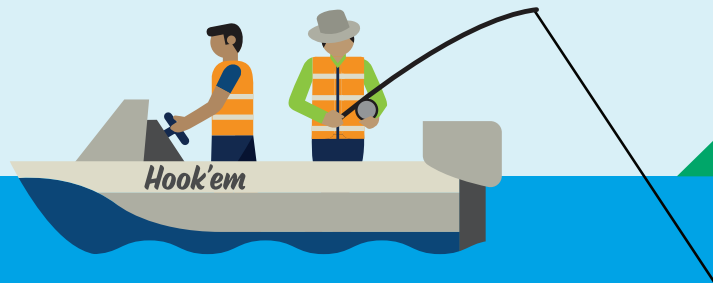


Ngā Ture ā-rohe Haumaru Whakatare Moana 2024

Maritime Navigation Safety Bylaws 2024



DRAFT

**Bay of Plenty Regional Navigation
Safety Bylaw 2024**

Contents

- 1 Preliminary Provisions 4**
 - 1.1 Title and Commencement 4
 - 1.2 Context 4
 - 1.3 Purpose 5
 - 1.4 Definition of Terms for the purpose of these Bylaws ... 5
- 2 Administrative Matters 15**
 - 2.1 Directions by Harbourmaster or Enforcement Officer 15
 - 2.2 Obligations of Masters/Owners..... 15
 - 2.3 Commercial Approved Safety Plans 16
 - 2.4 Registration of Personal Watercraft..... 17
 - 2.5 Identification of Vessels..... 18
 - 2.6 Fees and Charges 19
 - 2.7 Port Charges (Harbour Dues)..... 19
- 3 General Matters 19**
 - 3.1 Personal Flotation Devices 19
 - 3.2 Swimming or Diving around Wharves and Jetties 21
 - 3.3 Use of Vessel Engine around Wharves, Jetties and Ramps..... 22
 - 3.4 Vessels which are not Seaworthy 22
 - 3.5 Aircraft 23
 - 3.6 Vessels to be Adequately Anchored, Moored or Secured 24
 - 3.7 Prohibited Anchorages..... 25
 - 3.8 Restricted Anchorages 25
 - 3.9 Restricted Launching..... 25
 - 3.10 Obstructions 26
 - 3.11 Collisions and Accidents 26
 - 3.12 Aids to Navigation 27
 - 3.13 Sound and Light Signals 28
 - 3.14 Use of Distress Signals..... 29

3.15	Discharge into Water	30
4	Operating Requirements	30
4.1	Minimum Age for Operating Power Driven Vessels	30
4.2	Speed of Vessels	30
4.3	Speed Limits on Region's Waters	33
4.4	Dive Operations.....	33
5	Water Skiing and Towing	33
5.1	Lookouts on Vessel used for Water Skiing or Towing any Person.....	33
5.2	Water Skiing or Towing a Person between Sunset and Sunrise or in Restricted Visibility	34
6	Temporary Access Lanes, Reserved Areas and Speed Upliftings	34
6.2	Conduct in Access Lanes and Reserved Areas	34
6.3	Marking of Access Lanes and Reserved Areas.....	35
6.4	Reserved Areas.....	36
6.5	Speed Upliftings	40
6.6	Region's Rivers with Permanent Speed Upliftings:	40
6.7	Areas Subject to Specified Speed Upliftings	41
6.8	Flagged Areas on Beaches	42
6.9	Special Events	42
6.10	Closure of Areas.....	43
7	Moorings	43
8	Tauranga Harbour, Approaches and Pilotage Area	47
8.1	Directions for Entering and Navigating in Tauranga Pilotage area	47
8.2	Pilotage	49
8.3	Carriage of a Pilot	49
8.4	Duties of a Pilot	49
8.5	Tauranga Pilotage Information	49

8.6	Navigation in the Area of No. 1 Reach.....	50
8.7	Tauranga Pilotage Area – Radio Reporting Procedures for vessels departing from wharves or anchorages	51
8.8	Navigational Documents required for Tauranga Harbour	51
8.9	Tauranga Harbour Approaches Exclusion Areas.....	51
8.10	Tauranga Port – Restricted Anchorages	52
8.11	Hazardous and Bulk Oil Loading and Discharging Location.....	52
8.12	Duty of Master of a Vessel under 500 Gross Tonnage .	52
8.13	Moving Prohibited Zone	52
8.14	Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials	53
8.15	Hot Work Notifications	56
9	Whakatāne Harbour	57
9.1	General Directions for Entering and Navigating in Whakatāne Harbour	57
	Schedule 1: Reserved areas Maps	58

1 Preliminary Provisions

1.1 Title and Commencement

- 1.1.1 This Bylaws document is the Bay of Plenty Regional Navigation Safety Bylaws 2024.
- 1.1.2 These Bylaws come into force on xx xxx 2024.
- 1.1.3 These Bylaws are made pursuant to sections 33M and 33R of the Maritime Transport Act 1994 and the Local Government Act 2002.
- 1.1.4 The Bay of Plenty Regional Navigation Safety Bylaw 2017 is **hereby revoked**.
- 1.1.5 These Bylaws apply to all the Bay of Plenty region's waters.

1.2 Context

- 1.2.1 Pursuant to section 33N (1) and 33O of the Maritime Transport Act 1994, it is an offence for a person to breach any provision of these Bylaws.
- 1.2.2 Compliance with these Bylaws does not replace the need to comply with other legislation and is part of a wider Maritime legislative Framework.

These Bylaws must not be inconsistent with the:

- i. The Maritime Transport Act 1994
- ii. Maritime Rules and Regulations, especially Parts 22, 90, and 91
- iii. The Health and Safety at Work (Adventure Activities) Regulations 2016.

And have regard to the:

- i. The Resource Management Act or any subsequent Acts.
- ii. Marine and Coastal Area (Takutai Moana) Act 2011.
- iii. Marine Mammals Protection Act 1978.

1.3 Purpose

- 1.3.1 The purpose of these Bylaws is to ensure maritime safety and minimise the risk of fatalities, injuries, accidents, collisions, and damage to aids to navigation on all Bay of Plenty region's waters.
- 1.3.2 The provisions in this Bylaws document are in addition to, and not in substitution for, the provisions in other Acts and Maritime Rules.

1.4 Definition of Terms for the purpose of these Bylaws

(Words in the singular include the plural and words in the plural include the singular)

Access Lane	means an area which provides access for vessels towing at speed from a bank or shore. An area marked in Schedule 1 for which the 5 knot rule does not apply.
Accident	has the same meaning as in section 2 of the Maritime Transport Act 1994.
Aid to Navigation	<p>includes:</p> <ol style="list-style-type: none">any lightship and any floating or other light exhibited for the guidance of ships.any fog signal, not carried on a vessel.all marks and signs in aid of marine navigation.any electronic, radio or other aid to marine navigation not carried on board.
Aircraft	has the same meaning as in the Civil Aviation Act 1990, and includes any craft that is able to fly by gaining support from the air e.g. seaplanes, helicopters
Anchorage	means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purposes by the Council or not.
Anchoring	<p>means the securing of a vessel to the bed of waters by way of:</p> <p>a traditional anchor, cable, or other device, that is normally removed with the vessel when it leaves the anchorage, or</p>

being fixed to a desired location by a position hold device or GPS anchor.

Bay of Plenty region's waters

means all of the navigable waters of the Bay of Plenty region, including: the territorial sea to the 12 mile nautical limit, internal waters, lakes and rivers within the Bay of Plenty region boundaries.

Beacon

means a light or mark that is non-floating and is fixed to the sea floor in a rigid structure; and set up as an aid or mark of navigation or as a warning to vessels.

Board Sport

means any board sport where the means of propulsion is by wind, waves, paddle or other natural forces, and no mechanical means of propulsion are used. This includes but is not limited to windsurfing, sailboarding, kiteboarding, stand-up paddle boarding, knee boarding, body boarding, and surfing.

Buoy

means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reef, or other hazard.

Class 3 Packing Group I oil products

means oil having an initial boiling point less than or equal to 35 degrees centigrade.

Class 3 Packing Group II oil products

means oil having a flashpoint of less than 23 degrees centigrade and an initial boiling point greater than 35 degrees centigrade.

Class 3 Packing Group III oil products

means oil having a flashpoint equal to or greater than 23 degrees centigrade up to and including 61 degrees centigrade and an initial boiling point greater than 35 degrees centigrade.

Commercial Vessel

means a vessel that is not a recreational craft and is for hire or reward.

Common marine and coastal area

has the same meaning as section 9 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Craft

means water vehicles that can operate in, under or over the surface of navigable water.

Crew

means the persons employed or engaged in any capacity on board a vessel, but does not include the Master, a Pilot, or a person temporarily employed on the vessel while in port.

Director of Maritime New Zealand	means the person who holds the position of Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.
Distress	means that a vessel or a person is in grave and imminent danger and requires immediate assistance.
Emergency Response Craft	means any vessel approved by the Harbourmaster for use in emergency response and may include a Police, Customs, Harbourmaster, Naval and/or port company vessel approved by the Harbourmaster for such use.
Enforcement Officer	means a person appointed and authorised by the Council as an Enforcement Officer under section 33G of the Maritime Transport Act 1994.
Exclusion Zone	means an area identified in these bylaws under clause 7.9 as an area where specified vessels are excluded from operating, and includes any area closed by the Harbourmaster under clause 6.10.
Explosive	means any substance or mixture or combination of substances which in its normal state is capable of sudden expansion owing to a release of internal energy and includes the capability to burn suddenly or explode.
Flag A	means Flag A of the International Code of Signals (the Divers' Flag), being a burgee (swallow-tailed) flag coloured in white and blue with white to the mast, of not less than 600 mm by 600 mm or a rigid equivalent.
Flag B	means Flag B of the International Code of Signals, being a burgee (swallow-tailed) flag coloured in red, of not less than 600 mm by 600 mm or a rigid equivalent.
Flagged Area	means that the area of beach which may be marked from time to time with red and yellow flags and which extends to 200 metres from the actual water's edge to create a safe swimming area.
Foreshore	means any land covered and uncovered by the flow and ebb of the tide at mean high water springs and, in relation to any such land that

forms part of the bed of a river, does not include any area that is not part of the common coastal and marine area.

Gross Tonnage	means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on tonnage measurement of ships, 1969.
Harbourmaster	means the person appointed by the Council as Harbourmaster under section 33D and who has powers under section 33E and 33F of the Maritime Transport Act 1994. The Bay of Plenty Region's Harbourmaster is responsible for the whole region.
Honorary Enforcement Officer	means a person appointed and authorised by the Council as an honorary Enforcement Officer under section 33G of the Maritime Transport Act 1994.
Hot Work Operations	means any welding or flame cutting on or off a vessel.
Impede the Passage	means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to do something that would not otherwise be done.
Incident	means any occurrence, other than an accident that is associated with the operation of a vessel and affects, or could affect, the safety of the operation.
Length	in relation to a vessel, means overall length, excluding any affixed appendages, such as a motor or bow roller or prod.
Maritime Rules	means maritime rules made under the Maritime Transport Act 1994 (MTA). Rules can be found at Maritime New Zealand's website: https://www.maritimenz.govt.nz/
Master	means any person who, is responsible for the command or charge of a vessel but is not a Pilot who is piloting the vessel. Also known as the Skipper.
Mean High Water Springs (MHWS)	means the average throughout the year, of two successive high waters, during a 24-hour period in each month when the range of the tide is at its greatest (Spring tides).

Moor

means:

- i. the securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes; or
- ii. the securing of any vessel to a mooring or anchor;
- iii. but excludes the temporary anchoring of a vessel.

Mooring

means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft or floating structure; and includes any wire, chain, rope, buoy or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft or floating structure when it leaves the site or anchorage.

Mooring Area

means:

- i. any area shown as a mooring area in the Bay of Plenty Regional Coastal Environment Plan maps, and
- ii. any area from time to time specified by the Regional Council as a mooring area under the Resource Management Act 1991, where vessel moorings may be placed, and
- iii. any area shown as a mooring area in Schedule 1 of these Bylaws.

but does not include an anchorage.

Nautical Chart

means any instruments and/or publications (including computerised or electronic instruments or publications) used, or intended to be used, in the navigation of a vessel that are issued officially by, or on the authority of, the relevant government institution and is designed to meet the requirements of marine navigation.

Navigable Waters

means any waters whether coastal or inland which are able to be navigated, including harbours.

Navigate

means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

Obstruction means an object, equipment, structure, vessel, or person positioned, whether in the water or not, so as to restrict, prevent or impede navigation of a vessel or cause a hazard to people on a vessel or in the water.

Oil means petroleum in any form including crude oil, fuel oil, sludge, oil refuse, and refined products (other than petrochemicals that are subject to the provisions of Part 140 of the Marine Protection Rules). Without limiting the generality of the foregoing, “oil” includes any of the substances declared to be oil in the appendix to Part 120 of the Marine Protection Rules, and any oily mixture. “Oil” as defined here is a “harmful substance” for the purposes of section 225 of the Maritime Transport Act 1994.

Owner owner includes:

- i. in relation to a vessel, the agent of the owner and also a charterer of the vessel; and
- ii. where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the vessel, includes the person who is for the time being so responsible; and
- iii. in relation to an unregistered vessel or a registered vessel that does not have a registered owner, means the person who is for the time being responsible for the management of the vessel.

Person in Charge Person in Charge of a vessel is:

- i. the master, skipper or kaihāutu of the vessel;
- ii. in the absence of a person in (i), the owner of the vessel that is on board or the person steering the vessel; and

- iii. In the absence of a person in (i) or (ii), the owner of the vessel.

Personal Flotation Device (PFD)

means any serviceable buoyancy aid that is designed to be worn on the body and is certified under the NZ Standards 5823: 1989 or 5823: 2001 or 5823:2005 as recognised in Maritime Rules Part 91. Also known as Lifejackets.

Personal Water Craft (PWC)

means a power driven vessel that has a fully enclosed hull and does not take on water if capsized and is designed to be operated by a person standing, sitting astride or kneeling on it, but not seated within it. For example, jetski.

Pilot

in relation to any vessel, means any person not being the Master or member of the crew of the vessel who has the conduct of the vessel and who is duly licensed by Maritime New Zealand under Maritime Rules Part 90.

Pilots are compulsory for vessels over 500 gross tonnes in the Tauranga Harbour.

Power Driven Vessel

power driven vessel means any vessel propelled by an engine, motor or machinery.

Prohibited Anchorage

means an area where no person can anchor or moor a vessel in any area identified in these Bylaws. These areas are defined in clause 4.7.

Proper Speed

means speed through the water.

Public Notice

public notice means notification of special instructions to the public by the most effective method:

- i. in the Gazette; or
- ii. in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or
- iii. on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge.

Recreational Craft

means a vessel that is:

- a pleasure craft; or
- solely powered manually; or

- solely powered by sail.

NOTE: for clarification, *Pleasure craft*:

- i. means a vessel that is not offered or used for hire or reward, and is used exclusively for:
 - a. the owner(s) pleasure or as the owner(s) residence; or
 - b. recreational purposes by:
 - the members of a club that owns the vessel.
 - the beneficiaries of a trust that owns the vessel.
 - the members of an incorporated society that owns the vessel; but
- ii. excludes a vessel that is:
 - a. provided for transport, sport or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or establishment or business.
 - b. used on a voyage for recreation purposes if the vessel is normally used, or intended to be normally used, as a fishing vessel or for the carriage of passengers or cargo for hire or reward.
 - c. operated or provided by:
 - a club, incorporated society, or trust for non-recreational purposes; or
 - a business.

Reserved Area

means an area designated and marked for a particular activity or type of vessel and used for the stated purpose. When those persons or vessels are present or the activity to being undertaken for the purpose for which it is reserved, no other person or vessel may enter or remain in, or use, the area for any other purpose as set out in clause 6.6.2.

Restricted Anchorage

means an identified area where any form of anchorage is restricted to temporary anchor or emergencies. See clause 3.8.

These areas are defined in clause 7.10.

Sailboarding	means using any type of board that is propelled by a sail apparatus and operated by a person or persons standing on the board. Also known as windsurfing.
Seaworthy	in relation to any vessel, means: A vessel that the Harbourmaster considers is in a fit condition of readiness to safely undertake a voyage. Unseaworthy has the opposite meaning.
Shore	means the edge of a sea, lake, river, or other body of water.
Speed uplifting	means authorisation under these Bylaws or by the Harbourmaster to change the speed provision in a specific location, from the standard 5 knots.
Structure	means any building, equipment, device, or other facility made by people and which is fixed to land or the bed of a waterway, including slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline or line of mean high water springs, but does not include: <ul style="list-style-type: none"> i. buoys, beacons, anchored floats or notices; or ii. aids to navigation.
Support Vessel	means any vessel used for coaching, marshalling and rescue attendance for training, regattas, and competitions.
Tanker	means any vessel with a compartment or compartments that are specifically constructed for bulk carriage of oil products or noxious liquid substances.
Tauranga Harbour	Tauranga Harbour area is defined as Tauranga Harbour to the Harbour Limits at both the Tauranga Harbour entrance and Katikati entrance as per Nautical Chart NZ 5411.
Tauranga Pilotage Area	means the area comprising the Tauranga Harbour bounded by a circle of radius three miles centred on North Rock and including all the commercial area of Tauranga Harbour.

Underway	means that a vessel is not at anchor, moored, or made fast to the shore, or aground; and is navigating through water.
Vessel	<p>means every description of boat or craft used in navigation on water, whether or not it has any means of propulsion; and includes:</p> <ol style="list-style-type: none"> i. a ship; ii. a recreational craft; iii. a commercial craft iv. a barge, lighter (flat bottom barge), or other like craft; v. a hovercraft, wing inground craft (e.g. sea glider) or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; vi. a submarine or other submersible; vii. a personal water craft; viii. an aircraft when operating on the surface of the water; ix. a sailboard, kiteboard, or paddleboard.
Waka ama	means an outrigger canoe (waka), with a hull with one or more pontoons (ama). The pontoons are rigged out to the side to provide stability
Water Skiing	means being towed on an object of any kind considered to be a ski, or board, or barefoot, on the surface of any water.
Wing in ground craft (WIG)	means a craft that flies in close proximity to, and without contact with, the water surface, for example sea glider. This craft is considered a vessel as they only fly on or near the surface of water.
Wreck	means a vessel or aircraft that is abandoned, stranded, or in distress. Or any equipment, cargo or other articles belonging to or separated from, such vessel or aircraft.

2 Administrative Matters

A Harbourmaster may exercise the powers and perform the duties conferred by the Maritime Transport Act or any other enactment for the purpose of ensuring maritime safety in relation to Bay of Plenty regions ports, harbours, or waters for which he or she has been appointed as a Harbourmaster by the regional council.

2.1 Directions by Harbourmaster or Enforcement Officer

- 2.1.1 The Harbourmaster or an enforcement officer may give directions to any person (including any person appearing to be in charge of any ship or aircraft in accordance with Section 33F(1)(c) and 33G(c) of the Maritime Transport Act 1994) for the purpose of implementing this Bylaw.
- 2.1.2 Any person to whom a direction is given under clause 2.1.1 is required to comply with the Harbourmaster's or enforcement officer's directions as soon as is reasonably possible.

2.2 Obligations of Masters/Owners

- 2.2.1 Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed, or carried out by the owner.
- 2.2.2 Where any clause of these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against this Bylaw. If any such clause is complied with by either the master or the owner, then, for the purposes of this Bylaw, compliance by one is deemed to be compliance by the other.
- 2.2.3 A Harbourmaster or enforcement officer may require the master of any vessel or any other person who is found committing an offence against these Bylaws or who they have reasonable grounds to suspect has

committed an offence, to supply their name and address.

2.3 Commercial Approved Safety Plans

All commercial operators offering non-powered vessels, for hire or reward must have an Approved Safety Plan, authorised by the Harbourmaster.

- 2.3.1 Any commercial vessel operated for hire or reward that is not subject to a licencing regime under Maritime Rules (including but not limited to a Maritime Transport Operator Certificate) must obtain an Approved Safety Licence.
- 2.3.2 The Harbourmaster may authorise an Approved Safety Plan under clause 2.3.1 if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/disembarkation or at any place en-route.
- 2.3.3 The terms and conditions of any Approved Safety Plan authorised by the Harbourmaster may include, but is not limited to:
 - i. defining points of embarkation/disembarkation;
 - ii. defining the area or route of operations;
 - iii. limiting the number of passengers or quantity of freight;
 - iv. any limitations in respect of weather or operating hours;
 - v. any requirements for rescue craft;
 - vi. any requirements for safety equipment;
 - vii. the level of instruction to be given to persons hiring a vessel;
 - viii. the qualifications required by the person in charge of the vessel; and

- ix. defining the flow of water as required where applicable.
- 2.3.4 Every Approved Safety Plan authorised by the Harbourmaster will apply only to that vessel and operator(s) named in the Plan and will be available for inspection at any time by the Harbourmaster, or enforcement officers or honorary enforcement officers, or any prospective client of the operation.
- 2.3.5 The Harbourmaster may temporarily suspend or cancel an Approved Safety Plan for such time as they consider necessary where, in the opinion of the Harbourmaster, the conditions of the licence have been breached.
- 2.3.6 No person will operate a vessel under an Approved Safety Plan if that Plan is suspended or cancelled.
- 2.3.7 All other commercial vessel operators must comply with Maritime Rules and jet boating operators must comply with Maritime Rule Part 82: Commercial Jet Boat Operations – Rivers or subsequent legislation. A breach of these Maritime rules will constitute a breach of this Bylaw.

2.4 Registration of Personal Watercraft

- 2.4.1 No person will operate, or allow to be operated, a Personal Watercraft unless a unique number is displayed on each side of the Personal Watercraft, such number being of a contrasting colour that is legible from a distance of 50 metres, with a minimum height of 90 millimetres and each digit having a minimum width of 80 millimetres.
- 2.4.2 The owner of a Personal Watercraft must not allow the personal watercraft to be operated unless the number required under the clause above, together with the name and address of the owner and details of the Personal Watercraft, has been registered with the Council, its agent (if any) or another regional council.
- 2.4.3 The owner of a Personal Watercraft who sells or otherwise disposes of the Personal Watercraft must

provide the Council with a completed change of ownership or de-registration form (which includes the name and contact information of the new owner (if any) within 30 days of selling or otherwise disposing of the Personal Watercraft.

2.5 Identification of Vessels

2.5.1 The master of a vessel not subject to clause 2.4 must ensure that the vessel is clearly marked with a name or number, consisting of a minimum of two letters or numbers, which must not be a vessel's brand, make or model. The name and number must be of a contrasting colour that is legible from a distance of 50 metres, with a minimum height of 90 millimetres and each digit having a minimum width of 80 millimetres, or compliant with a national sporting body standard. This clause does not apply to:

- i. non-power driven vessels of 6 metres or less in length; or
- ii. power driven vessels of 4 metres or less in length.

2.5.2 The identifying name and/or number referred to in clause 3.6.1 above will be:

- i. a vessel name; or
- ii. a registration or identification approved by and conforming to the requirements of Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or

In the case of a trailer borne vessel without a registration or identification listed in subclauses (i) or (ii), the registration number of its trailer.

NOTE: Any vessel exempted under clause 2.5.1 should be clearly marked somewhere accessible on or in the vessel, with the owners name and contact details to assist in identifying and returning lost or stolen vessels.

2.6 Fees and Charges

- 2.6.1 Any fees and charges specified under these Bylaws are outlined in the Bay of Plenty Regional Council's current Fees and Charges Policy.
- 2.6.2 Fees and charges for maritime related activities undertaken by the Council under these Bylaws, or in respect of navigation generally, must be paid on demand by the specified person to the Council.

2.7 Port Charges (Harbour Dues)

- 2.7.1 The master or owner of any vessel over 1000 gross tonnage using the Port of Tauranga and which is not exempted will pay to the Council vessel port charges (harbour dues) for the management of navigational safety at the rate as specified in the Bay of Plenty Regional Council's current Fees and Charges Policy.

3 General Matters

3.1 Personal Flotation Devices

- 3.1.1 No person in charge of a recreational craft will use that craft or allow it to be used unless it carries, at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board, including any persons being towed.
- 3.1.2 No person in charge of a recreational craft will use that craft or allow it to be used:
 - i. in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of person on board; or
 - ii. when crossing a bar; unless every person on board is wearing a properly secured personal

flotation device of an appropriate size for that person.

- 3.1.3 Every person on board a recreational craft that is six metres or less in length, must wear a properly secured personal flotation device of an appropriate size for that person while that craft is under way.
- 3.1.4 Clauses 3.1.1 to 3.1.3 above will not apply to:
- i. any surfer or user of similar unpowered craft *if a wetsuit is worn at all times*; or
 - ii. any sailboarder or kiteboarder; *if a wetsuit is worn at all times*; or
 - iii. a diver on a boat of six metres or less in length overall that is used for recreational diving within five nautical miles of shore, if a full body dive suit is worn at all times; or
 - iv. a person training for or participating in a sporting or ceremonial event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster under these Bylaws, or the Director of Maritime New Zealand under Maritime Rule 91.4(3); or
 - v. a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence.
- 3.1.5 In respect of any cultural, ceremonial, sporting event, training activity, or other organised recreational activity, clauses 3.1.1 and 3.1.3 will not apply if permission is given in writing by the Harbourmaster that a support vessel remains in the immediate vicinity of the recreational craft and the support vessel carries lifejackets of an appropriate size for each person on board the support vessel and the recreational craft.

- 3.1.6 In respect of any cultural, ceremonial, sporting event, training activity, or other organised recreational activity, the organising body may, where it is not practical to meet the requirements of clause 3.1.5, apply to the Harbourmaster for a written exemption to clause 3.1.1 and 3.1.3. The Harbourmaster may grant an exemption for a specified time period, provided that the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any persons participating in the event or activity.
- 3.1.7 No person in charge of a recreational craft will use it to tow any person and no person may cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device or wetsuit.
- 3.1.8 Clause 3.1.7 does not apply to a person:
- i. training for any trick water skiing element of a sporting event administered by a sporting organisation approved under Maritime Rule 91.4(3); or
 - ii. participating in a sporting event that is administered by a sporting organisation approved under Maritime Rule 91.4 (3).

3.2 Swimming or Diving around Wharves and Jetties

- 3.2.1 No person will jump, dive off, swim or undertake other related activities:
- i. from or within 50 metres of any structure in the Port of Tauranga zone as defined in the Operative Bay of Plenty Regional Coastal Environment Plan; or
 - ii. from any other wharf or jetty when a vessel is manoeuvring within 50 metres of the wharf or jetty; or
 - iii. any other such areas in the waters as determined by the Harbourmaster unless permission is given by the Harbourmaster in writing;

except if undertaken within a reserved swimming area.

3.3 Use of Vessel Engine around Wharves, Jetties and Ramps

- 3.3.1 No person will operate the propulsion system of a vessel:
- i. while it is lying at any wharf or jetty, or while it is loading to or from a boat trailer at any ramp or lake beach area, in such a way that it may create an unsafe situation or injure any person. However, this clause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf or jetty; or
 - ii. to load or unload a vessel at any ramp or location where this is prohibited by a direction of the Harbourmaster.
- 3.3.2 The Master of any commercial vessel must:
- i. ensure that crew members are stationed both forward and aft on any commercial vessel while that commercial vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - ii. warn all persons or commercial vessels in the immediate vicinity of that vessel that the engines are being tested.

3.4 Vessels which are not Seaworthy

The master and/or the owner of any vessel anchored or moored in any waters must always keep the vessel in a seaworthy condition unless the Harbourmaster has given prior written approval for the vessel to remain moored or anchored in its position in an unseaworthy condition. An approval would be subject to conditions that the Harbourmaster determines are appropriate to ensure navigation safety.

- 3.4.1 If any vessel in navigable waters is not **seaworthy** and is considered a hazard to navigation:

- i. the Harbourmaster or an enforcement officer may give a direction (by any means of communication) to the owner and/or the master of the vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time specified in the direction and the owner and master are jointly and severally responsible for ensuring the direction is complied with.
 - ii. if the owner and/or master of the vessel fails to move the vessel in accordance with a direction given under clause 3.4.1 (i) the Harbourmaster or an enforcement officer may move that vessel to a position where it is no longer a hazard to navigation or remove it from the water. The costs incurred by the Harbourmaster or any enforcement officer taking action under this clause, are payable by the owner, master, or agent of the vessel and are recoverable as a debt due to the Council.
 - iii. The Harbourmaster or an enforcement officer will exercise reasonable care in taking action under this clause, but neither they nor the Council will be liable for any damage resulting directly or indirectly from such action.
- 3.4.2 No person will operate any vessel that is not seaworthy except to comply with the directions, under this Bylaw, of the Harbourmaster or an enforcement officer to move the vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of any vessel that is unseaworthy will proceed to a safe area immediately.

3.5 Aircraft

- 3.5.1 No person navigating a vessel will impede an aircraft in the process of landing or taking off.
- 3.5.2 An aircraft on the water is considered a vessel and must, in general, keep well clear of other vessels and

avoid impeding their navigation. If a risk of collision exists, all vessels give way rules must be followed.

3.5.3 A WIG craft is considered a vessel when operating on the surface of the water and must follow all collision prevention rules.

3.5.4 A WIG craft when taking off, landing or in flight near the surface of the water, must keep well clear, and avoid impeding the navigation of all other vessels.

3.6 Vessels to be Adequately Anchored, Moored or Secured

3.6.1 No person will anchor or moor a vessel so as to:

- i. impede the passage of other vessels or obstruct the approach to any commercial wharf, pier or jetty; or
- ii. create a hazard to other vessels at anchor or on a mooring; or
- iii. create a hazard for other recreational craft, swimmers or water users.

3.6.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy, or unlawfully detach:

- i. the mooring or anchoring of any vessel; or
- ii. the fastening securing any vessel lying in, at or alongside or near any wharf, dock or landing place,

3.6.3 No person will tamper with any moored or anchored vessel.

3.6.4 When a vessel is moored in, at or alongside a wharf, a dock or alongside a wharf, vessel, or other landing place, the owner or master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured and adjusted to suit all tidal conditions.

- 3.6.5 The owner or master of a vessel at anchor, moored, or berthed at a wharf, must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person onboard to keep watch.
- 3.6.6 A vessel may not be anchored at the same location, or within 1 nautical mile of that location, for a period longer than 14 consecutive days without the prior approval of the Harbourmaster.

3.7 Prohibited Anchorages

- 3.7.1 Except in an emergency no person may anchor or moor any vessel within:
- iii. 200 metres of any submarine power or telephone cable or any submerged utility, including water and sewage pipes.

NOTE: White triangular beacons on the foreshore mark the ends of submarine power cables:

- i. 50 metres of any commercial berth or berthed vessel operated by the Port of Tauranga Limited.
- ii. The navigation channel between the Ōhau Channel Diversion Wall, Lake Rotoiti, and shore (including the reserved area marked by red buoys).

3.8 Restricted Anchorages

- 3.8.1 Except in an emergency no person will anchor any vessel within any area identified as a restricted anchorage in Clause 8.10 of these Bylaws unless the vessel is kept ready to make immediate departure and an anchor watch on board the vessel is maintained *at all times*.

3.9 Restricted Launching

- 3.9.1 No person will launch a vessel from any area of the shore where this is prohibited by a direction of the Harbourmaster.

3.10 Obstructions

- 3.10.1 No person will obstruct the access by waters to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, without prior permission of the Harbourmaster.
- 3.10.2 No person will place any obstruction, including any vessel, fishing apparatus or structure, in any waters that is liable to:
 - i. restrict navigation; or
 - ii. cause or have potential to cause, loss of life or injury to any person; or
 - iii. cause damage to any vessel.
- 3.10.3 No person will leave stabilisers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

3.11 Collisions and Accidents

- 3.11.1 Every vessel must, at all times, maintain a proper look out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions, so as to make a full appraisal of the situation and conditions.
- 3.11.2 No person will operate any vessel in breach of Maritime Rules Part 22 (Collision Prevention).

Note: The Rules, Part 22 apply to all vessels, in New Zealand, including recreational craft.

- 3.11.3 The Owner/Master of any vessel that:
 - i. has been involved in any accident; or
 - ii. has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded; or
 - iii. by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property; or

- iv. in any manner gives rise to an obstruction; or
- v. causes any damage to any aid to navigation or structure, or to anything on the structure:

must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994 section 31, as soon as is practicable report the occurrence to the Harbourmaster and within 48 hours provide the Harbourmaster with full written details of the occurrence.

3.11.4 A report under clause 3.11.3 must include:

- i. a full description of any injury to persons and their names and their addresses; and
- ii. a full description of any damage to vessels, aid to navigation or structures; and
- iii. the name(s) and address(es) of person(s) in charge of the vessel; and
- iv. the time and date of the occurrence; and
- v. an outline of events relating to the occurrence.

3.11.5 If an incident described in clause 3.11.3 involves damage to a vessel that affects, or is likely to affect, its seaworthiness, the owner/master must not move the affected vessel except:

- i. to clear the main navigational channel or to moor or anchor in safety or
- ii. in accordance with the directions of the Harbourmaster.

3.12 Aids to Navigation

3.12.1 No person will tie a vessel to any buoy, beacon, or other device or structure erected as an aid to navigation or warning, without the prior written permission of:

- i. Harbourmaster if the aid to navigation or warning is operated by a local authority or port company, or
 - ii. Director of Maritime New Zealand, if the aid to navigation or warning is operated by Maritime New Zealand.
- 3.12.2 No person will damage, remove, deface or otherwise interfere with any buoy, beacon or other device or structure erected as an aid to navigation or warning.
- 3.12.3 No person will erect, maintain or display any beacon, buoy or other device which is intended to be used as, or may be mistaken for, a recognised aid to navigation, without the written permission of the Harbourmaster and the Director of Maritime New Zealand.

3.13 Sound and Light Signals

The use of lights, sounds, and signals on vessels are used for very specific reasons, in specific situations including:

- restricted visibility
- proximity to other vessels
- taking off or landing (aircraft or WIG)
- undertaking specific manoeuvres
- towing
- warnings
- attracting attention/ distress

Therefore, the following applies:

- 3.13.1 No person will blow or sound, or cause to be blown or sounded, the whistle, siren, or horn of a vessel, within any harbour, except as a navigation safety signal. However, nothing in these Bylaws precludes:

- i. The testing of such a whistle, siren or horn for maintenance purposes or before the vessel leaves any wharf, jetty, or pier;
 - ii. The starting guns, horns or whistles in any organised race or sporting activity provided they are used in locations where there will be no adverse effect on navigation safety.
- 3.13.2 No person will fit or use any flashing lights, sirens or other sound or light signals not prescribed in a maritime rule for that vessel, without the written permission of the Harbourmaster.
- 3.13.3 The use of blue flashing lights and/or sirens on a vessel is restricted to Police, Customs, Harbourmaster, or other enforcement vessels authorised by the Harbourmaster.

3.14 Use of Distress Signals

- 3.14.1 A person must not make or use a distress signal, or cause or permit a distress signal to be made or used, unless that person is satisfied that:
 - i. the vessel that is on the water (or any person from that vessel to which the person belongs) is in serious or imminent danger and requires immediate assistance; or
 - ii. another vessel (or any person from that vessel) is in serious and imminent danger and cannot itself make the signal and requires immediate assistance.
- 3.14.2 The Director of Maritime New Zealand may, for the purpose of allowing instruction in the use of distress signals, authorise in writing the making of distress signals at such times and places, and subject to such other conditions, as the Director of Maritime New Zealand thinks fit.

The Harbourmaster is to be notified in writing of the date, time and location of an intended instruction in the use of distress signals.

3.15 Discharge into Water

- 3.15.1 No person will discharge, drop, allow or cause to be discharged or dropped into navigable waters, any cargo or anything from any vessel, wharf or from the land anywhere that would or may constitute a danger to maritime safety.

4 Operating Requirements

4.1 Minimum Age for Operating Power Driven Vessels

- 4.1.1 No person under the age of 15 years will be in charge of, propel or navigate a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under direct supervision of a person over the age of 15 years who is in immediate reach of the controls, and who is not the lookout person.
- 4.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of clause 4.1.1.
- 4.1.3 Clauses 4.1.1 and 4.1.2 do not apply to any person who has a written exemption from the Harbourmaster or the Director of Maritime NZ. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption, will have regard to the competence of the person, the level of supervision, and awareness of these Bylaws and navigation safety rules.

4.2 Speed of Vessels

- 4.2.1 No person will propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots within:
- i. 50 metres of any other vessel;
 - ii. 50 metres of any person in the water;

- iii. 200 metres of the shore;
 - iv. 200 metres of any structure;
 - v. 200 metres of any vessel that is flying Flag A;
 - vi. 200 metres of any other area designated by a harbourmaster for a specified use;
 - vii. any zone specified in Schedule 1 as a permanent 5 knot area;
 - viii. any mooring zone.
- 4.2.2 No persons will cause *themselves* to be towed by a vessel at a proper speed exceeding 5 knots in any circumstances as outlined in clause 4.2.1.
- 4.2.3 No person will propel or navigate a power driven vessel at a proper speed exceeding 5 knots with any person at or on the fore part or bow of that vessel or with any portion of their body extending over the fore part, bow, or side of that vessel.
- 4.2.4 No person in charge of a vessel will permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or any floating object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or floating object, unless that person has taken measures adequate to ensure that the water ski or floating object is clearly visible to other water users.
- 4.2.5 Clause 4.2.1 **(i) and (ii)** above do not apply to:
- ix. a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with clause 4.2.1(i)
 - x. a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:

- i. a club affiliated to Yachting New Zealand; or
a non-profit organisation involved in sail training or racing; or
- ii. a craft training for, or participating in, competitive rowing or paddling; or
- iii. a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with clause 4.2.1(i) or
- iv. a vessel operating in an area subject to a speed uplifting.
- v. Any board sports, where all other speed rules are followed.

4.2.6 Clause 4.2.1 **(iii) and (iv)** will not apply to:

- i. a vessel operating in an access lane or reserved area for the purpose for which it was designated; or
- ii. a vessel operating in an area subject to a speed uplifting; or
- iii. a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- iv. a craft training for, or participating in, competitive rowing or paddling; or
- v. a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with 5.2.1(ii).
- vi. Any board sports, where all other speed rules are followed.

4.2.7 Clauses 4.2.1 (i) and (ii) and 4.2.3 will not apply to small craft operated by organisations under an approved Maritime NZ Safety Plan and includes craft operated by a Surf Lifesaving Club affiliated to Surf

Lifesaving New Zealand while undertaking surf lifesaving operations.

- 4.2.8 Every person who propels or navigates a vessel must ensure that its wake does not cause:
- i. any danger, or
 - ii. risk of damage to other vessels or structures that may cause a navigational hazard, or
 - iii. harm to other persons.

4.3 Speed Limits on Region's Waters

- 4.3.1 The Harbourmaster may at any time instruct any person operating a vessel not to exceed a specified speed in any navigable waters for the purposes of ensuring maritime safety.

4.4 Dive Operations

- 4.4.1 The owner/master of every vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the look out of another vessel at a distance in excess of 200 metres.
- 4.4.2 Every person diving other than from a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified by the look out of another vessel at a distance in excess of 200 metres.

5 Water Skiing and Towing

5.1 Lookouts on Vessel used for Water Skiing or Towing any Person

- 5.1.1 No person in charge of a vessel will use it to tow any person unless at least one additional person is on board who is responsible for immediately notifying the person in charge of any mishap that occurs to the person who is being towed.
- 5.1.2 No person will cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board who is responsible for

immediately notifying the person in charge of any mishap that occurs to the person who is being towed.

- 5.1.3 No person who is under the age of 10 years is permitted to act as the additional person required by clauses 5.1.1 and 5.1.2.

5.2 Water Skiing or Towing a Person between Sunset and Sunrise or in Restricted Visibility

- 5.2.1 No person will operate, between sunset and sunrise or in restricted visibility, a vessel that is towing any person, whether or not the person being towed is on a water ski, aquaplane, barefoot, paraglider, or other similar object.

- 5.2.2 No person will cause or allow themselves to be towed by a vessel between sunset and sunrise.

For the purposes of this clause, the times of sunset and sunrise for any particular day are to be determined with reference to the current edition of the New Zealand Nautical Almanac.

6 Temporary Access Lanes, Reserved Areas and Speed Upliftings

- 6.1.1 The Council may designate an area of any navigable water as an access lane or reserved area for any specified purpose on a temporary basis.
- 6.1.2 The Council will endeavour to consult with any stakeholders it considered necessary before designating temporary areas.
- 6.1.3 The Council may designate an area as being subject to a speed uplifting on a temporary basis.
- 6.1.4 The areas Council has permanently designated as access lanes, reserved areas and areas subject to a speed uplifting are set out in Schedule 1.

6.2 Conduct in Access Lanes and Reserved Areas

- 6.2.1 No person will, in any access lane, propel, navigate, or manoeuvre a vessel except by the most direct route along the access lane and on that side of the access

lane that lies to the starboard (right-hand) side of the vessel.

6.2.2 No person will:

- i. while being towed by a vessel in any access lane, cause themselves or any water ski, aquaplane or other towed object, on or by which they are being towed; or
- ii. cause any object that is being towed by a vessel in any access lane; to travel other than by the most direct route along the access lane and on that side of the access lane that lies to the starboard (right-hand) side of the vessel.

6.2.3 Where there is more than one vessel towing within a reserved area for water skiing, all vessels will navigate in an anti-clockwise direction.

6.2.4 No person within an access lane or reserved area will proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.

6.2.5 No person will obstruct any other person while that other person is using an access lane or reserved area for the purpose for which it has been designated.

6.2.6 Any vessel that is on the beach must be on the take-off (starboard) side of the access lane.

6.2.7 No person may anchor a vessel in an access lane.

6.3 Marking of Access Lanes and Reserved Areas

Note: Every access lane will be marked on shore with orange posts with horizontal black bands.

An access lane may also be marked on the water with orange buoys with one or more vertical black stripes.

Every reserved area will be marked on shore with black posts with white horizontal bands.

A reserved area may also be marked on the water with black buoys with one or more vertical white stripes.

Adequate signage will identify the location and purpose for which access lanes and reserved areas have been designated.

6.4 Reserved Areas

- 6.4.1 Under the Maritime Transport Act 1994 and Maritime NZ Rules, any waters can be reserved for specified persons and/or specified vessels.

In the interests of navigation safety, Bay of Plenty Regional Council has set aside permanent areas as reserved. See schedule 1.

The Council, from time to time, through public notice and signage, can reserve other areas for specified vessels, persons, or events.

- 6.4.2 An area reserved and marked for a particular activity or type of vessel, can not be used by any other vessel, or for any other activity whilst it is being used for the purpose for which it was reserved.
- 6.4.3 No person will obstruct any other person when that other person is using a reserved area for the purpose for which it is reserved.
- 6.4.4 An area may be reserved and marked for a particular activity or type of vessel, either permanently or temporarily.

6.4.5 Permanent Reserved Areas:

All reserved areas are marked on maps in **Schedule 1**.

(i) Swimming areas:

- i. No person will operate any power-driven vessel and all other craft must go no more than 5 knots and give way to all swimmers.

If a swimming area is cordoned off with buoys, no other vessel or craft may enter at any time.

Note: The area in Lake Tikitapu is designated as a swimming area, except between the months of April to June (inclusive) when a power-driven vessel may be operated for the purposes of fishing.

Permanent Swimming Areas include:

Lake Tikitapu, Okareka, Tarawera, Rotomahana, Aniwaniwa; Whakatāne River, Pilot Bay
CONSULTATION QUESTION).

(ii) Water Skiing areas:

- i. No person will operate any vessel at a proper speed greater than 5 knots unless towing in an anticlockwise direction from shore. All other vessels must go no more than 5 knots and give way to all skiers.

Permanent Water Skiing Areas include:

Hunters Creek, Motuhua Island, Ongare, Matakana Island (North), Aniwaniwa, Ōhiwa Harbour, Okawa Bay, Lake Rotomā, Lake Ōkāreka, Lake Tikitapu, Lake Tarawera.

(iii) Transit area:

- i. No person will anchor or moor a vessel and will transit through the area without undue delay.

Permanent Transit Areas include:

Lake Rotorua Lake front area.

(iv) Personal watercraft area:

- i. No person will operate any vessel at a proper speed greater than 5 knots unless it is a personal watercraft. All other vessels must go no more than 5 knots and give way to all personal watercraft.

Permanent Personal Watercraft Areas include:

Matapihi, Harrisons Cut, Ongare, Whakatane River mouth, Ōhope breach, Lake Rotomā, Lake Tarawera.

(v) Permanent 5 knot area:

No person will operate any vessel at a proper speed greater than 5 knots.

Permanent 5 knot Areas include:

Waipu Bay (Tauranga Harbour), Whangamarino Bay (Lake Rotoiti, Ōhau Channel Diversion Wall (Lake Rotoiti).

(vi) Slalom Course Ski Area:

The reserved area will extend 50m either side of the structure and 100m at either end of the structure whilst skiers are using the course.

Permanent Slalom Course Ski Areas include:

Lake Tikitapu, Lake Ōkāreka.

(vii) Lakes Rotomahana & Ōkātina District Plan Zones

- i. Vessels on Lake Rotomahana and Lake Ōkātina will go a maximum speed of 5 knots within 200 metres of shore;
- ii. Personal watercraft, hovercraft, and aircraft are not permitted anywhere;
- iii. No person or device (other than equipment for fishing) will be towed behind any vessel.

(viii) Thornton River Mouth

To ensure navigation safety at the river entrance, no person will set a net within a 500 metre radius from the seaward point of the groyne on the eastern side of the Thornton River Mouth except as provided for in the areas identified within Schedule 1.

(ix) Ōhiwa Harbour Personal Watercraft exclusion zone

Placeholder for CONSULTATION

6.5 Speed Upliftings

- 6.5.1 The Council may designate a specified area or areas of any waterbody as speed uplifting areas, where vessels will be exempted from complying with the five knots speed restriction under clause 4.2, subject to clauses 6.5.2 – 6.5.4.
- 6.5.2 Before choosing to exceed five knots in a speed uplifting area, masters/owners of vessels must carefully assess the conditions and take into consideration the safety of persons on their vessel and the safety of all other persons and vessels in the area.
- 6.5.3 No person within a speed uplifting area will proceed in a manner that is dangerous in relation to any other vessel or other person.
- 6.5.4 No person will propel, navigate, manoeuvre a vessel, or tow a person in a speed uplifting area for the purpose for which it has been designated, except on that side of the area that lies to the starboard (right) side of the vessel. If circuiting the area, such vessels must be moving in an anticlockwise direction by keeping to the starboard (right) side of the area.

6.6 Region's Rivers with Permanent Speed Upliftings:

All navigable waters of the Rangitāiki River upstream of the Thornton Rd Bridge.

All navigable waters of the Kaituna River upstream of the Bell Road boat ramp to the Mangorewa Confluence. **CONSULTATION question.**

The Kaituna River downstream of a line across the river from the north eastern point of the island adjacent to Fords Cut to a line 200m to the seaward side of the Kaituna River Mouth. **CONSULTATION question.**

All navigable waters of the Whakatāne River upstream of the State Highway 2 Bridge but excluding the Tauranga River.

All navigable waters of the Tarawera River upstream of the State Highway 2 Bridge. **CONSULTATION question.**

All navigable waters of the Waiōeka River upstream of the State Highway 2 Bridge: All navigable waters of the Motu River upstream of the State Highway 35 Bridge.

6.7 Areas Subject to Specified Speed Upliftings

6.7.1 The Kaituna River from the confluence of the Mangorewa River to the first set of rapids 12.5km upstream of the confluence, is subject to these conditions:

- i. The speed uplifting applies to commercial operators operating under Maritime Rule Part 82, provided that they also hold a relevant resource consent from Western Bay of Plenty District Council, its successor or delegated authority; and
- ii. The speed uplifting applies only from 9.00am to 5.00pm inclusive; and
- iii. The five knot speed limit still applies 50m either side of the Maungarangi Road bridge; and
- iv. The five knot speed limit will apply on the first Sunday of each month.

6.7.2 Lower Kaituna River. **Consultation question:** A maximum speed of 20 knots is allowed for all navigable waters of the Kaituna River downstream of the Bell Road boat ramp to a line across the river from the north eastern point of the island adjacent to Fords Cut except that during the period 15 August to 30 November the maximum speed is 10 knots.

6.7.3 Lake Rotorua Waterfront: The Lake Rotorua Waterfront within the marked channel area 200m from shore to the 100m channel markers, subject to the following conditions:

- i. The speed uplifting only applies to the commercial jet boat operations whilst carrying fare paying passengers in a jet boat.

- 6.7.4 Lower Whakatāne River: The channel adjacent to Mataatua Reserve between the game fishing wharf and the main commercial wharf has been designated an engine warm up area for small craft. Small craft may travel at speeds greater than 5 knots compatible with circumstances in an upstream direction only and when no other vessels are passing.

6.8 Flagged Areas on Beaches

- 6.8.1 The Harbourmaster, a Surf Life Saving New Zealand Patrol Captain, or an enforcement officer may, from time to time, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.
- 6.8.2 No person will carry out any activity in a flagged area other than the activities for which the area has been flagged.

6.9 Special Events

- 6.9.1 Any person intending to conduct a race, speed trial, competition, or other organised water activity in any area to which this Bylaw applies must apply in writing to the Harbourmaster to:
- i. temporarily suspend the application of part or all of clause 4.2 of these Bylaws in that area during the conduct of the race, speed trial, competition, or other organised water activity; and/or
 - ii. temporarily reserve the area for the purpose of that activity.
- 6.9.2 Any person intending to conduct a cultural event or practice that requires a temporary closure or reservation of an area, in any area to which this Bylaw applies must obtain the agreement of the Harbourmaster to:
- i. temporarily suspend the application of part or all of clause 4.2 of these Bylaws in that area during the conduct of the event or practice; and/or

- ii. temporarily reserve the area for the event or practice.

- 6.9.3 Where the Harbourmaster is satisfied, on considering an application under clause 6.9.1 or 6.9.2, that the application may be granted without causing danger to any person he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as the Harbourmaster considers appropriate.
- 6.9.4 No grant of an application under this Bylaw will have effect unless, not less than seven days nor more than 14 days before the start of the activity, public notice approved by the Harbourmaster is given specifying the period of the activity and details of the suspension or reserved area.
- 6.9.5 The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under this clause.

6.10 Closure of Areas

- 6.10.1 Where the Harbourmaster considers there to be a danger to a person or persons, the Harbourmaster may close access to an area of water for any specified time, for any specified use and/or under specific conditions.

7 Moorings

- 7.1.1 No person will place a mooring in the Coastal Marine Area, as designated in the Operative Regional Coastal Environment Plan, whether in a mooring area identified in Schedule 1 or not, unless a licence issued by the Harbourmaster has been obtained.
- 7.1.2 Any mooring that is requested to be placed outside a mooring area will also be subject to resource consent.
- 7.1.3 The Harbourmaster may move moorings for reason of navigation safety at any time.
- 7.1.4 The Harbourmaster may remove, or authorise the removal of, any unauthorised mooring and the actual and reasonable costs of doing so can be recovered by

the Council as a debt from the owner of the mooring or from the person who installed it.

- 7.1.5 Once the mooring has been positioned by the Harbourmaster, the owner of a mooring will at all times be solely responsible for the position, maintenance and security of that mooring; and ensure that the mooring remains fit for its purpose.
- 7.1.6 If a weather warning is issued and undue weather conditions result, that may affect the mooring and/or the vessel, it is the mooring owner's responsibility to ensure the security of the vessel and the mooring before the weather event occurs.
- 7.1.7 The Harbourmaster has the right to inspect any mooring and can direct the mooring owner to upgrade or repair the mooring as considered appropriate.
- 7.1.8 If the Harbourmaster is not satisfied with the condition of the mooring either at inspection, maintenance time, or any other time; they may rescind the licence and remove the mooring.
- 7.1.9 Neither the Council nor the Harbourmaster will be liable:
 - i. for the position, lack of maintenance or security of any mooring approved by the Harbourmaster.
 - ii. for any damage or loss that may occur to any vessel licensed to use a mooring from:
 - iii. any defect or disrepair of the mooring
 - iv. the actions of any other person
 - v. any other vessel
 - vi. act of nature
 - vii. any other cause.
- 7.1.10 Every moored vessel will clearly display an identification name or number that is a minimum of 90mm high and clearly legible at a distance of no less than 50 metres.

- 7.1.11 No person will anchor any vessel so as to obstruct any licensed mooring.
- 7.1.12 Every mooring licence issued by the Harbourmaster will apply to the vessel and owner(s) named in the licence and is to be renewed annually.
- 7.1.13 The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
- i. The name and address of the mooring owner;
 - ii. the precise location of the mooring;
 - iii. the name, size, type and length of the vessel which may be attached to the mooring;
 - iv. the design and specifications of the mooring;
 - v. a statement of vessel and mooring condition;
 - vi. a requirement for maintenance and inspections of the mooring by a mooring inspector approved by the Harbourmaster, once every two years, before the inspection anniversary date;
 - vii. If the inspection certificate is not presented to Council within 1 month of this anniversary date the Harbourmaster may cancel the license and/or impose a fine;
 - viii. a requirement that the mooring owner is liable in any event for any shift in position, lack of maintenance or loss of security of any licensed mooring;
 - ix. a right for the Harbourmaster to update the Licence conditions prior to each annual renewal by written notice to the mooring owner.
- 7.1.14 When a mooring is not being used by a vessel, the mooring owner must mark the location with a buoy or float that is visible at all times and has a BOPRC identification tag attached.
- 7.1.15 The Harbourmaster will not grant any licence for a mooring unless satisfied that:

- i. there is adequate space in the mooring area for the proposed mooring and type of vessel; and
 - ii. the mooring is of adequate specifications to accommodate the vessel proposed to be moored there.
- 7.1.16 No mooring owner will leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.
- 7.1.17 Where the mooring owner has left the mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster, the Harbourmaster may cancel the licence and direct that the mooring tackle be removed or made available for sale.
- 7.1.18 No mooring owner will, except with the written permission of the Harbourmaster:
 - i. part with the possession of the mooring; or
 - ii. assign the mooring to any other person; or
 - iii. allow any other person to have the use of the mooring, except in an emergency; or
 - iv. use the mooring for a vessel other than the vessel named in the licence, except in an emergency.
- 7.1.19 Should any mooring fees or other charges due to the Council under any of the provisions of these Bylaws remain unpaid for a period of 30 days, then the Harbourmaster may remove the mooring and detain the vessel until such fees and charges, including the cost of removing the mooring, have been fully paid and discharged. Should such debts remain unpaid for a further 60 days after the mooring owner has been notified of the vessel's removal, the Council has the right, to sell, destroy or otherwise dispose of the said vessel and/or mooring to recover the debt.
- 7.1.20 In the event that a mooring owner does not comply with the licence conditions, the Harbourmaster or the

nominated delegate has the right to remove the mooring and/or vessel.

- 7.1.21 In the event that any required mooring inspection exceeds the two-year limit, the Harbourmaster has the right to remove the mooring and/or vessel; and after due notification, to sell, destroy or otherwise dispose of said vessel and/or mooring to recover any costs.
- 7.1.22 No liability shall attach to the Council or Harbourmaster by reason of any damage which may occur to any vessel during such removal or detention unless the damage is caused by negligence of the Council's delegates.
- 7.1.23 The master of any vessel will not secure that vessel to any mooring unless permission of the mooring owner has been granted.
- 7.1.24 Fees, charges and/or vessel removal may be incurred if a vessel remains at a mooring without permission after being warned by the Harbourmaster.

8 Tauranga Harbour, Approaches and Pilotage Area

8.1 Directions for Entering and Navigating in Tauranga Pilotage area

- 8.1.1 That part of Tauranga Harbour known as Number 1 Reach, Number 2 Reach, the Cutter Channel, Maunganui Roads and the Stella Passage are deemed to be narrow channels in accordance with Part 22.9 of the Collision Prevention Rules, Narrow Channels.
- 8.1.2 Prior to entering or exiting Tauranga Harbour, the master of a vessel will call "Tauranga Port Radio" on marine VHF channel 12 and report the intention of the vessel to enter or exit the harbour. Such vessels will maintain a listening watch on marine VHF channel 12 while within harbour limits.
- 8.1.3 A master must not transit a vessel through the Tauranga Harbour entrance during the hours of darkness or during restricted visibility, except in an

emergency, unless carrying a working marine VHF radio that is able to communicate with “Tauranga Port Radio”.

8.1.4 All other vessels, commercial and recreational, (where a VHF is fitted), will maintain a listening watch on marine VHF channel 12 when approaching and transiting the Tauranga Harbour entrance and while within the Tauranga pilotage area.

8.1.5 The master will ensure that while within Tauranga Harbour:

- i. automatic-steering “pilot” devices are not to be used, unless a helmsman is standing by in the immediate vicinity of the helm or wheel, otherwise the vessel is to be in the hand-steering mode; and
- ii. main engines are to be immediately available for reducing speed, stopping or going astern at all times without delay; and
- iii. anchors are to be immediately available for use in an emergency, and capable of being used without power; and
- iv. all information from aids to navigation and charts is fully monitored; and
- v. all vessels, whether under pilotage or pilot exempt will have an agreed passage plan for transit within pilotage limits; and
- vi. the number of crew members on the bridge will be sufficient to safely carry out the agreed passage plan; and
- vii. in determining the composition of the bridge team, due regard will be had to the following: the operation of all controls, monitoring the progress of the vessel visually, the use of all available aids to navigation and that the appropriate up to date navigational charts are in use.

8.2 Pilotage

- 8.2.1 In accordance with Maritime Rules Part 90, **pilotage is compulsory** for all vessels over 500 gross tonnage in the Tauranga pilotage area (which is that area of the Tauranga Harbour and its approaches, bounded by an arc of a circle of radius three nautical miles, centred on North Rock and to include all the commercial areas of Tauranga Harbour).

8.3 Carriage of a Pilot

- 8.3.1 Every vessel of more than 500 gross tonnes will be required to carry a pilot in accordance with Part 90 of the Maritime Rules, unless the master holds a current pilot exemption certificate.
- 8.3.2 The master of any vessel will only carry a pilot duly licensed by Maritime New Zealand for the Port of Tauranga.
- 8.3.3 The master of every vessel taking a Pilot will, on demand, show the vessel's Customs Clearance to the Pilot.

8.4 Duties of a Pilot

- 8.4.1 Every Pilot must carry their pilot licence with them and will produce it to the master of any vessel boarded by them when requested.
- 8.4.2 Every Pilot will, when on duty obey any orders of the Harbourmaster relating to matters of navigation safety.
- 8.4.3 Every Pilot will by every means in their power aid and assist any vessel in distress.

8.5 Tauranga Pilotage Information

- 8.5.1 Should any accident occur to any vessel where a duly licensed Pilot is carried, the Pilot will immediately report the same in writing to the Harbourmaster and Maritime New Zealand stating the nature and the cause of such casualty, and the extent of damage (if any) apparently sustained by the vessel.

- 8.5.2 If any such accident happens to an outward bound vessel, the Pilot will before leaving such vessel, obtain from its master a written statement concerning the incident and the conduct and proceedings of the Pilot, and such statement will be given to the Harbourmaster and Maritime New Zealand.
- 8.5.3 As far as practicable the master of any vessel having any complaint against any Pilot regarding navigation safety must report the same in writing to the Harbourmaster, otherwise such complaint will not be recognised, and all complaints by any Pilot against a master will be made in writing to the Harbourmaster, who will forthwith forward the same to Maritime New Zealand.

8.6 Navigation in the Area of No. 1 Reach

In this Bylaw “No. 1 Reach” will mean that area marked as No. 1 Reach on nautical charts of the area.

- 8.6.1 Vessels will keep to their starboard side of the channel in the No. 1 Reach, except that:

Notwithstanding the International Regulations for Preventing Collisions at Sea, and New Zealand Maritime rules Part 22 Collision Prevention, vessels navigating in the area of No. 1 Reach of the dredged channel contained between a line drawn 270° True from North Rock Light and a line drawn 090° True from ‘A’ Beacon, may pass starboard to starboard in that part of No. 1 Reach provided prior arrangements have been made by the Pilots and/or exempt masters of such vessels.

In such cases, prior radio communications will be established and maintained by the Pilots and/or Exempt masters undertaking such manoeuvres.

8.7 Tauranga Pilotage Area – Radio Reporting Procedures for vessels departing from wharves or anchorages

- 8.7.1 At least ten minutes prior to planned departure the master of any vessel over 100 gross tonnage will call “Tauranga Port Radio” on marine VHF channel 12 to report their intentions, to obtain information about known shipping traffic movements, and to obtain current weather conditions at the harbour entrance.
- 8.7.2 After leaving a berth or anchorage, the master of any vessel over 100 gross tonnage will, as soon as practicable, call “Tauranga Port Radio” on marine VHF channel 12 and report that the vessel has cleared the berth or anchorage.

8.8 Navigational Documents required for Tauranga Harbour

- 8.8.1 When navigating in any part of the harbour all vessels of 6 metres in length and above will carry and consult a current copy of Charts NZ 5412 and NZ 5411 (or approved electronic equivalent).

8.9 Tauranga Harbour Approaches Exclusion Areas

- 8.9.1 The Master of any vessel greater than 500 gross tonnes will not cause that vessel to enter any of the following exclusion zones:

Astrolabe Reef	2.0nm centred on position 37 32.446 S - 176 25.625 E
Brewis Shoal	1.5nm centred on position 37 34.136 S - 176 22.828 E
Okaparu Reef	1.5nm centred on position 37 34.914 S - 176 21.669 E
Penguin Shoal	1.0nm centred on position 37 26.752 S - 176 20.164 E
Volkner Rocks	2.0nm centred on position 37 28.624 S - 177 08.015 E

8.10 Tauranga Port – Restricted Anchorages

8.10.1 The following are restricted anchorages:

- i. From the intersection of the three mile radius from North Rock and the No 1 Reach leading Lights (Lat 37° 34.6'S Long 176° 11.9'E) one third of a mile in width centred on the line of the leads along No 1 Reach; and
- ii. The width of the channel of No 2 Reach and Cutter Channel as marked on nautical chart NZ5412; and
- iii. All areas of the Maunganui Roads and Stella Passage as marked on nautical chart NZ5412.

8.11 Hazardous and Bulk Oil Loading and Discharging Location

Cement/Tanker Berth at the southern end of the Stella Passage, and Berth 16.

8.12 Duty of Master of a Vessel under 500 Gross Tonnage

8.12.1 Whilst within the Tauranga pilotage area, the master of any vessel **under** 500 gross tonnage will not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.

8.12.2 The owner or master of a vessel must not anchor, moor or navigate a recreational vessel within 50 metres of a commercial berth for a vessel over 500 gross tonnes (even if no vessel is berthed at it) within the Tauranga Harbour Port area, unless authorised to do so by the Harbourmaster.

8.13 Moving Prohibited Zone

8.13.1 A moving prohibited zone is an area of navigable water around a large vessel that –

- i. Extends 50 metres to each side or the width of the marked channel, whichever is the lesser distance;

- ii. 500 metres ahead of the vessel; and follows the line of the marked or buoyed channel when changing course.
- 8.13.2 The owner/master of a vessel under 500 gross tonnage in a pilotage area must not navigate that vessel within a moving prohibited zone around any vessel of 500 gross tonnage or more.
- 8.13.3 When a vessel over 500 gross tonnes or with tugs in attendance is navigating within a marked channel, the moving prohibited zone will not extend beyond the marked channel to the side of the vessel and the zone ahead will follow the marked channel.

8.14 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials

Vessels Carrying Explosives

- 8.14.1 The master of any vessel in any port, harbour or anchorage having on board, or intending to load, explosives must hoist on the vessel a red flag or Flag B of the International Code of Signals by day and an all-round red light at the masthead by night.
- 8.14.2 The master or Pilot of any vessel in any port, harbour, or anchorage, must not allow that vessel to approach within 200 metres of any other **vessel that is carrying or loading explosives**, except:
- i. with the prior written permission of the Harbourmaster; or
 - ii. for the purpose of loading or unloading that other vessel; or
 - iii. for the purpose of rendering assistance to that other vessel in an emergency; or
 - iv. for the purpose of navigating the vessel in the normal process of berthing or unberthing.

- 8.14.3 The master or Pilot of **any vessel carrying explosives** in any port, harbour, or anchorage, must not allow that vessel to approach within 200 metres of any other vessel, except:
- i. with the prior written permission of the Harbourmaster; or
 - ii. for the purpose of loading or unloading that other vessel; or
 - iii. for the purpose of rendering assistance to that other vessel in an emergency; or
 - iv. for the purpose of navigating the shipping channel in the normal process of berthing or unberthing.

See <https://www.port-tauranga.co.nz/operation/dangerous-goods/dangerous-goods-class-1> for further information.

- 8.14.4 Nothing in the clauses above applies to any vessel which is carrying only the parachute rockets, signal flares, smoke floats, line throwing appliances and other explosive devices that form part of the vessel's safety and life-saving equipment.

Signals to be Displayed by Oil Tankers

- 8.14.5 On or immediately before the arrival in port of any vessel carrying bulk oil cargo, and so long as the vessel remains in port, the master must display by day Flag B of the International Code of Signals, and by night an all-round red light at the masthead or where it can best be seen from all directions.
- 8.14.6 However, if the vessel cannot normally comply with 9.14.5, the master must instead display by day, in a conspicuous position above the deck, a red flag made of metal not less than 0.6 metres square and by night a red light capable of being seen from all directions.

Duties of Master while Oil Tanker is in Harbour

- 8.14.7 While in port, the master of a Tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- 8.14.8 The master of a tanker must:
- i. berth or moor the tanker only at such wharf or place as specified for bulk oil discharges in Schedule 1, or as otherwise permitted in writing by the Harbourmaster; and
 - ii. keep the tanks containing Class 3 Packing Group I oil products or Class 3 Packing Group II oil products securely closed, except when opened for loading or discharging; and
 - iii. unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

Oil Tankers and Oil Loading, Unloading, and Bunkering Procedures and Notification

- 8.14.9 The master of a tanker must ensure that, except for the purpose of transshipment, the tanker does not lie within 30 metres of another vessel, unless the permission of the Harbourmaster has first been obtained in writing.
- 8.14.10 Hazardous and bulk oil loading and discharging, between ship and shore using a pipeline is permitted only at the locations specified for that purpose in clause 9.11.
- 8.14.11 Non-hazardous bulk oil discharges into, or loading from, road tankers may be permitted at other berths.
- 8.14.12 The master of a tanker must register an oil transfer notification must be made at:
<http://maritime.boprc.govt.nz>

To register email the Harbourmaster at:
TgaHarbourmasters@boprc.govt.nz

- 8.14.13 Commercial operations that provide bunkers or discharge sludge/waste oil within the region will notify the Harbourmaster's office at least 2 hours before the transfer.
- i. Holders of Oil Transfer Site Marine Oil Spill Contingency Plans (Tier 1) will notify the Harbourmaster's Office at least 48 hours before each annual plan test.

8.15 Hot Work Notifications

- 8.15.1 Within the commercial areas of Tauranga and Whakatāne Harbours, the master of every vessel on board which, or on the hull of which, it is proposed to carry out Hot Works operations in or from any position, whether on board the vessel or not, must notify the Harbourmaster at: **<http://maritime.boprc.govt.nz>** no less than two hours before starting the welding or flame-cutting operations.
- 8.15.2 The master of the vessel must ensure that before any Hot Works operations are started, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere during the welding operations, and that the requirements of the Hot Work notification are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 8.15.3 The Harbourmaster may grant a written exemption from compliance with clauses above to the master or of a vessel lying at any ship-repairing facility.
- 8.15.4 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the hot work operations to start or continue until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

9 Whakatāne Harbour

9.1 General Directions for Entering and Navigating in Whakatāne Harbour

- 9.1.1 No master of any vessel will attempt to cross the bar at Whakatāne Harbour or negotiate the entrance at a time when another vessel is passing over the bar.

Schedule 1: Reserved areas Maps

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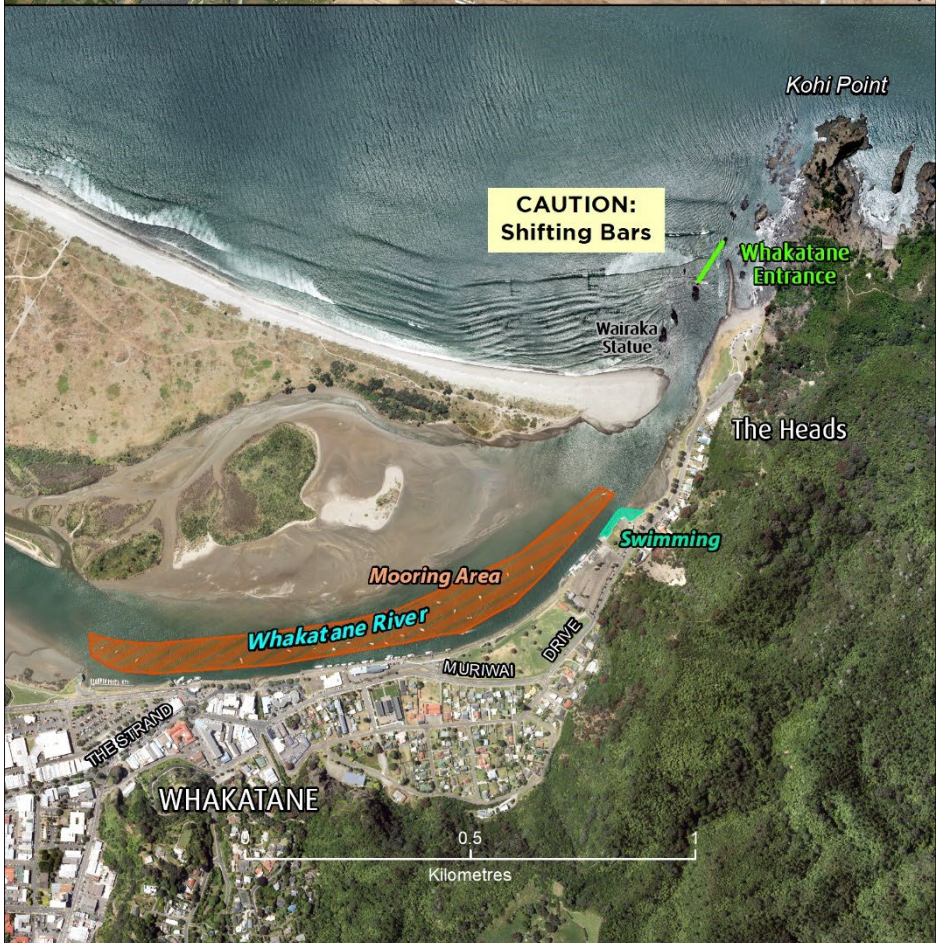






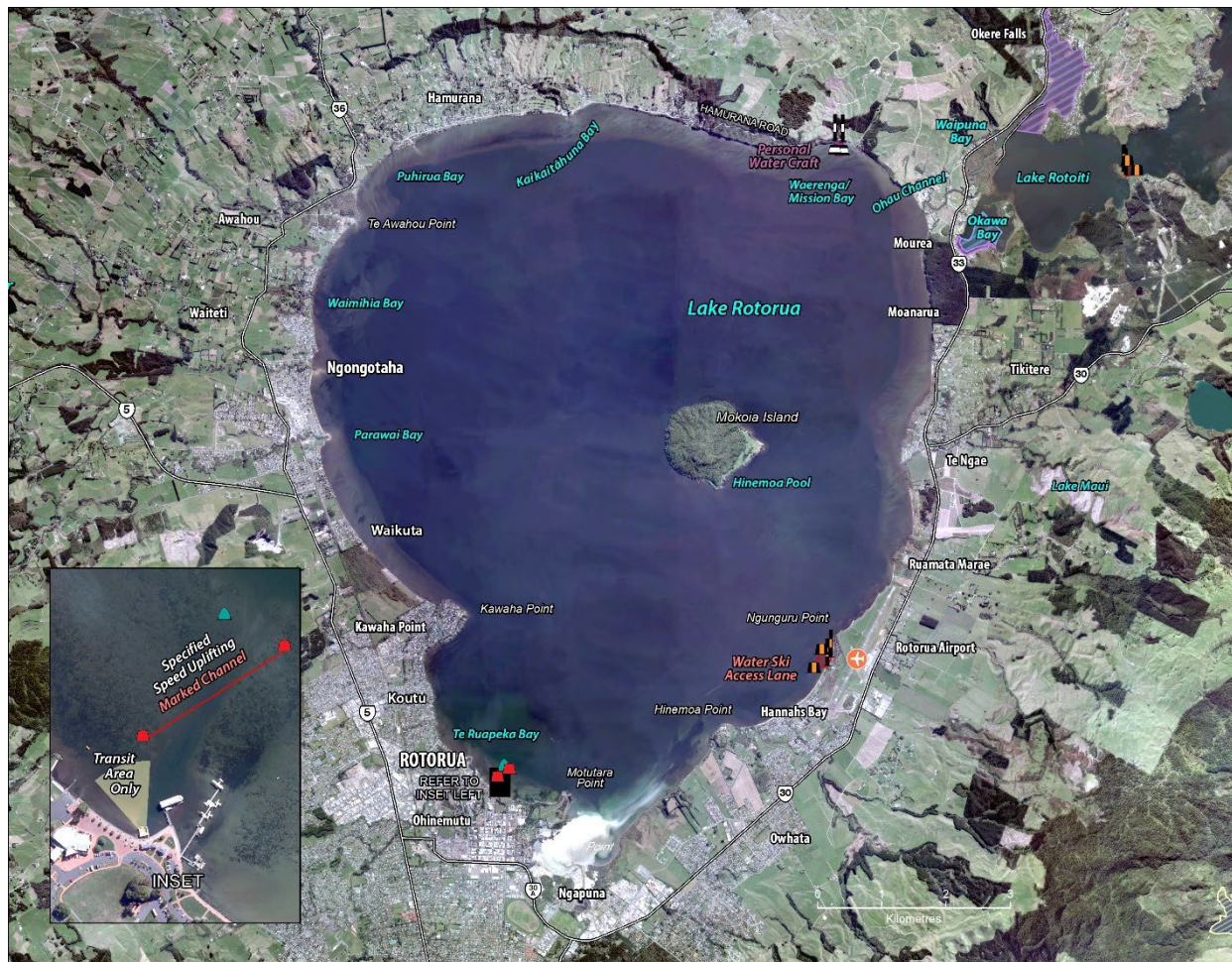


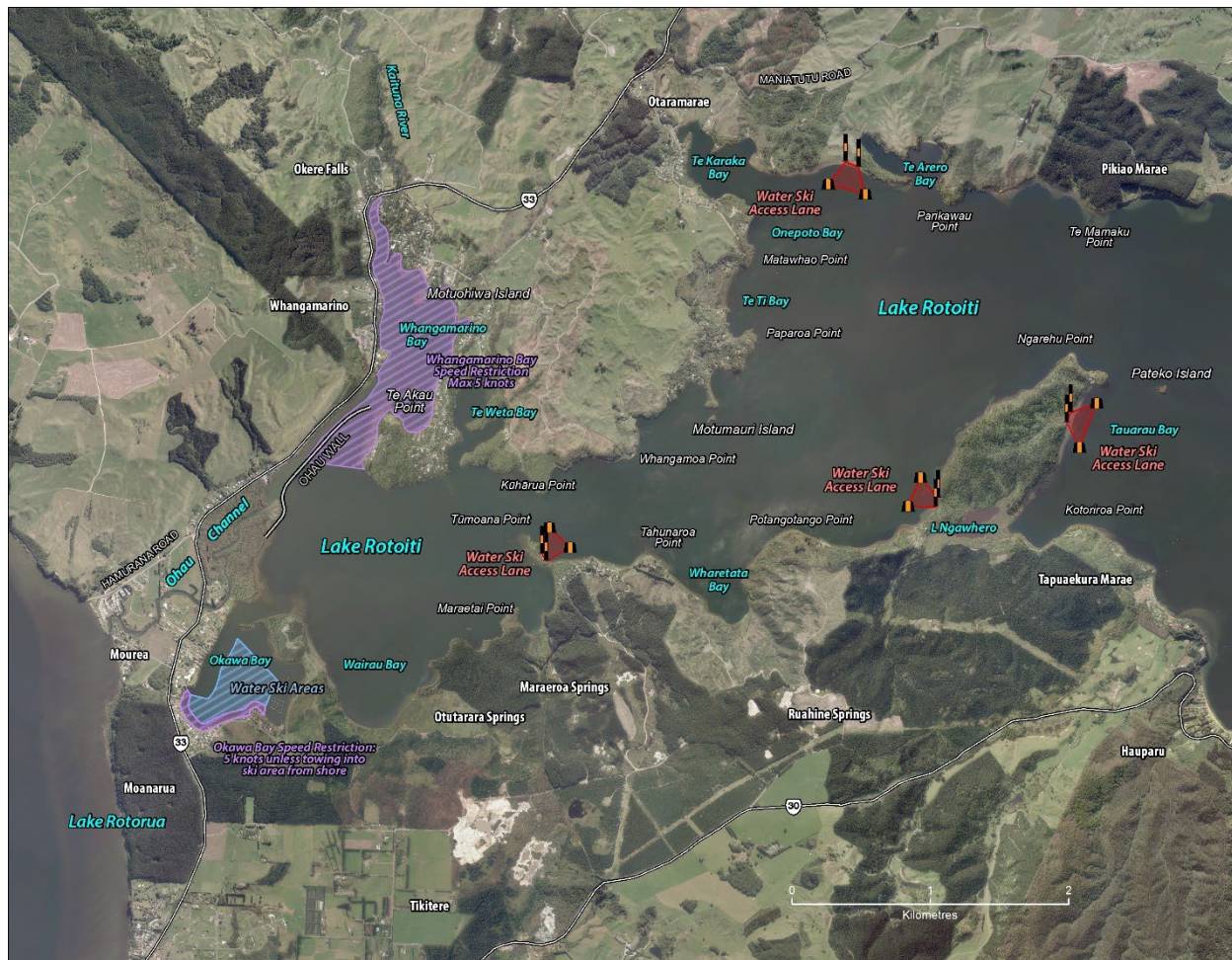




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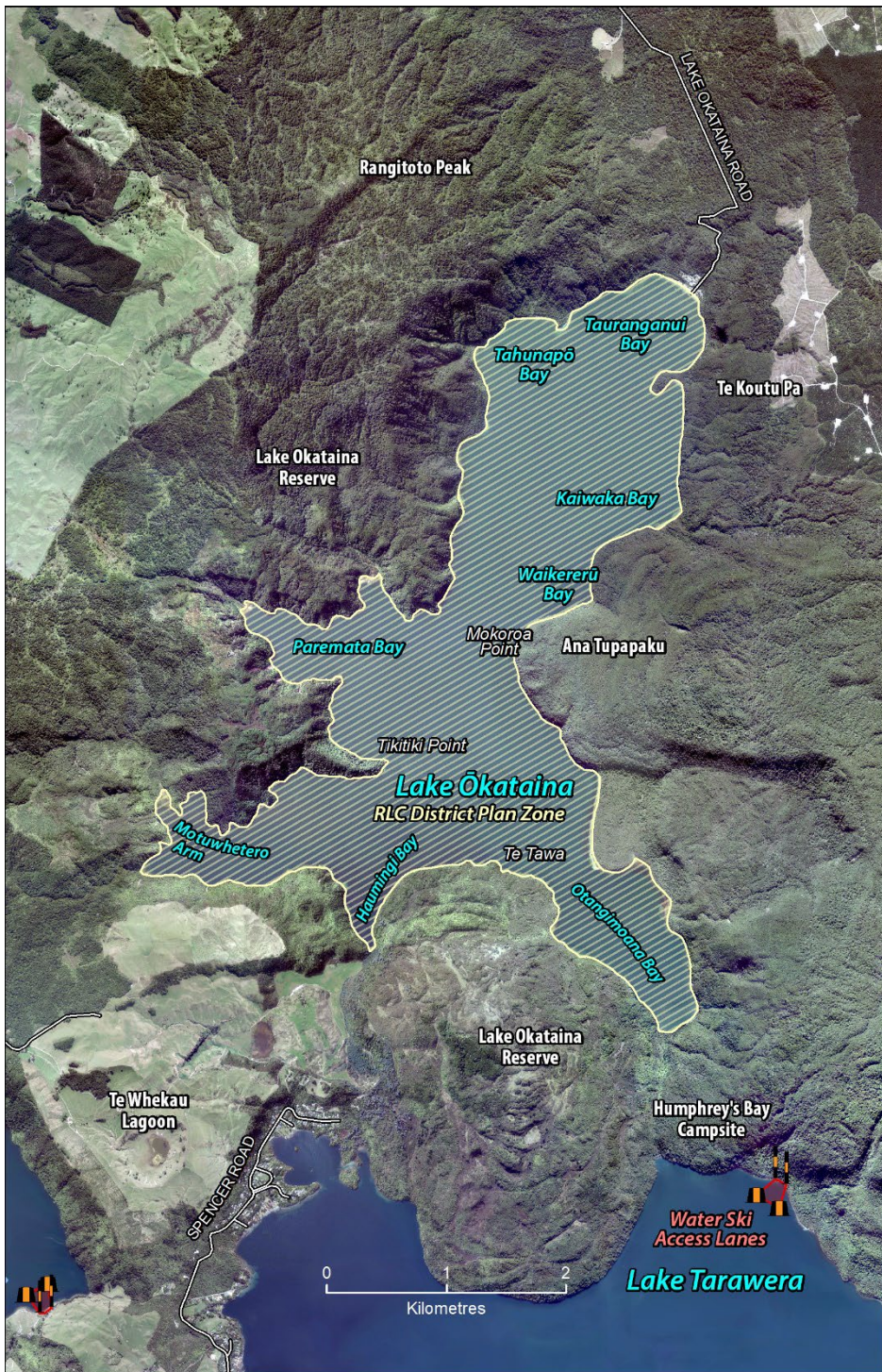


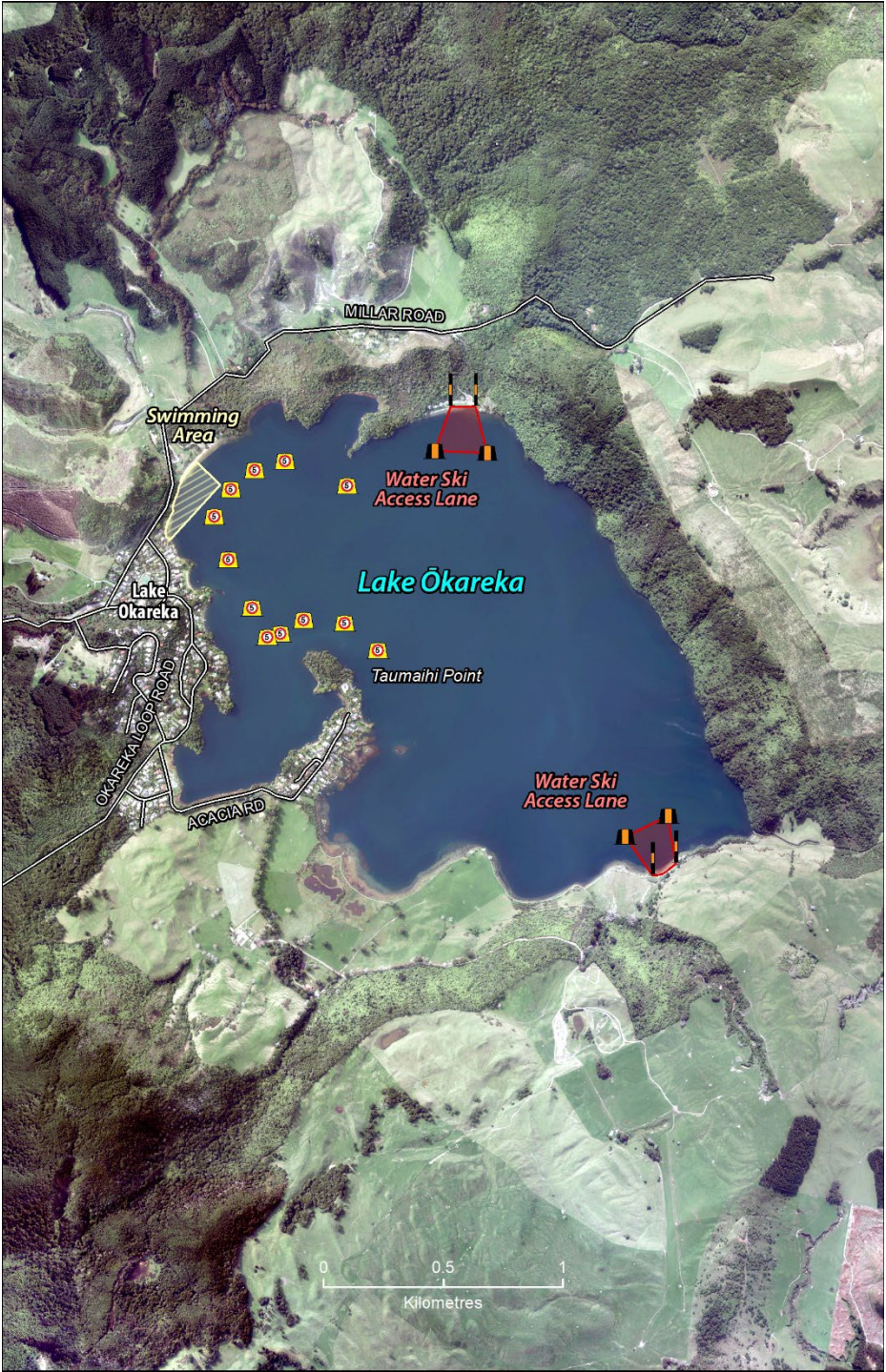


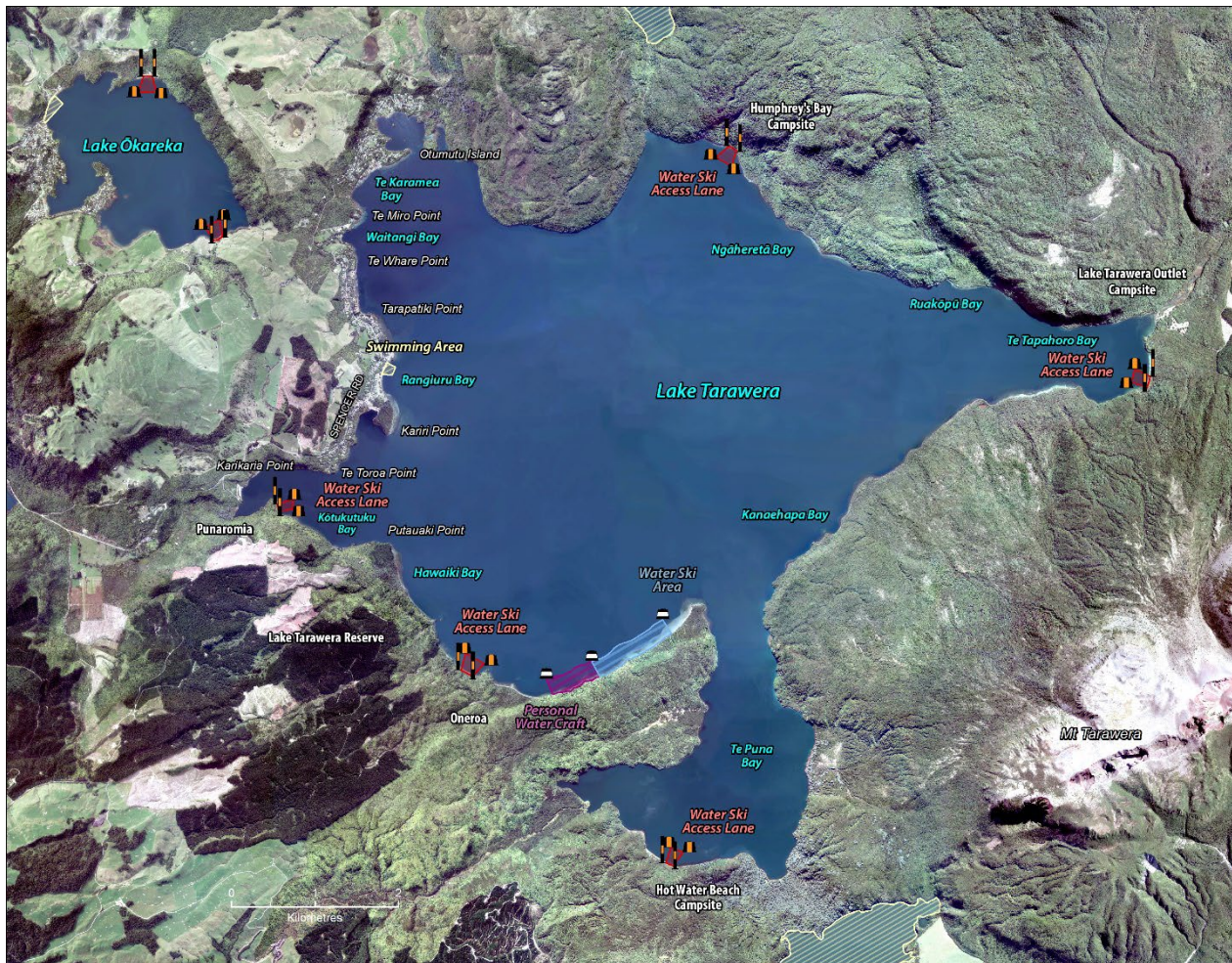
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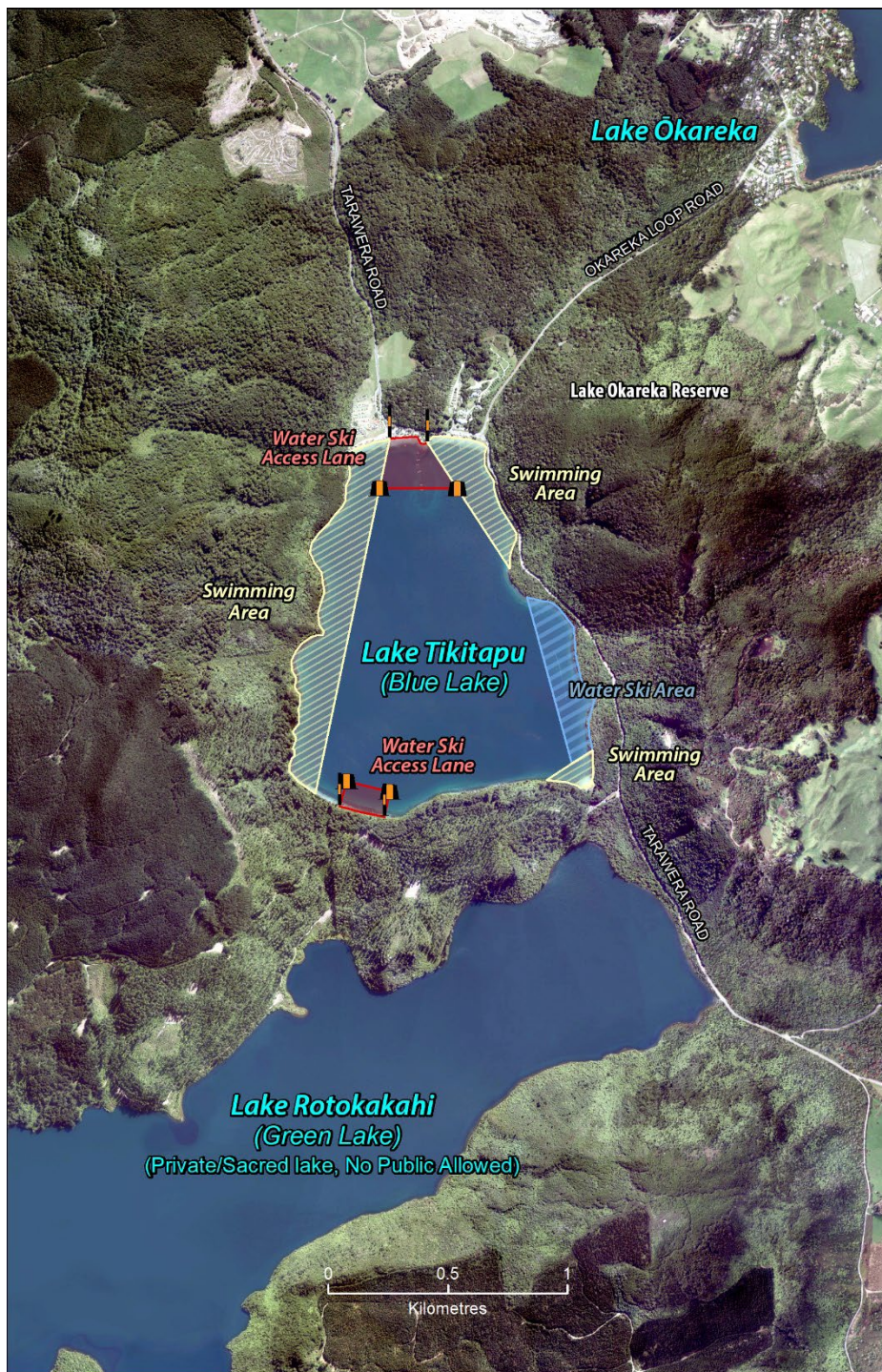
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