

Bay of Plenty Regional Navigation Safety Bylaw 2010



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BAY OF PLENTY REGIONAL NAVIGATION SAFETY BYLAW 2010



This Bylaw carries the common seal of the Bay of Plenty Regional Council to confirm that it was made by resolution of the Council on 15 July 2010 and that it came into force on that date.

**Bill Bayfield
Chief Executive**



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1 Preliminary Provisions

1.1 Title and Commencement

- 1.1.1 This Bylaw is the Bay of Plenty Regional Navigation Safety Bylaw 2010.
- 1.1.2 This Bylaw comes into force on 15 July 2010.
- 1.1.3 It is an offence not to comply with the provisions of this Bylaw.
- 1.1.4 Compliance with this Bylaw does not replace the need to comply with other legislation such as the Maritime Transport Act 1994 or Resource Management Act 1991.

1.2 Areas within which this Bylaw Applies

This Bylaw applies to all the waters within the Bay of Plenty Region as defined under the Local Government (Bay of Plenty Region) Reorganisation Order 1989.

1.3 Definition of Terms

In this Bylaw, unless the context otherwise requires:

Access lane	means an area designated as an access lane under clause 3.6 of this Bylaw.
Accident	has the same meaning as in section 2 of the Maritime Transport Act 1994.
Act	means the Local Government Act 1974.
Aid to Navigation	includes: <ul style="list-style-type: none">(a) any lightship and any floating or other light exhibited for the guidance of ships;(b) any fog signal not carried on a vessel;(c) all marks and signs in aid of marine navigation;(d) 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.
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	means the securing of a vessel to the bed of waters by way of an anchor, cable or other device, that is normally removed with the vessel when it leaves the anchorage.
Beacon	means a light or mark set up as a navigation mark or a warning to vessels.

Buoy	means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reef, or other hazard.
Buoyancy Aid	means the same as personal flotation device.
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.
Coastal Marine Area	has the same meaning as in section 2 of the Resource Management Act 1991.
Commercial Vessel	means a vessel that is not: (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail.
Council	means the Bay of Plenty Regional Council as constituted under the Local Government (Bay of Plenty Region) Reorganisation Order 1989.
Craft	has the same meaning as ship or vessel.
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.
Emergency Response Craft	means any vessel approved by the Harbour Master for use in emergency response and may include Police, Customs, Harbour Master, Naval and port company vessels approved by the Harbour Master for such use.
Enforcement Officer	means a person appointed as an enforcement officer under Section 650B of the Act.

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 600mm by 600mm 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 600mm by 600mm or a rigid equivalent.
Flagged Area	means that area of beach which may be marked from time to time with red and yellow flags and which extends to 200meters 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 coastal marine area.
Gross Tonnage	means the volume of all a vessel's enclosed spaces (from keel to funnel) measured to the outside of the hull framing with some exemptions for non-productive spaces such as crew quarters; as measured under the Tonnage Measurement Convention of 1969.
Harbour Master	means a person appointed by the Bay of Plenty Regional Council as Harbour Master under section 650B of the Act and includes any Deputy Harbour Master.
Honorary Enforcement Officer	means a person appointed as an Honorary Enforcement Officer under section 650B of the Act.
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 prepare 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.

Kiteboarding	means using a controllable kite to pull a rider through the water on a small surfboard, wakeboard or kiteboard, and includes kitesurfing.
Length	in relation to a vessel, means overall length.
Maritime Rules	means maritime rules made under the Maritime Transport Act 1994.
Master	means any person who, for the time being, is responsible for the command or charge of a vessel, but does not include a Pilot who is piloting the vessel.
Mean High Water Springs (MHWS)	means the average of the levels of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is the greatest.
Moor	means: (a) the securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes; or (b) the securing of any vessel to a mooring or anchor; 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, 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: (a) any area shown as a mooring area in the Bay of Plenty Regional Coastal Environment Plan maps or (b) any area from time to time designated by the Council as a mooring area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage.
Nautical Chart	means a map of a sea area showing on it any coastlines, rocks and dangers to vessels, and also showing the positions of aids to navigation and other prominent features.
Navigable Waters	means any waters whether coastal or inland which are able to be navigated, and 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 and includes any substance declared to be oil in Marine Protection Rules.
Owner	includes: <ul style="list-style-type: none"> (a) in relation to a vessel, the agent of the owner and also a charterer of the vessel; and (b) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway; or (c) in relation to a vessel to which paragraph (a) or paragraph (b) of this definition applies, 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 charterer or other person who is for the time being so responsible; or (d) 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.
Personal Flotation Device (PFD)	means any serviceable buoyancy aid that is designed to be worn on the body and that meets the definition of PFD in Maritime Rule Part 91, and includes a lifejacket.
Personal Water Craft (PWC)	means a personal watercraft is 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, and includes a jetski.
Person in charge of a vessel	means the Master.
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.

Pilotage Area	means the Tauranga pilotage area as described in Maritime Rule Part 90.
Pleasure Craft	means a ship that is used exclusively for the owner's pleasure or as the owners residence and is not offered or used for hire or reward, but does not include: <ul style="list-style-type: none"> (a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment for other establishment or business; or (b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as fishing ship for the carriage of passengers or cargo for hire or reward; or (c) a ship that is operated by any club, incorporated society, trust or business.
Power Driven Vessel	means any vessel propelled by machinery.
Proper Speed	means speed through the water.
Public Notice	means a notice in a newspaper circulating generally in the district or region to which the subject matter of the notice relates.
Recreational Craft	means a vessel that is: <ul style="list-style-type: none"> (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail.
Region	means the Bay of Plenty Region as defined under the Local Government (Bay of Plenty Region) Reorganisation Order 1989.
Region's Waters	means all waters within the Bay of Plenty Region, the seaward boundary of which is the outer limit of the territorial sea.
Reserved Area	means an area designated as a reserved area under clause 3.6 of this Bylaw that is reserved for a specific purpose.
Reward	means the payment to, or for the benefit of, the owner or Master of a vessel, of a contribution towards the expenses of a voyage by, or on behalf of, persons; but does not include payment of any contributions by part-owners of the vessel or by persons engaged as bona fide crew members.

Sailboarding	means using any type of board that is propelled by detachable sail apparatus and operated by a person or persons standing on the board, and includes windsurfing.
Seaplane	means a flying boat or any other aircraft designed to manoeuvre on the water and under Maritime Rule 22 is deemed to be a vessel when operating on the water.
Seaworthy	in relation to any vessel means being in a fit condition, in the opinion of the Harbour Master, to safely undertake a sea voyage within its design capabilities.
Ship	has the same meaning as vessel.
Shore	when referring to distance from shore, means distance from the water's edge.
Speed uplifting	means any speed uplifting that applies to an area designated under clause 3.6 and defined under schedule 3.
Structure	<p>means any building, equipment, device, or other facility made by people and which is fixed to land or the bed of a waterway; and</p> <p>(a) includes 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</p> <p>(b) does not include buoys, beacons, anchored floats or notices and</p> <p>(c) does not include aids to navigation.</p>
Support Vessel	means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.
Surfing	means using any object that is designed to be used for wave surfing or surf riding.
Tanker	means any vessel carrying oil in bulk as cargo, or capable of carrying oil in bulk as cargo, whose tanks and compartments have not been rendered and certified gas-free.
Underway	means that a vessel is not at anchor, or made fast to the shore, or aground.

Vessel

means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- (a) a barge, lighter, or other like vessel;
- (b) a hovercraft 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;
- (c) a submarine or other submersible;
- (d) a personal water craft;
- (e) a seaplane when operating on the water
- (f) a sailboard, kiteboard, or paddleboard.

Water Skiing

means being towed barefoot or on an object of any kind other than a vessel.

2 General Matters

2.1 Personal Flotation Devices

- 2.1.1 No person in charge of a recreational craft shall use it 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.
- 2.1.2 Clauses 2.1.1 and 2.1.7 shall not apply to:
- (a) any surfer or user of similar unpowered craft; and
 - (b) any sailboarder or kiteboarder if a wetsuit is worn at all times; and
 - (c) 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; and
 - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbour Master under this Bylaw, or the Director of Maritime New Zealand under Maritime Rule 91.4 (3); and
 - (e) a member of a visiting foreign watersports 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.
- 2.1.3 In respect of any cultural, ceremonial, sporting event, training activity, or other organised recreational activity, clause 2.1.1 shall not apply if permission is given in writing by the Harbour Master that a support vessel remains in the immediate vicinity of the pleasure craft and the support vessel carries lifejackets of an appropriate size for each person on board the support vessel and the pleasure craft.
- 2.1.4 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 2.1.3, apply to the Harbour Master for a written exemption to clause 2.1.1. The Harbour Master may grant an exemption for a specified time period, provided that the Harbour Master is satisfied that adequate safety precautions are made for rescuing any persons participating in the event or activity.
- 2.1.5 No person in charge of a pleasure craft shall 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 of an appropriate size for that person.
- 2.1.6 Clause 2.1.5 does not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under Maritime Rule 91.4(3); or
 - (b) participating in a sporting event that is administered by a national sporting organisation approved under Maritime Rule 91.4 (3).

- 2.1.7 No person in charge of a recreational craft shall use that craft or allow it to be used in circumstances where:
- (a) tides, river flows, rough seas, bar crossings; or
 - (b) adverse weather, adverse visibility, emergencies or other situations;
- present an increased risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.

2.2 Swimming or Diving around Wharves and Jetties

No person shall jump, dive off, swim or undertake other related activities:

- (a) from or within 50 metres of any structure in the port zone as defined in the Operative Bay of Plenty Regional Coastal Environment Plan; or
- (b) from any other wharf or jetty when a vessel is manoeuvring within 50 metres of the wharf; or
- (c) any other such areas in the waters as determined by the Harbour Master

unless permission is given by the Harbour Master in writing.

2.3 Use of Vessel Engine around Wharves, Jetties and Ramps

2.3.1 No person shall operate the propulsion system of a vessel:

- (a) while it is lying at any wharf or jetty, or while it is loading to or from a boat trailer at any ramp, in such a way that it may damage any property, scour the bed of navigable waters, or injure any person. However, this clause does not preclude the use of the propulsion system for the safe berthing or un-berthing of any vessel at a wharf or jetty; or
- (b) to load or unload a vessel to or from a trailer at any ramp or location where this is prohibited by a direction of the Harbour Master.

2.3.2 The Master of any commercial vessel must:

- (a) ensure that crew members are stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
- (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
- (c) notify the Harbour Master before testing a propulsion system while that vessel is lying at any wharf.

2.4 Vessels which are not Seaworthy

2.4.1 The Master and the owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbour Master has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such conditions that the Harbour Master may determine appropriate to ensure navigation safety.

- 2.4.2 If any vessel in navigable waters is not seaworthy:
- (a) the Harbour Master or an Enforcement Officer may give a direction 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. Such direction may be given by any means of communication; and
 - (b) the owner and Master are jointly and severally responsible for ensuring the direction is complied with.
 - (c) If the owner and/or Master of the vessel fails to move the vessel in accordance with a direction given under clause 2.4.2(a), the Harbour Master 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 Harbour Master 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.
 - (d) The Harbour Master or Enforcement Officer shall 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.
- 2.4.3 No person shall operate any vessel that is not seaworthy except to comply with the directions, under this Bylaw, of the Harbour Master 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 unseaworthy vessel shall proceed to a safe area immediately.

2.5 Seaplanes

No person navigating a vessel shall impede a seaplane in the process of landing or taking off.

2.6 Vessels to be Adequately Anchored, Moored or Secured

- 2.6.1 No person shall anchor or moor a vessel so as to:
- (a) impede the passage of other vessels or obstruct the approach to any commercial wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor or on a mooring; or
 - (c) create a hazard for other recreational craft, swimmers or water users.
- 2.6.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy, or unlawfully detach:
- (a) the mooring or anchoring of any vessel; or
 - (b) the fastening securing any vessel lying in, at or alongside or near any wharf, dock or landing place.
- 2.6.3 When a vessel is moored in, at or alongside a wharf, a dock or alongside a wharf 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.

- 2.6.4 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 Harbour Master, maintain a person onboard to keep watch.

2.7 Prohibited Anchorages

Except in an emergency no person may anchor or moor any vessel within:

- (a) 200 metres of any submarine power or telephone cable
Note: White triangular beacons on the foreshore mark the ends of submarine power cables
- (b) 50 metres of any commercial berth operated by the Port of Tauranga Limited.
- (c) No person shall anchor a vessel within the navigational channel between the Ōhau Channel Diversion Wall, Lake Rotoiti and shore (including the Wildlife Protection Area marked by red buoys).

2.8 Restricted Anchorages

Except in an emergency no person shall anchor any vessel within any restricted anchorage identified in Schedule 1 unless the vessel is kept ready to make immediate departure and an anchor watch on board the vessel is maintained at all times.

2.9 Restricted Launching

No person shall launch a vessel from any area of the shore where this is prohibited by a direction of the Harbour Master.

2.10 Obstructions

- 2.10.1 No person shall obstruct the access by waters to any wharf, landing place, boat ramp, slipway, navigational channel or mooring, without prior permission of the Harbour Master.
- 2.10.2 No person shall place any obstruction, including any vessel, fishing apparatus or structure, in any waters that is liable to:
 - (a) restrict navigation; or
 - (b) cause or have potential to cause, loss of life or injury to any person; or
 - (c) cause damage to any vessel or any property.
- 2.10.3 No person shall 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.

2.11 Collisions and Accidents

- 2.11.1 The Master of any vessel that:
 - (a) has been involved in any accident; or

- (b) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded; or
- (c) 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
- (d) in any manner gives rise to an obstruction; or
- (e) causes any damage to any navigation aid or structure, or to anything on the structure;

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

2.11.2 A report under clause 2.11.1 must include:

- (a) a full description of any injury to persons and their names and their addresses; and
- (b) a full description of any damage to vessels, navigation aids or structures; and
- (c) the name(s) and address(es) of person(s) in charge of the vessel; and
- (d) the time and date of the occurrence; and
- (e) an outline of events relating to the occurrence.

2.11.3 If an incident described in clause 2.11.1 involves damage to a vessel that affects, or is likely to affect, its seaworthiness, the Master may not move the effected vessel except:

- (a) to clear the main navigational channel or to moor or anchor in safety or
- (b) in accordance with the directions of the Harbour Master.

2.11.4 Clause 2.11.1(b) does not apply to any pleasure craft involved in organised racing where a minor collision occurs.

2.12 Aids to Navigation

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

- (a) Harbour Master if the aid to navigation is operated by a local authority or port company; or
- (b) Director of Maritime New Zealand if the aid to navigation is operated by Maritime New Zealand.

2.12.2 No person may damage, remove, deface or otherwise interfere with any buoy, beacon or other device or structure erected as a navigation aid or warning.

2.12.3 No person may erect, maintain or display any beacon, buoy or other device which may be used as, or mistaken for, a recognised navigation aid, without the written permission of the Harbour Master and the Director of Maritime New Zealand.

2.13 Sound and Light Signals

- 2.13.1 No person shall 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 this Bylaw precludes:
- (a) The testing of such a whistle, siren or horn for maintenance purposes or before the vessel leaves any wharf;
 - (b) The starting guns, horns or whistles in any organised yacht race or sporting activity provided they are used in locations where there will be no adverse effect on navigation safety.
- 2.13.2 No person shall 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 Harbour Master.
- 2.13.3 The use of blue flashing lights and/or sirens on a vessel is restricted to Police, Customs, Harbour Master or other enforcement vessels authorised by the Harbour Master.
- 2.13.4 The use of purple flashing lights on a vessel is only permitted so that in an emergency or during an incident a response craft, authorised by the Harbour Master, can identify itself to a vessel, aircraft or person involved in the response.
- 2.13.5 Purple flashing lights may not be used when travelling to or from an incident, and imply no status or privilege to that vessel.
- 2.13.6 Any vessel authorised to use purple flashing lights by this clause must observe clause 3.2 at all times.

2.14 Use of Distress Signals

- 2.14.1 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:
- (a) 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
 - (b) another vessel (or any person from that vessel) is in serious and imminent danger and cannot itself make the signal and requires immediate assistance.
- 2.14.2 A person must not use signals which may be confused with distress signals unless that person is in distress.
- 2.14.3 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 thinks fit.

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

2.15 Discharge into Water

No person shall 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 navigation or safety.

2.16 Flagged Areas on Beaches

- 2.16.1 The Harbour Master, a Surf Life Saving New Zealand Patrol Captain, an Enforcement Officer or an Honorary Enforcement Officer may, from time to time, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.
- 2.16.2 No person may carry out any activity other than the activities for which the area has been flagged.

2.17 Directions by Harbour Master or Enforcement Officer

- 2.17.1 The Harbour Master or an Enforcement Officer may give directions to any person (including any person appearing to be in charge of any ship or seaplane) for the purpose of implementing this Bylaw.
- 2.17.2 Any person to whom a direction is given under clause 2.17.1 is required to comply with the Harbour Master's or Enforcement Officer's directions as soon as is reasonably possible.

3 Operating Requirements

3.1 Minimum Age for Operating Powered Vessels

- 3.1.1 No person under the age of 15 years shall be in charge of, propel or navigate a powered 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 as provided for in clause 3.4.
- 3.1.2 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 3.1.1.
- 3.1.3 Clauses 3.1.1 and 3.1.2 do not apply to any person who has a written exemption from the Harbour Master. Written exemptions may be given for training, competitions or other sporting events, and the Harbour Master, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and awareness of this Bylaw and safety matters.

3.2 Speed of Vessels

- 3.2.1 No person shall propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
 - (a) within 50 metres of any other vessel, raft, floating structure or person in the water; or
 - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys marking a 5 knot restriction; or
 - (c) within 200 metres of any vessel or floating structure that is flying Flag A of the International Code of Signals (diver's flag).
- 3.2.2 No person shall propel or navigate a powered 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.
- 3.2.3 No person shall cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other towed object) at a proper speed exceeding 5 knots in any circumstances as specified in clause 3.2.1.
- 3.2.4 No person in charge of a vessel shall 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.

- 3.2.5 Clause 3.2.1(a) and (b) do not apply to:
- (a) a vessel over 500 gross registered tonnage, if the vessel cannot be safely navigated in compliance with clause 3.2.1(a) and (b); or
 - (b) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was designated; or
 - (c) a tug, pilot vessel, Harbour Master vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with clause 3.2.1(a) and (b); or
 - (d) a craft training for or participating in competitive rowing or paddling; or
 - (e) any rowing skiff, outrigger canoe or similar craft.
- 3.2.6 Clause 3.2.1(a) shall not apply to:
- (a) 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
 - (ii) a non-profit organisation involved in sail training or racing; or
 - (b) any board sport carried out, with due regard for the safety of other water users, and in accordance with the accepted safe practices of the individual sport.
- 3.2.7 Clause 3.2.1(b) shall not apply to:
- (a) a vessel powered by sail while the vessel is participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - (b) a vessel operating in accordance with a speed uplifting; or
 - (c) a sailboarder or kiteboarder.
- 3.2.8 Clauses 3.2.1 (a) and (b) and 3.2.2 shall 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 that are involved in surf lifesaving operations.
- 3.2.9 Every person who propels or navigates a pleasure craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels or structures, or harm to other persons.

3.3 Speed Limits on Region's Waters

The Harbour Master 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 navigational safety.

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

- 3.4.1 No person in charge of a vessel may 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 every mishap that occurs to the person who is being towed.
- 3.4.2 No person may 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 every mishap that occurs to the person who is being towed.
- 3.4.3 No person who is under the age of 10 years is permitted to act as the additional person required by clauses 3.4.1 and 3.4.2.

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

- 3.5.1 No person may 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.
- 3.5.2 No person may cause himself or herself to be towed by a vessel between sunset and sunrise.
- 3.5.3 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.

3.6 Designating Temporary or Permanent Access Lanes, Reserved Areas and Speed Upliftings

- 3.6.1 The Council may designate an area of any navigable water as an access lane or reserved area for any specified purpose on a permanent or temporary basis.
- 3.6.2 The Council may designate an area as being subject to a speed uplifting on a permanent or temporary basis.
- 3.6.3 Council has designated the permanent access lanes, reserved areas and areas designated as being subject to a speed uplifting described in Schedule 3.

3.7 Conduct in Access Lanes and Reserved Areas

- 3.7.1 No person shall, 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.

- 3.7.2 No person shall:
- (a) while being towed by a vessel in any access lane, cause himself or herself or any water ski, aquaplane or other towed object, on or by which he or she is being towed; or
 - (b) 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.
- 3.7.3 No person within an access lane or reserved area shall proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 3.7.4 No person shall 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.

3.8 Marking of Access Lanes and Reserved Areas

- 3.8.1 Every access lane must be marked on shore with orange posts with horizontal black bands.
- 3.8.2 An access lane may also be marked on the water with orange buoys with one or more vertical black stripes
- 3.8.3 Every reserved area must be marked on shore with black posts with white horizontal bands unless this is cannot be practically achieved.
- 3.8.4 A reserved area may also be marked on the water with black buoys with one or more vertical white stripes.
- 3.8.5 Adequate signage will identify the location and purpose for which access lanes and reserved areas have been designated.

3.9 Special Events

- 3.9.1 Any person intending to conduct a race, speed trial, competition or other organised water activity, or to recognise cultural events or practices, in any area to which this Bylaw applies must apply in writing to the Harbour Master to:
- (a) temporarily suspend the application of part or all of clause 3.2 of this Bylaw in that area during the conduct of the race, speed trial, competition or other organised water activity; and/or
 - (b) temporarily reserve the area for the purpose of that activity.
- 3.9.2 Where the Harbour Master is satisfied, on considering an application under this Bylaw, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as the Harbour Master considers appropriate.

Note: In determining applications the Harbour Master will refer to the Rotorua Lakes Closure Policy.

- 3.9.3 No grant of an application under this Bylaw shall have effect unless, not less than 7 days nor more than 14 days before the start of the activity, public notice approved by the Harbour Master is given specifying the period of the activity and details of the suspension or reserved area.
- 3.9.4 The Harbour Master may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under this clause.

3.10 Special Designated Areas

See Schedule 4 for maps.

- 3.10.1 Wildlife Protection Area – Ōhau Channel Diversion Wall, Lake Rotoiti
No person shall operate any motorised vessel within the Ōhau Channel Diversion Wall Wildlife Protection Area, marked by red buoys, and designated in Schedule 4.
- 3.10.2 Ōhiwa Harbour PWC exclusion area
No person shall operate a personal water craft within the defined limits of Ōhiwa Harbour as follows:
- (a) To the west of a line from the beach at the eastern end of Ōhope Wharf in position 38° 59.04' South 177° 06.50' East to Maturei Point in position 38° 00' South 177° 06.20' East.
 - (b) To the south of a line from Moturei Point that intersects the northern points of Uretara Island to the western edge of Whanangāpikopiko Island (Tern Island).
 - (c) To the east of a line from the western edge of Whanangāpikopiko Island (Tern Island) to the western side of Ōhiwa Spit.
- 3.10.3 Passive Recreation Areas (Lakes Tikitapu and Tarawera)
Within a Passive Recreation Area no person shall operate:
- (a) Any motorised vessel (except during the months of April to June for the purposes of fishing); or
 - (b) Any other vessel at a proper speed greater than 5 knots.
- Within a Passive Recreation Area all vessels must give way to swimmers.
- 3.10.4 Passive Areas (Lakes Rotomahana and Ōkātaina)
On Lakes Rotomahana and Ōkātaina no person shall operate personal water craft or hovercraft, or land aircraft or helicopters, or tow people or devices from vessels for recreational purposes other than equipment used for fishing.
- 3.10.5 Netting restriction – Thornton River mouth
No person may set a net within a 500m 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 4.

3.10.6 Surfing Priority Area

No person shall operate a vessel, including personal water craft, within a surfing priority area designated in Schedule 4 where surfers are present and using the area.

3.10.7 Speed restriction within the Matutu Basin (Nor-western Arm), Lake Rotomā

No person shall operate a vessel within the Matutu Basin, Lake Rotomā at a proper speed greater than 5 knots.

3.10.8 Ōkawa Bay Speed Restriction, Lake Rotoiti

No person shall operate a vessel at a proper speed greater than 5 knots in the Ōkawa Bay water skiing restriction area unless towing into the Water Ski Area from shore.

3.11 Closure of Areas

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

3.12 Moorings

3.12.1 No person shall place a mooring in any waters, whether in a mooring area identified in Schedule 2 or not, unless a licence issued by the Harbour Master has been obtained.

3.12.2 Any mooring that is requested to be placed outside a mooring area shall be subject to a resource consent.

3.12.3 The Harbour Master 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.

3.12.4 The Council shall not be liable in any event for the position, insufficiency or insecurity of any registered mooring site or mooring site allocated by the Harbour Master.

3.12.5 The Council shall not be responsible for any damage or loss that may arise to any yacht, boat or launch permitted to use the registered mooring site occasioned through any breaking away or defect in the owner's moorings or any part of them, or through the act of any person in causing damage to the owner's moorings or any part of them, or caused by any yacht, boat or launch while moored to such mooring or by any perils of the seas or by navigation of any ship, boat or launch within the registered mooring site or from any cause whatsoever.

3.12.6 The Harbour Master or the nominated delegate has the right to inspect any mooring and can direct the owner to upgrade or repair the mooring as considered appropriate.

3.12.7 Every moored vessel shall clearly display an identification name or number.

3.12.8 No person shall anchor any vessel so as to obstruct any licensed mooring.

- 3.12.9 The Harbour Master may, subject to the conditions specified in clauses 3.12.10, 3.12.11 and 3.12.12, grant a mooring licence for a specified mooring area.
- 3.12.10 Every mooring licence issued by the Harbour Master shall apply to the vessel and owner(s) named in the licence, and is to be renewed annually.
- 3.12.11 The conditions of any mooring licence issued by the Harbour Master may include, but are not limited to:
- (a) the precise location of the mooring;
 - (b) the size and type of any vessel which may be attached to the mooring;
 - (c) the design and specifications of the mooring;
 - (d) a requirement for maintenance and inspections of the mooring by a mooring inspector approved by the Harbour Master, once every two years. The mooring inspector will issue a certificate of inspection/ compliance; this shall be made available to the Harbour Master;
 - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel; and its identification number;
 - (f) a requirement that the owner of the mooring shall be liable in any event for the position, insufficiency or insecurity of any licensed mooring.
- 3.12.12 The Harbour Master shall not grant any licence for a mooring unless satisfied that:
- (a) there is adequate space in the mooring area for the proposed mooring; and
 - (b) the mooring is of adequate specifications to accommodate the vessel proposed to be moored there.
- 3.12.13 No owner of a licensed mooring shall leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbour Master.
- 3.12.14 Where the owner of a mooring has left the mooring vacant or unattended for a period of longer than six months without the written permission of the Harbour Master, the Harbour Master may cancel the licence and direct that the mooring tackle be removed, or made available for lease or sale.
- 3.12.15 No owner of a licensed mooring may, except with the written permission of the Harbour Master:
- (a) part with the possession of the mooring; or
 - (b) assign the mooring to any other person; or
 - (c) suffer any other person to have the use of the mooring, except in an emergency; or
 - (d) use the mooring for a vessel other than the vessel named in the licence, except in an emergency.
- 3.12.16 Should any mooring fees or other charges due to the Council under any of the provisions of this Bylaw remain unpaid for a period of 30 days, then

the Harbour Master shall be empowered to 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 have not been paid and discharged within a further 60 days, the Council has the right, after due notification, to sell the said vessel and/or mooring to recover the debt.

- 3.12.17 In the event that a mooring licence holder does not comply with the licence conditions, the Harbour Master or the nominated delegate has the right to remove the mooring and/or vessel.
- 3.12.18 In the event that any required mooring inspection exceeds the 2-year limit, the Harbour Master has the right to remove the mooring and/or vessel.
- 3.12.19 No liability shall attach to the Council by reason of any damage which may occur to any vessel during such removal or detention unless the same is caused by negligence of the Council's servants.

3.13 Duty of Master of a Vessel under 500 Gross Tonnage

Whilst within the Tauranga Harbour Pilotage area, the Master of any vessel under 500 gross tonnage shall not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.

3.14 Dive Operations

- 3.14.1 The 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 watch keeper of another vessel at a distance in excess of 200 metres.
- 3.14.2 Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

3.15 Collision Prevention

No person shall operate any vessel in breach of Maritime Rule Part 22 (Collision Prevention) made under the Maritime Transport Act 1994.

4 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials

4.1 Vessels Carrying Explosives

- 4.1.1 The Master of any vessel in any port, harbour, roadstead 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.
- 4.1.2 The Master or Pilot of any vessel in any port, harbour, roadstead or anchorage, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
- (a) with the prior written permission of the Harbour Master; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency; or
 - (d) for the purpose of navigating the vessel in the normal process of berthing or un-berthing.
- 4.1.3 The Master or Pilot of any vessel carrying explosives in any port, harbour, roadstead or anchorage, must not allow that vessel to approach within 200 metres of any other vessel, except:
- (a) with the prior written permission of the Harbour Master; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency; or
 - (d) for the purpose of navigating the shipping channel in the normal process of berthing or un-berthing.
- 4.1.4 Nothing in clauses 4.1.1, 4.1.2 and 4.1.3 applies to any vessel which:
- (a) is carrying less than 27 kilograms of explosives; or
 - (b) is carrying only explosives of Division 1 of Class 6 (Ammunition) or Division 3 of Class 7 (Fireworks) as set out in the Schedule of the Explosives Act 1957.

4.2 Signals to be Displayed by Oil Tankers

- 4.2.1 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.
- 4.2.2 However, if the vessel cannot normally comply with clause 4.2.1, 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.

4.3 Duties of Master while Tanker is in Harbour

- 4.3.1 While in port, the Master of an oil tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- 4.3.2 The Master of a tanker must:
- (a) 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 Harbour Master; and
 - (b) keep the tanks containing Class 3 packing groups I or II oil cargo securely closed, except when opened for loading or discharging; and
 - (c) unless exempted by the Harbour Master, 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; and
 - (d) rig tow wires from the vessel both forward and aft.

4.4 Oil Tankers and Oil Loading and Unloading

- 4.4.1 The Master of a tanker must ensure that, except for the purpose of transhipment, the tanker does not lie within 30 metres of another vessel, unless the permission of the Harbour Master has first been obtained in writing.
- 4.4.2 Hazardous and bulk oil loading and discharging, between ship and shore using a pipeline is permitted only at the locations specified in Schedule 1.
- 4.4.3 Non-hazardous bulk oil discharges into, or loading from, road tankers may be permitted at other berths.

4.5 Hot Work Operations

- 4.5.1 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 welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain from the Harbour Master a Hot Work Permit in accordance with requirements set out in Schedule 5, no less than two hours before starting the welding or flame-cutting operations.
- 4.5.2 The Master of the vessel must ensure that before any welding 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 Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 4.5.3 The Harbour Master may grant a written exemption from compliance with clauses 4.5.1 and 4.5.2 to the Master or owner of a vessel lying at any ship-repairing establishment.
- 4.5.4 If in any case the Harbour Master is not satisfied that adequate precautions have been taken, the Harbour Master may forbid the 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.

5 Administrative Matters

5.1 Suspensions and Exemptions from this Bylaw

The Council may, of its own accord or on application by any person, suspend any provision of this Bylaw or exempt any activity from any provision of this Bylaw. The suspension or exemption may be subject to conditions and have effect for the period of time that the Council considers appropriate. Any suspension or exemption made under this clause must be notified to all interested persons.

5.2 Application to Master/Owners

5.2.1 Where any clause in this Bylaw 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.

5.2.2 Where any clause of this Bylaw 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.

5.2.3 A Harbour Master, Enforcement Officer or Honorary Enforcement Officer may require the Master of any vessel or any other persons who is found committing an offence against this Bylaw or who the Harbour Master has reasonable grounds to suspect has committed an offence, to supply their name and address when requested.

5.3 Vessels to be Licensed

5.3.1 No person shall operate a commercial vessel for hire or reward that is not subject to Maritime Rules, unless a licence, known as a Navigation Safety Licence, has been authorised in writing by the Harbour Master.

5.3.2 The Harbour Master may issue a licence in respect of clause 5.3.1 if, in the opinion of the Harbour Master, 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. Where the Harbour Master considers there to be navigational safety matters that are not addressed by the Safe Ship Management system, the Harbour Master can require a Navigation Safety Licence to be held by the operator.

5.3.3 No person shall operate a vessel granted a Navigation Safety Licence while that licence is temporarily suspended by the Harbour Master in terms of clause 5.3.6.

5.3.4 The Harbour Master may, subject to the conditions specified in clause 5.3.8, grant a Navigation Safety Licence to a vessel to which clause 5.3.1 and 5.3.2 applies, which shall be renewed annually.

- 5.3.5 Every Navigation Safety Licence issued by the Harbour Master shall apply only to that vessel and operator(s) named in the licence, and shall be available for inspection at any time by the Harbour Master, or Enforcement Officers or Honorary Enforcement Officers, or any prospective client of the operation.
- 5.3.6 The Harbour Master may temporarily suspend or cancel a Navigation Safety Licence for such time as he or she considers necessary where, in the opinion of the Harbour Master, the conditions of the licence have been breached.
- 5.3.7 A licence may be cancelled if the conditions of that licence are breached. There will be no refund of fees if a licence is cancelled.
- 5.3.8 The terms and conditions of any Navigation Safety Licence issued by the Harbour Master may include, but are not limited to:
- (a) defining points of embarkation/disembarkation;
 - (b) defining the area or route of operations;
 - (c) limiting the number of passengers or quantity of freight;
 - (d) any limitations in respect of weather or operating hours;
 - (e) any requirements for rescue craft;
 - (f) any requirements for safety equipment;
 - (g) the level of instruction to be given to persons hiring a vessel;
 - (h) the qualifications required by the person in charge of the vessel;
 - (i) defining the flow of water as required where applicable.
- 5.3.9 All jet boating and rafting operators must comply with Maritime Rule Part 80: Marine Craft involved in Adventure Tourism or subsequent legislation. A breach of these Maritime rules shall constitute a breach of this Bylaw.

5.4 Fees and Charges

- 5.4.1 The fees and charges specified in Schedule 7 for any function undertaken by the Council under this Bylaw, or in respect of navigation generally, must be paid on demand by the specified person to the Council.
- 5.4.2 The Council may, from time to time, by resolution, amend the fees in Schedule 7 of this Bylaw through a review of this Bylaw or by using section 83 of the Local Government Act 2002.

5.5 Port Charges (Harbour Dues)

The Master, owner or agent of any vessel over 1000 gross tonnage using the port of Tauranga and which is not exempted shall pay to the Council in respect of such vessel port charges (harbour dues) for the management of navigational safety at the rate as specified in Schedule 7 of this Bylaw.

6 Tauranga Pilotage Area

6.1 Directions for Entering and Navigating in Tauranga Pilotage Area (Vessels over 250 Gross Tonnage and Pilot Exempt Vessels)

- 6.1.1 Compulsory Pilotage is required in the port of Tauranga as per Schedule 8.
- 6.1.2 That part of Tauranga Harbour known as Number 1 Reach, Number 2 Reach, the Cutter Channel, Maunganui Roads and the Stella Passage shall be deemed to be a narrow channel in accordance with Part 22.9 of the Collision Prevention Rules, Narrow Channels.
- 6.1.3 Prior to entering Tauranga Harbour, the Master of a vessel shall call “Tauranga Port Radio” on marine VHF channel 12 and report the intention of the vessel to enter the harbour. Such vessels shall maintain a listening watch on marine VHF channel 12 whilst within harbour limits.
- 6.1.4 The Master of a vessel not carrying a working marine VHF radio and unable to communicate with “Tauranga Port Radio” shall not transit the Tauranga Harbour entrance during the hours of darkness or during restricted visibility, except in an emergency.
- 6.1.5 All other vessels, commercial and recreational, (where a VHF is fitted), shall maintain a listening watch on marine VHF channel 12 when approaching and transiting the Tauranga Harbour entrance and whilst within the Tauranga pilotage area.
- 6.1.6 The Master shall ensure that while within Tauranga Harbour:
- (a) 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
 - (b) main engines are to be immediately available for reducing speed, stopping or going astern at all times without delay; and
 - (c) anchors are to be immediately available for use in an emergency, and capable of being used without power; and
 - (d) all information from aids to navigation and charts is fully monitored; and
 - (e) all vessels, whether under pilotage or pilot exempt shall have an agreed passage plan for transit within pilotage limits; and
 - (f) the number of crewmembers on the bridge shall be sufficient to safely carry out the agreed passage plan; and
 - (g) in determining the composition of the bridge team, due regard shall be taken 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.

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

- 6.2.1 At least ten minutes prior to planned departure the Master of any vessel over 100 gross tonnage shall 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.
- 6.2.2 After leaving a berth or anchorage, the Master of any vessel over 100 gross tonnage shall, as soon as practicable, call “Tauranga Port Radio” on marine VHF channel 12 and report that the vessel has cleared the berth or anchorage.

6.3 Navigational Documents required for Tauranga Harbour

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

7 Whakatāne Harbour

7.1 General Directions for Entering and Navigating in Whakatāne Harbour

- 7.1.1 No master of any vessel shall attempt to cross the Bar, or negotiate the entrance at a time when another vessel or a vessel having another in tow is passing over the Bar or through the entrance.



- 7.1.2 **Bar Signal**
A Red Ball by day or a fixed Red Light at night, hoisted on the flag staff at the Signal Station on the East side of the entrance indicates that the bar is unworkable.
- 7.1.3 That part of Whakatāne Harbour known as “the narrows”, from the entrance to a perpendicular line across the river at Toka-tapu/Plaque rock, shall be deemed to be a narrow channel in accordance with part 22.9 of the Collision Prevention Rules, Narrow Channels.
- 7.1.4 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.

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Schedule 1 – Defined Areas

Large Vessel Anchoring Positions

Three positions near to the pilot boarding area are designated as anchoring positions for commercial vessels awaiting entry to or clearance from the port of Tauranga.

Position 1

Lat. 37° 36.48'S Long. 176° 13.71'E – (2.76 nautical miles x 068°(T) from North Rock)

Position 2

Lat. 37° 37.49'S Long. 176° 15.21'E – (3.76 nautical miles x 089°(T) from North Rock)

Position 3

Lat. 37° 38.29'S Long. 176° 16.91 E – (5.16 nautical miles x 099°(T) from North Rock)

A circle of radius 0.5 nautical miles centred from the above positions shall be the area of the anchoring positions.

Tauranga Port – Restricted Anchorages

The following are restricted anchorages:

1. 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
2. The width of the channel of No 2 Reach and Cutter Channel as marked on nautical chart NZ5412; and
3. All areas of the Maunganui Roads and Stella Passage as marked on nautical chart NZ5412.

Hazardous and Bulk Oil Loading and Discharging Location

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

Schedule 2 – Mooring Areas

The following maps in this schedule identify the mooring areas within the Bay of Plenty region. The coordinates of each mapped area have been recorded into a separate document and it is available upon request.

Map Legend - Moorings

Key map information:



Mooring Area

Supporting information:



Water Ski Access Lane



Water Ski Area



Personal Water Craft Area



Priority Surfing Area



Personal Water Craft Exclusion Area

a. **Tauranga Mooring Areas**

Pios Beach mooring area



Tanners Point mooring area



Ongare Point mooring area



Ōmokoroa Point mooring area



Te Puna mooring area



Pilot Bay mooring areas



Town Reach mooring area



b. Whakatāne Mooring Areas

Whakatāne mooring area



Ōhiwa Harbour mooring area 1



Ōhiwa Harbour mooring area 2



Schedule 3 – Access Lanes, Reserved Areas and Areas Subject to Speed Upliftings

Areas Subject to Speed Upliftings

Region's Rivers

- All navigable waters of the Rangitāiki River upstream of the State Highway 2 Bridge.
- All navigable waters of the Kaituna River upstream of the Bell Road boat ramp to the Mangorewa Confluence.
- All navigable waters of the Whakatāne River upstream of the State Highway 2 Bridge but excluding the Waimana River.
- All navigable waters of the Tarawera River upstream of the State Highway 2 Bridge.
- 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.

Region's Lakes

- Lake Ōkaro.
- Lake Tikitapu (for all areas not covered by designated areas or defined by 5 knot buoys)

Areas Subject to Specified Speed Upliftings

- Lower Kaituna River

A maximum speed of 20 knots 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.

Access Lanes and Reserved Areas

The following maps in this schedule identify the access lanes and reserved areas within the Bay of Plenty region. The coordinates of each mapped area have been recorded into a separate document and it is available upon request.

Map Legend - Access lanes and Reserved areas

Key map information:



Water Ski Access Lane



Water Ski Area



Personal Water Craft Area



5 Knot Marker



Water Ski Reserved Area buoy



Water Ski Access Lane buoy



Water Ski Reserved Area post



Water Ski Access Lane post

Supporting information:



Mooring Area



Matutu Arm Speed Restriction



Okawa Bay Speed Restriction



Passive Recreation Area



Priority Surfing Area



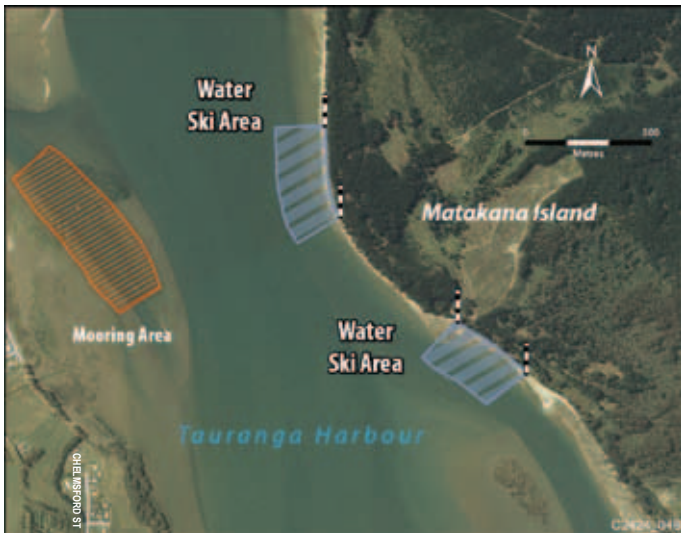
Personal Water Craft Exclusion Area

a. **Tauranga Access Lanes and Reserved Areas**

Ongare Point reserved areas



Matakana Island (western side) reserved areas



Motuhua Island reserved areas and access lane



Hunters Creek reserved area



Matakana Island access lane



Matapihi reserved area and access lane



Pāpāmoa (Harrisons Cut) reserved area



b. Whakatāne Access Lanes and Reserved Areas

Whakatāne reserved areas



Maratōtara reserved area



Ōhiwa Harbour reserved area



c. **Rotorua Lakes Access Lanes and Reserved Areas**

Hamurana Rd, Lake Rotorua reserved area



Hannahs Bay, Lake Rotorua access lane



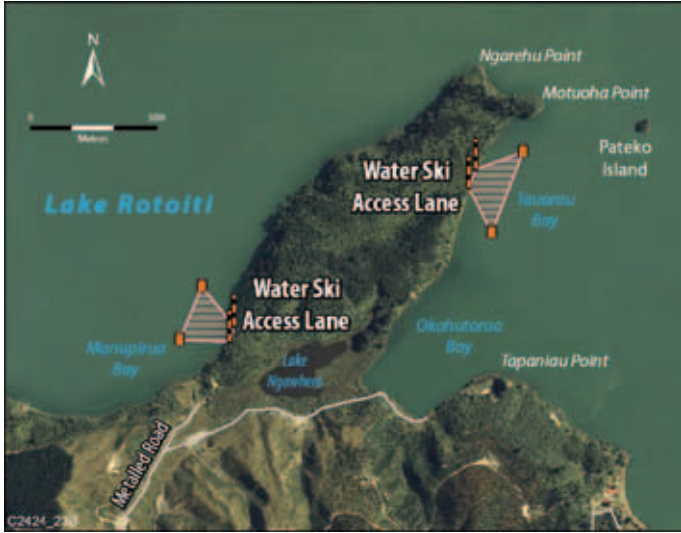
Ōkawa Bay, Lake Rotoiti reserved areas



Tūmoana Point, Lake Rotoiti access lane



Ngārehu Point, Lake Rotoiti access lanes



Parikawau Point, Lake Rotoiti access lane



Ngāpuka & Puketapu Bays, Lake Rotoiti access lanes



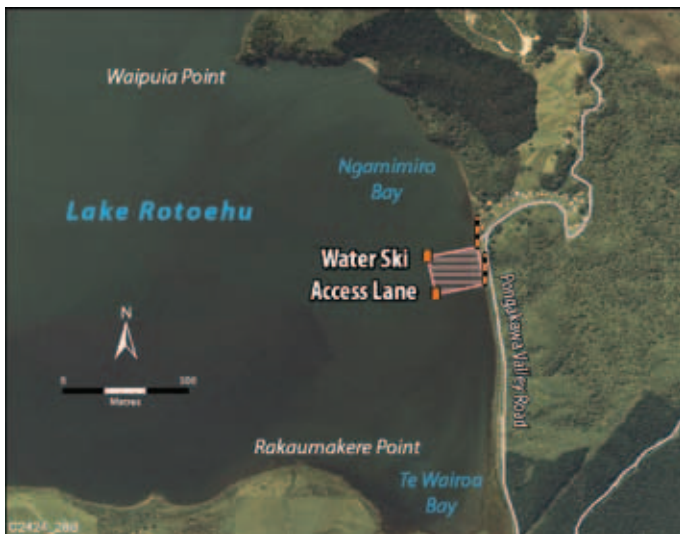
Tuarae Point, Lake Rotoiti access lane



Hinehopu, Lake Rotoiti access lane



Ngāmimiro Bay, Lake Rotoehu access lane



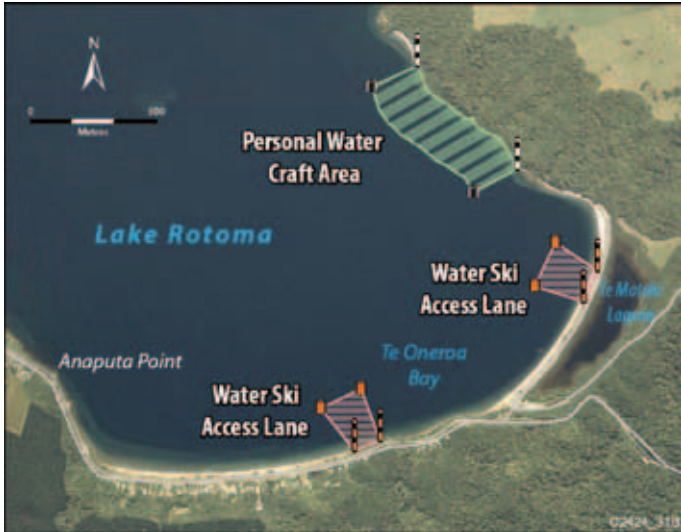
Otumarokura Bay, Lake Rotomā reserved areas



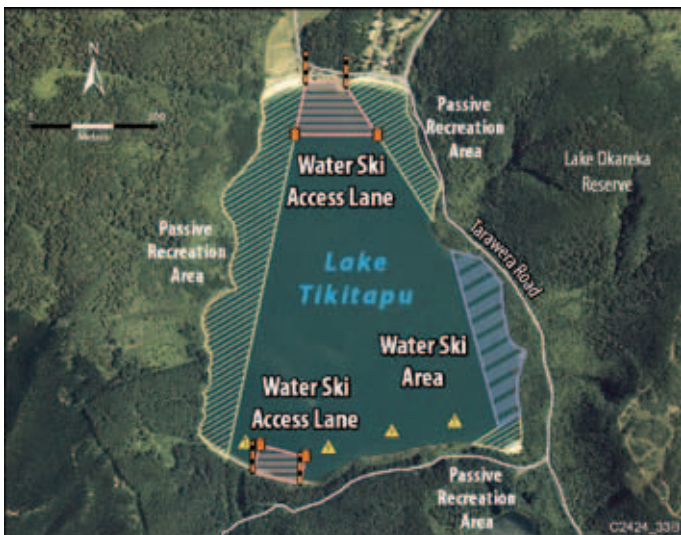
Whangaroa Inlet, Lake Rotomā access lane



Te Oneroa Bay, Lake Rotomā reserved areas



Lake Tikitapu reserved areas and access lane



Lake Ōkareka reserved areas



Karikaria Point, Lake Tarawera access lane



Ngāheretā Bay, Lake Tarawera access lane



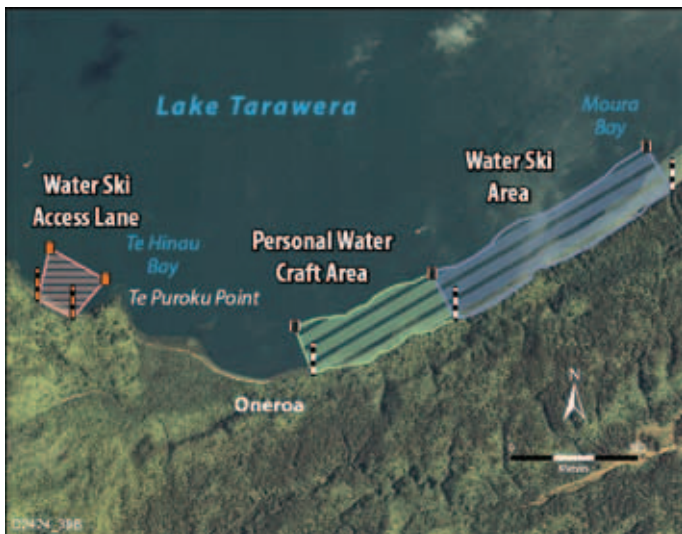
Te Tapahoro Bay, Lake Tarawera access lane



Te Rata Bay, Lake Tarawera access lane



Oneroa, Lake Tarawera reserved areas & access lane



Awaatua Bay, Lake Rerewhakaaitu access lane



Half Moon Bay, Lake Rerewhakaaitu access lane



Schedule 4 – Special Designated Areas

The following maps in this schedule identify the special designated areas within the Bay of Plenty region. The coordinates of each mapped area have been recorded into a separate document and it is available upon request.

Map Legend - Special Designated Areas

Key map information:

	Personal Water Craft Exclusion Area
	Matutu Arm Speed Restriction
	Okawa Bay Speed Restriction
	Priority Surfing Area
	Passive Recreation Area
	Passive Area
	Wildlife Protection Area

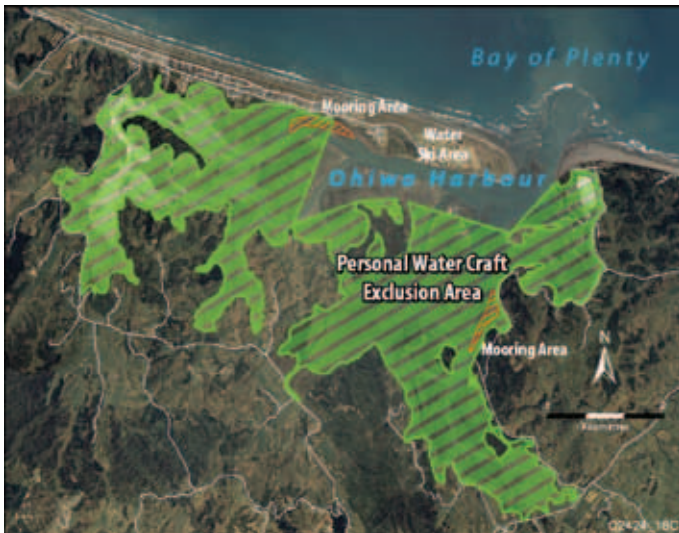
Supporting information:

	Water Ski Access Lane
	Water Ski Area
	Personal Water Craft Area
	Mooring Area

Refer to clause 3.10.1: Wildlife Protection Area Lake Rotoiti



Refer to clause 3.10.2: Ōhiwa Harbour PWC Exclusion Area



Refer to clause 3.10.3: Passive Recreation Area Lake Tikitapu



Refer to clause 3.10.3: Passive Recreation Area Lake Okareka



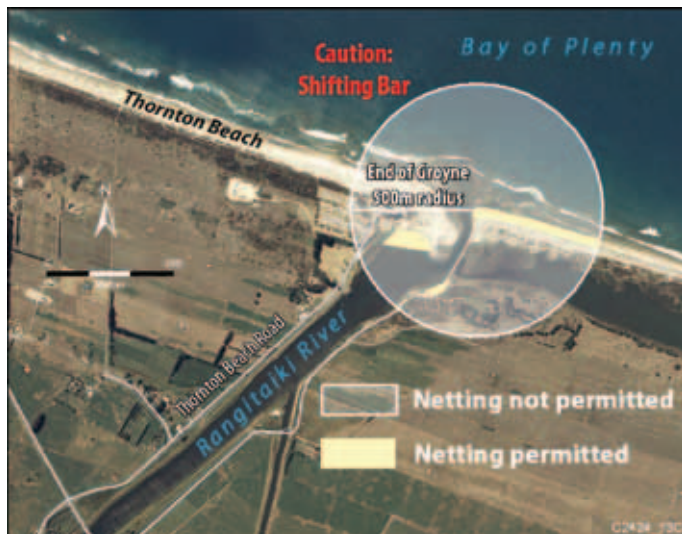
Refer to clause 3.10.4: Passive Area Lake Rotomahana



Refer to clause 3.10.4: Passive Area Lake Okataina



Refer to clause 3.10.5: Netting Restriction Thornton Rivermouth



Refer to clause 3.10.6: Surfing Priority Area, Whakatāne Rivermouth (overlying PWC Area)



Refer to clause 3.10.7:
Speed Restriction Matutu Basin, Lake Rotomā



Refer to clause 3.10.8:
Water Skiing Restriction Ōkawa Bay, Lake Rotoiti



Schedule 5 – Hot Work Permit

Apply for a Hot Work Permit at: <http://maritime.envbop.govt.nz>
or contact the Harbour Master at: TgaHarbourmasters@envbop.govt.nz

Schedule 6 – Oil Transfer Notification

Apply for an Oil Transfer Notification form at: <http://maritime.envbop.govt.nz>
or contact the Harbour Master at: TgaHarbourmasters@envbop.govt.nz

Schedule 7 – Fees

NOTE: All fees are exclusive of GST

Mooring Licence

Annual fee of \$135.00.

Administrative fee of \$80.00 – processing new applications, lease agreements, change of ownership.

Commercial Navigation & Safety Licence

Vessels under 6 metres \$100.00 per operation/per annum plus actual and reasonable costs.

Vessels over 6 metres \$100.00 per vessel/ per annum plus actual and reasonable costs.

Whitewater Rafting, Kayaking and similar enterprises \$100.00 per operation/per annum plus actual and reasonable costs of audits/inspections.

Commercial activities \$100.00 per operation/per annum plus actual and reasonable costs of audits and inspections.

Goods and Services tax will be added to these charges.

Port Charges (Harbour Dues)

For each vessel exceeding 1,000 gross tonnage, \$10.28 per 1,000 gross tonnage or part thereof for each use of the Harbour.

Goods and Services tax will be added to these charges.

Public Notices

Actual cost of advertisements plus actual and reasonable administration costs.

Other Duties, Powers, Functions or Services

Any service by the Council that is not prescribed shall be recovered at the actual and reasonable cost as determined by the annual charges used in the Ten Year Plan or Annual Plan preparation.

Schedule 8 – Tauranga Pilotage Information

Pilotage

Compulsory Pilotage is required for all vessels over 250 gross tonnage in 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 area of Tauranga Harbour.

Carriage of a Pilot

Every vessel of more than 250 gross tonnes shall be required to carry a pilot unless the master holds a current pilot exemption certificate.

The Master of any vessel shall only carry a Pilot duly licensed by Maritime New Zealand for the Port of Tauranga.

The Master of every vessel taking a Pilot shall, on demand, show the vessel's Customs Clearance to the Pilot.

Duties of a Pilot

Every Pilot shall by every means in their power aid and assist any vessel in distress.

Every Pilot shall carry their pilot licence with them, and shall when requested produce it to the Master of any vessel boarded by them. Every Pilot shall when on duty obey any orders of the Harbour Master relating to matters of navigation safety.

Should any accident occur to any vessel where a duly licensed Pilot is carried, such Pilot shall immediately report the same in writing to the Harbour Master 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.

If any such accident shall happen to an outward bound vessel, the Pilot shall 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 shall be given to the Harbour Master and Maritime New Zealand.

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 Harbour Master, otherwise such complaint shall not be recognised, and all complaints by any Pilot against a Master shall be made in writing to the Harbour Master, who shall forthwith forward the same to Maritime New Zealand.

Navigation in the Area of No. 1 Reach

- (a) In this Bylaw "No. 1 Reach" shall mean that area marked as No. 1 Reach on nautical charts of the area.
- (b) Vessels shall 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 shall be established and maintained by the Pilots and/or Exempt Masters undertaking such manoeuvres.

Pilotage Exemption

- (a) Any person who holds a certificate of competency as a Master or skipper (being a certificate of competency granted under the Shipping and Seamen Act 1952, Maritime Transport Act 1994 or any subsequent legislation or declared pursuant to Section 18 of that Act to have the same force as a certificate so granted) may apply to Maritime New Zealand for a Pilotage Exemption in respect of the harbour.

Schedule 9 – Offences and Penalties

Clause	Description of Offence	Fee \$
2.1.1	Failing to carry or wear appropriate personal flotation devices as required	200
2.1.5	Towing a person, or being towed, without a properly secured personal flotation device of appropriate size	200
2.1.7	Failing to wear personal flotation device as required when increased risk exists to safety of persons aboard	200
2.2	Swimming or diving around wharves	200
2.3	Using propulsion system inappropriately while lying at a wharf or while loading to or from a boat trailer at a ramp	200
2.4.1	Failing to keep vessel in a seaworthy condition	200
2.4.2	Failing to remove a hazard to navigation as directed	200
2.5	Impeding passage of a seaplane when it is landing or taking off	200
2.6.1	Mooring or anchoring, a vessel so as to impede or create a hazard	200
2.6.2	Interfering with a vessel's mooring	200
2.6.3	Failing to provide adequate access to vessel alongside	200
2.6.4	Failing to adequately secure a vessel	200
2.7	Anchoring in a prohibited anchorage	200
2.8	Failing to keep vessel ready to depart in a restricted anchorage	200
2.9	Launching of vessels where prohibited	200
2.10.1	Obstructing access to wharves, landing places, boat ramps, slipways, moorings or waterways	200
2.10.2	Placing an obstruction in any waters	200
2.10.3	Extended equipment over the side of a vessel that causes a hazard	200
2.11	Failing to notify Harbour Master of a collision or accident	200
2.12.1	Tying up to a navigation aid or warning notice without written permission of Harbour Master	200

Clause	Description of Offence	Fee \$
2.12.2	Damaging, removing, defacing or interfering with a navigation aid or warning notice	200
2.12.3	Erecting, maintaining, or displaying a beacon, buoy, or device as a navigation aid without permission	200
2.13	Sounding whistle or using flashing lights in breach of requirements	200
2.14	Using distress signals without sufficient cause	200
2.15	Discharging, or allowing the discharge of anything in the water that constitutes a danger to navigation or safety	200
2.16.2	Carrying out an activity other than swimming or body boarding within a flagged area	200
2.17.2	Failing to comply with directions	200
3.1.1	Person operating a vessel capable of exceeding 10 knots is under-age	200
3.1.2	Owner of vessel allowing an under-aged person to operate vessel capable of exceeding 10 knots	200
3.2.1	Exceeding 5 knot speed limit in certain areas	200
3.2.2	Propelling or navigating a vessel with part of body outside of that vessel	200
3.2.3	Causing or allowing self to be towed at a speed exceeding 5 knots in certain areas	200
3.2.4	Failing to recover a dropped water ski or floating object that may cause danger to any other person or vessel	200
3.2.9	Allowing wake to cause unnecessary danger or risk of damage	200
3.4.1	Towing a person without an observer	200
3.4.2	Causing or allowing self to be towed without an observer	200
3.4.3	Lookout/observer under 10 years old	200
3.5.1	Operating between sunset and sunrise or in restricted visibility, a vessel towing a person	200
3.5.2	Allowing self to be towed by a vessel between sunset and sunrise	200

Clause	Description of Offence	Fee \$
3.7.1	Failing to follow the most direct route along an access lane and failing to keep to that side of an access lane that lies to the starboard side of the vessel	200
3.7.2	Allowing self or object to be towed by a vessel that fails to follow most direct route along the access lane or fails to keep to that side of an access lane that lies to the starboard side of the vessel	200
3.7.3	Proceeding within an access lane or reserved area in a manner that is dangerous	200
3.7.4	Obstructing a person while that person is using an access lane or reserved area for the purpose for which it was designated	200
3.9.1	Failing to obtain written permission for a special event	200
3.10.1	Operating a motorised vessel within a Wildlife Protection Area	200
3.10.2	Operating a personal water craft within the excluded areas of Ōhiwa Harbour	200
3.10.3	Operating a motorised vessel (except for fishing during the months of April to June) or other vessels with proper speed of 5 knots or more in a passive recreation area	200
3.10.4	Operating personal water craft or hovercraft, landing an aircraft or helicopter, or towing a person or devices from vessels for recreational purposes other than equipment used for fishing	200
3.10.5	Setting a net within a 500 metre radius from the seaward point of the eastern groyne of the Thornton River mouth	200
3.10.6	Operating a vessel within a surfing priority area where surfers are present	200
3.10.7	Operating a vessel within the Matutu Basin, Lake Rotomā at a proper speed greater than 5 knots	200
3.10.8	Operating a vessel at a proper speed greater than 5 knots in the Ōkawa Bay water skiing restriction area except for towing into the Water Ski Area.	200
3.11	Failing to observe a closed area	200
3.12.1	Placing a mooring in any waters unless licensed by a Harbour Master	200
3.12.6	Refusing to upgrade or allow an inspection of a mooring as directed	200

Clause	Description of Offence	Fee \$
3.12.7	Not clearly displaying an identification name or number on a moored vessel	200
3.12.8	Anchoring of a vessel in a manner that obstructs a licensed mooring	200
3.12.10	Mooring a vessel other than the vessel named in the licence	200
3.12.15	Parting with possession of, or assigning, or allowing another person or vessel to use a licensed mooring without written permission of Harbour Master	200
3.13	Navigating a vessel so as to impede the navigation of any vessel of 500 gross tonnage or more.	200
3.14	Failing to display a Code A dive flag	200
3.15	Failing to comply with the requirement to operate a vessel in accordance to Maritime Rule 22 - Collision Regulations	200
4.1.1	Failing to hoist a red flag or Flag B (international code of signals) when loading explosives onto the vessel, and all round red light at the masthead by night	200
4.1.2	Failing to keep beyond 200 metres of another vessel that is carrying or loading explosives	200
4.1.3	Allowing a vessel carrying explosives to approach any other vessel within 200 metres	200
4.2.1	Failing to display signals on vessels carrying bulk oil cargo	200
4.3.1	Failing to operate tanker in accordance with ISGOTT	200
4.3.2	Failing to berth tanker at specified wharf or failure to keep tanker ready to move	200
4.4	Loading or discharging oil at other than specified locations	200
4.5.1	Failing to obtain a hot work permit before carrying out welding or flame-cutting	200
4.5.2	Failing to take appropriate precautions while hot work operations are being carried out	200
4.5.4	Allowing work to begin when Harbour Master has forbidden operations to commence	200
5.2.2	Failing of Master or Owner to carry out an obligated clause in this Bylaw	200

Clause	Description of Offence	Fee \$
5.2.3	Failing to supply name and address when requested	200
5.3.1	Operating a vessel not subject to any Maritime Rules without a licence	200
5.3.3	Operating a vessel that has been granted a Navigation Safety Licence while that licence is suspended	200
5.3.9	Failing to comply with Maritime Rule Part 80: Marine Craft involved in Adventure tourism	200
6.1.1	Failing to carry a Pilot as required	200
6.1.3	Failing to call Tauranga Port Radio when entering harbour	200
6.1.4	Transiting harbour entrance during hours of darkness or restricted visibility without ability to communicate with Tauranga Port Radio	200
6.2	Failing to comply with radio procedures for vessels departing from wharves or anchorages	200
6.3	Failing to carry and/or consult required navigational documents	200
7.1.1	Attempting to cross the bar or negotiate the entrance of Whakatāne Harbour at the same time as another vessel	200





**For more information please contact
Bay of Plenty Regional Council:**

- 5 Quay Street, Whakatane
- 1125 Arawa Street, Rotorua
- 6 Rata Street, Mount Maunganui

Post: PO Box 364, Whakatane 3158

Phone: 0800 ENV BOP (368 267)

Fax: 0800 ENV FAX (368 329)

Pollution Hotline: 0800 73 83 93

Email: info@envbop.govt.nz

Website: www.envbop.govt.nz