gazetted event, has a similar assessment been carried out by the event organiser, with a view to providing observers to look out for marine mammals in the gazetted area, as well as stand down periods for competitors whilst the marine mammals are in the restricted area?

I am sure that our supporters, as well as the many millions of people passionate about the welfare of marine mammals both here in Aotearoa New Zealand and around the world, would want to know that an event of this magnitude was doing everything possible to minimise its impact on the marine environment and the creatures that call it home.

I look forward to receiving confirmation that this event, its organisers and competitors will be in full compliance with the legislations relevant to the operation of vessels around our magnificent megafauna.

Kia noho haumaru,

s 9(2)(a)



Project Jonah New Zealand

PO Box 8376 Symonds Street Auckland 1150 New Zealand

s 9(2)(a)

W. www.projectionah.org.nz

24 Hour Emergency Stranding Hotline **0800 4 WHALE** (0800 494 253)

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Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

LYTTLETON HARBOUR HECTORS DOLPHINS

Is there any truth that you will be holding yachting races in Lyttleton Harbour when it is the habitat for Hector's dolphins during breeding season?

VERY QUESTIONABLE if so especially when New Zealand team are 'LIVE OCEAN' and bringing awareness worldwide for the Champions of **ocean** health. Protecting and restoring the **ocean** for future generations. **Live Ocean** supports scientists, iwi and environmental groups.

Would appreciate your feedback.

Regards

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OFFICIAL INFORMATION ACT 1982

Submission from s 9(2)(a)

22nd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Hectors dolphins in Lyttleton

Good evening,

Regarding Sail GP racing in Lyttelton in March.

My support is for the protection of Hectors dolphin and therefore the cancellation of the planned yacht racing.

Thank you,

Regards,

s 9(2)(a)

s 9(2)(a)

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Submission from Dolphin Defenders

23rd December 2022.

From: defenderdolphinsouth@gmail.com

To: sailgp2023@transport.govt.nz

SailGP - submission

Tēnā koutou,

This submission is on behalf Māui and Hector's Dolphin Defenders, an incorporated society formed to promote further protection and preservation measures for New Zealand's only endemic dolphin species - the Māui and Hector's.

We are utilising the email within the NZ gazette notice to show our increasing concerns with the major maritime event, of SailGP, set to take place in Lyttelton Harbour in March 2023 and again, in 2025.

Banks Peninsula is a unique stronghold for the South Island Hector's dolphin, with more than 30 years of research, data and distribution information held by the University of Otago, and others.

Data shows that Lyttelton Harbour is an important habitat to this population, with consistent dolphin sightings recorded and verified over the years - including of mothers and their calves.

They are known to have a seasonal distribution, with more animals distributed near shore in the warmer months.

Summer is also when birthing occurs.

Mothers and their calves use the sheltered bays and harbours extensively, including within Lyttelton harbour.

Mothers help newborns surface for air, are slow through the water, putting them both at high risk of boat strike.

They are some of the rarest marine dolphins in the world (IUCN, 2013), have low population growth rates (Slooten and Lad, 1991) and are very vulnerable to anthropogenic threats (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012).

Currently these animals face countless cumulative threats to their survival including pollution, bycatch, coastal development, diseases, climate change, vessel traffic, disturbance, noise, changes in their prey availability, aquaculture, among others (DOC, 2020).

Furthermore, there are records of mortality due to boat strike (DOC, 2022).

Even though sailboats, in general, would not cause disturbance due to noise, the fast hydrofoiling catamarans used for SailGP, could.

They also create a huge risk for boat strike, especially for calves and juveniles.

It is very likely that there will be more than three vessels within 300 metres of a dolphin group and that vessels will cut through a group or obstruct the dolphins' movements.

The event will also be a source of stress and at the very least, cause displacement of individuals and groups.

Marine mammals in Aotearoa are protected through the Marine Mammals Protection Act (1978) and Marine Mammal Protection Regulations (1992).

The Act clearly states, you must travel no faster than idle or 'no wake' speed (≤ 5 knots), there cannot be more than three vessels within 300 metres of a dolphin, or group of dolphins.

It also states, that dolphins must only be approached from a direction that is parallel and slightly to the rear, vessels cannot circle the marine mammals, obstruct their path or cut through any groups and must move slowly away, among other rules.

Most importantly, it includes rules that state: "do not disturb, harass or make loud noises near marine mammals" and to "cease contact if marine mammals show signs of being disturbed or alarmed".

With regards to spotting or observing dolphins before and during the event itself, even for experienced marine mammal scientists/observers it is hard to spot Hector's dolphins due to their small size and the fact that they don't lift much of their body out of the water when they surface. It is even harder to spot them when there is wind and white caps (which will be the conditions for the race).

Mitigation plans for SailGP include having marine mammal observers, however, it is not likely that the race will be stopped in time when dolphins are dangerously close to vessels travelling at high speeds.

There are a few main points we wish to address:

March is within peak calving season - which makes the timing of this event, high risk to the dolphins.

The marine mammal mitigation plan has not been available for public feedback or consultation.

We are disappointed that the Canterbury regional coastal plan is behind in both its planning, and implementation, as we would hope that an updated plan would also include restrictions for events such as this, and at the very least, give the harbourmaster a far greater ability to engage, enforce and restrict within the rules of a robust and up-to-date Plan that is fit for purpose.

We would also expect that an event planned for within the habitat of an endangered marine mammal, be considered a non-permitted activity, and at the very least, require stringent processing for resource consent.

But as it stands, this event is being held within both a Marine Mammal Sanctuary, and a Mātaitai.

If there are any marine mammal injuries, or mortalities due to this event, we ask with urgency, who will take ownership of this, and ultimately, full responsibility?

Please take this submission into consideration, and more importantly, consider giving additional powers and enforcement responsibility to DoC, the harbourmaster, and others, in the absence of an

up-dated robust coastal plan that reflects the modern day accumulative effects these animals face, and ultimately, prohibit such activities.

We do invite you to contact us for further information, and comment.

Best regards,

s 9(2)(a)

Māui and Hector's Dolphin Defenders Inc.

mauihectorsdolphins.org

Sent from my iPhone

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Submission from s 9(2)(a)

23rd December 2022.

From: s 9(2)(a)

To: sailgp2023@transport.govt.nz

Proposed SailGP race on Lyttelton Harbour

Thank you for the opportunity to comment on the proposed SailGP race.

I am a marine biologist with 39 years of experience studying marine mammals, including Hector's dolphins. I am very concerned about the SailGP race proposed to be held in Lyttelton Harbour in 2023. Our 39 year dataset (marine mammal research group at the University of Otago) shows that Lyttelton Harbour is an important habitat, with consistent Hector's dolphin sightings including mothers and calves. Seasonal changes in the distribution of Hector's dolphins means more dolphins close to shore and inside harbours in the warmer months. Summer is also when these dolphins give birth to their calves. Mothers and young calves use the sheltered bays and harbours of Banks Peninsula extensively. When they are born, Hector's dolphins are only about 60 cm long. Their mothers help them surface for air as they are not great swimmers, their fins haven't straightened and haven't gained strength yet. Young calves are very clumsy and slow, and are at high risk of boat strike. Hector's dolphins, calves in particular, have been hit by boats and killed around Banks Peninsula.

Aotearoa New Zealand's reputation is at stake. This reputation would suffer badly if we allowed an event like SailGP to take place in a Marine Mammal Sanctuary. Especially, if the event were to take place during the dolphin's breeding season.

These are the only dolphins endemic to Aotearoa as Kiwi as the Kiwi. In addition, they are endangered and the rarest marine dolphin in the world (IUCN, 2013). They have low population growth rates (Slooten and Lad, 1991) and are very vulnerable to human activities (Dawson, 1990, Slooten and Lad, 1991, Baker et al. 2002, Hamner et al. 2012). Currently these dolphins face a range of threats to their survival including fishing, aquaculture, pollution, coastal development and vessel traffic (DOC, 2020, 2022).

The speed of these sailing vessels would cause a very high risk of boat strike, especially for calves and juveniles. The number of vessels on Lyttelton Harbour (sailing vessels, support boats, spectators, etc) will make it virtually impossible to abide by the Marine Mammals Protection Act and Marine Mammal Protection Regulations. The proposed race would be a source of stress and dolphin displacement, adding an additional threat to the list of cumulative impacts on this species.

The first step should be to provide detailed information to the public on this yacht race, and begin open and transparent public consultation. This race can not happen in autumn 2023. An efficient public consultation process is needed urgently. This needs to include a "winter" option, to see if the public would prefer the race to take place in Lyttelton in winter 2023, and a "different location" option with the race taking place in another location altogether. The best option at this stage would be to move the event to another location. Obviously, the new location should avoid the habitat of Hector's and Maui dolphins, therefore avoiding endangered dolphin species found only in New

Zealand. There are many suitable locations in New Zealand waters, with relatively low numbers of marine mammals, and a complete lack of marine mammals that are both endemic and endangered.

I have seen a redacted copy of the marine mammal management plan. As I understand it, this has only been distributed to people who have requested it under the Official Information Act. This is an appalling process. Whole pages of the document are redacted, and this document completely fails to assure the public that the impact on dolphins will be carefully managed. If anything, this document indicates that the organisers are hiding information from the public. The document was released, to a limited number of people, just before Christmas. For a race that the organisers hope will happen in March. The process, as well as the content of the document, are extremely unprofessional.

Most of the research proposed in the document is impractical. I have carried out many dolphin surveys, using visual and acoustic methods, from boats, planes and drones. It is simply not possible to detect more than a small proportion of the dolphins present, at any one time. One of the most worrying aspect of the plan is the use of Acoustic Harassment Devices (page 6; last bullet point in section 3.4). As the name indicates, these devices are designed to harass. They are most commonly used to try to keep seals away from salmon farms, with limited success. Acoustic harassment devices clearly violate the Marine Mammals Protection Act and Marine Mammal Protection Regulations. The function of these is to harass dolphins and make them leave the area. I have seen no indication that DOC has approved the use of these harassment devices. The use of AHDs clearly requires approval from DOC under the MMPA. This contradicts public statements about SailGP not needing DOC approval.

I look forward to hearing from you about a credible public consultation process.

Thank you,

s 9(2)(a)

University of Otago
Dunedin

Baker, A. N., Smith, A. N. H. & Pichler, F. B. 2002. Geographical variation in Hector's dolphin: Recognition of a new subspecies of *Cephalorhynchus hectori*. *Journal of the Royal Society of New Zealand* 32:713–717.

Dawson, S. M. 1990. Polychlorinated dibenzo-p-dioxins and dibenzofurans in New Zealand's Hector's dolphin. *Chemosphere*, 20: 1035-1042.

Department of Conservation (DOC). 2020. Hector's and Māui Dolphin Threat Management Plan 2020 ISBN 978-1-99-115299-2.

Department of Conservation (DOC). 2022. Hector's and Māui Dolphin Incident Database. Wellington: Department of Conservation. <https://www.doc.govt.nz/our-work/hectors-and-maui-dolphin-incident-database/>

Hamner, R., Pichler, F., Heimeier, D., Constantine, R. and Scott Baker, C. 2012. Genetic differentiation and limited gene flow among fragmented populations of New Zealand endemic Hector's and Maui's dolphins. *Conservation Genetics*. 13 (4): 987 - 1002.

Slooten, E. and Lad, F. 1991. Population biology and conservation of Hector's dolphin. *Canadian Journal of Zoology*. 69: 1701-1707.

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Attachment 2 – Submission replies (for reference)

Reply to submissions from:

s 9(2)(a)

A large rectangular area of the document has been redacted, appearing as a solid grey block. It is positioned to the left of the main text body.

Tēnā koe

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), which administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. DOC has advised us that under that legislation, it is illegal to harm, harass, injure or kill marine mammals. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

The race organisers have developed a marine mammal management plan for the event, which outlines the steps that race organisers are going to take to minimise any impacts on marine mammals. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22_redacted.pdf

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the Marine Mammal Management Plan may require a permit if they were to be used, and DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from s 9(2)(a)

Tēnā koe s 9(2)
()

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), as the agency that administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by that legislation.

The race organisers have developed a marine mammal management plan for the event, which outlines the steps that race organisers are going to take to minimise any impacts on marine mammals. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22_redacted.pdf

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the marine mammal management plan may require a permit if they were to be used, and DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from Dolphin Defenders

Tēnā koe s 9(2)(a)

Thank you for your response to the Notice of Intention to Declare the SailGP racing in Lyttelton Harbour as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC), which administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

The marine mammal management plan that the race organisers have developed for the event outlines the steps that they are going to take to minimise any impacts on marine mammals. Any questions you may have regarding feedback and consultation on the marine mammal management plan should be directed to the race organisers. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/saigp-mmmp-public-release-dec-22_redacted.pdf

DOC has advised that the race does not need a permit under the Marine Mammal Protection Act or Regulations to run. Certain proposals within the Marine Mammal Management Plan may require a permit if they were to be used, and DOC is working through this with race organisers.

Finally, you have asked that, in the absence of an updated coastal plan that addresses impacts on the Hector's dolphin, we consider giving additional powers and enforcement responsibility to DOC, the harbourmaster, and others.

No authority exists under the Maritime Transport Act to confer such additional powers or enforcement responsibility. The only additional powers available are those that the declaration of a major maritime event under section 200A makes available to manage public order and the safety of people and vessels.

Nāku noa nā

Reply to submission from s 9(2)(a)

Tēnā koe s 9(2)(a)

Thank you for your response to the Notice of Intention to Declare a Major Maritime Event SailGP event as a major maritime event under section 200A of the Maritime Transport Act 1994.

Please note that the proposed declaration of the SailGP races as a major maritime event is not necessary for the event to go ahead. Such a declaration would enable the use of special enforcement powers to be exercised to manage public order and the safety of people and vessels during an event. The event can proceed regardless of whether a declaration has been made, and we cannot require the race organisers to change the timing or location of the event.

You have raised concerns about the impacts the race may have on Hector's dolphins in your submission. This is outside of the scope of what the Maritime Transport Act provides for, as it does not relate to public order or the safety of people and vessels.

We have shared your concerns with the Department of Conservation (DOC) in its capacity as the agency that administers the Marine Mammals Protection Act 1978 and Marine Mammals Protection Regulations 1992. All vessels involved in the event, including any support boats or spectator craft, are expected to abide by this legislation.

We have noted your request that the public be provided with detailed information about the race, including the marine mammal management plan that SailGP has developed for the event. The plan is publicly available here:

https://www.christchurchnz.com/media/cchm0w4h/sailgp-mmmp-public-release-dec-22_redacted.pdf.

Questions regarding the provision of other information should be directed to the event organisers, Environment Canterbury and DOC as the bodies most directly involved at an operational level.

As you have pointed out in your submission, certain proposals within the Sail GP marine mammal management plan may require a permit if they were to be used. DOC is working through this with race organisers.

If you have any further questions or concerns in relation to possible impacts on marine mammals, please contact Abby Lawrence, DOC Senior Community Ranger Mahaanui District at: alawrence@doc.govt.nz

Nāku noa nā

Reply to submission from s 9(2)(a)

Replied, 16 December 2022:

Kia ora

A map of the area was appended to the Press and NZ Gazette notices, as per the link below.
Did you have a different type of map in mind?

<https://gazette.govt.nz/notice/id/2022-go5092>

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OFFICIAL INFORMATION ACT 1982