

# Navigation Safety Bylaw 2011



Putting Northland first





## Navigation Safety Bylaw 2011

Pursuant to Section 684B of the Local Government Act 1974 and all other powers vested in it, the Northland Regional Council makes the following Bylaw.

This bylaw was confirmed at a meeting of the council held on 21 June 2011 and ordered to come into force on 1 July 2011.

The common seal of the Northland Regional Council was hereto affixed in the presence of:

A handwritten signature in black ink that reads "Ken Paterson".

Kenneth Paterson  
Chief Executive Officer



# Northland Regional Council

# Navigation Safety Bylaw 2011

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# 1. Preliminary provisions

## 1.1 Title and commencement

- 1.1.1 This bylaw is the Northland Regional Council Navigation Safety Bylaw 2011.
- 1.1.2 This bylaw comes into force on 1 July 2011.

## 1.2 Areas within which this bylaw applies

This bylaw applies to the waters in estuaries, inlets, harbours and along the Northland coast between the following boundaries:

- (a) The outer boundary being 12 nautical miles from the shore; and
- (b) The inner boundary being the line of mean high water springs, except where the line crosses a river, in which case the inner boundary is deemed to be the landward boundary of the Coastal Marine Area as defined in the Regional Coastal Plan for Northland.

## 1.3 Definition of terms

In this bylaw, unless the context otherwise requires:

### **Access lane**

Means an area designated as an access lane in Schedule 2 of this bylaw.

### **Accident**

Means an occurrence that involves a vessel and in which:

- (a) A person is seriously harmed as a result of:
  - (i) being on the vessel; or
  - (ii) direct contact with any part of the vessel, including any part that has become detached from the vessel; or
  - (iii) direct exposure to the wash of the vessel or interaction (other than direct contact) between two vessels; or
  - (iv) being involved in the salvage of any vessel except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew; or
- (b) The vessel sustains damage or structural failure that:
  - (i) adversely affects the structural strength, performance, or seaworthiness of the vessel; or
  - (ii) would normally require major repair or replacement of the vessel; or
  - (iii) affected component; or
  - (iv) poses a threat to the safety of people on board the vessel; or

- (c) There is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel; or
- (d) There is a loss of, or damage to, or movement of, or change in the state of, the cargo of the vessel which poses a risk to the vessel or other vessels; or
- (e) There is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels; or
- (f) There is a loss or escape of any substance or thing that:
  - (i) may result, or has resulted in serious harm to any person; or
  - (ii) may pose a risk, or has resulted in damage to the vessel or other vessels; or
  - (iii) may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel); or
- (g) A person is lost at sea (whether or not subsequently found) or is missing; or
- (h) The vessel is foundering, capsizing, being abandoned, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has a major fire on board.

**Act**

Means the Local Government Act 2002

**Aid to navigation**

Includes:

- (a) Any lightship and any floating or other light exhibited for the guidance of ships;
- (b) Any description of fog signal not carried on a vessel;
- (c) All marks and signs in aid of marine navigation;
- (d) Any electronic, radio or other aid of marine navigation not carried on board any ship.

**Aircraft**

Has the same meaning as in the Civil Aviation Act 1990.

**Anchorage**

In relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the council or not.

<b>Anchoring</b>	Means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the site or anchorage.
<b>Beacon</b>	Means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.
<b>Board sports</b>	Any board sport, including windsurfing, kiteboarding and surfing where the means of propulsion is by wind, waves or other natural forces, and where no mechanical means of propulsion is used.
<b>Buoy</b>	Means a float secured to the seabed serving as a navigation or location mark, or to indicate reefs, other hazards or a mooring.
<b>Buoyancy aid</b>	Means: <ul style="list-style-type: none"> <li>(a) A buoyancy aid as defined in NZ standard 5823:1989 or NZ standard 5823:2001 or any subsequent NZ standard; or</li> <li>(b) A buoyancy aid that the director is satisfied substantially complies with the standard prescribed in subclause (a) above and that provides a minimum of 53 Newtons buoyancy.</li> </ul>
<b>Class 3.1 oil products</b>	Means oil having a flashpoint below -18 degrees centigrade, and includes motor spirit, aviation spirit, benzene, benzol, methylated spirits and low-flash distillate.
<b>Class 3.2 oil products</b>	Means oil having a flashpoint below 23 degrees centigrade, and includes kerosene and burning oil, and also such alcohols and crude oils as have such a flashpoint.
<b>Class 3.3 oil products</b>	Means oil having a flashpoint equal to or greater than 23 degrees centigrade up to and including 61 degrees centigrade.
<b>Coastal marine area</b>	Means the foreshore, seabed, and coastal water, and the airspace above the water: <ul style="list-style-type: none"> <li>(a) Of which the seaward boundary is the outer limits of the territorial sea;</li> <li>(b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of: <ul style="list-style-type: none"> <li>(i) one kilometre upstream from the mouth of the river; or</li> </ul> </li> </ul>

	(ii) the point upstream that is calculated by multiplying the width of the river mouth by five.
<b>Commercial vessel</b>	Means a vessel that is not: (a) A pleasure craft; or (b) Solely powered manually; or (c) Solely powered by sail.
<b>Council</b>	Means the Northland Regional Council as constituted under the Act.
<b>Craft</b>	Has the same meaning as ship or vessel.
<b>Crew</b>	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.
<b>Director</b>	Means the person who is for the time being the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994.
<b>Emergency response craft</b>	Any vessel approved by the Harbourmaster for use in emergency response and includes Police, Customs, Coastguard, Harbourmaster, naval and port company vessels.
<b>Enforcement Officer</b>	Means a person appointed as an Enforcement Officer under section 650B of the Act.
<b>Explosive</b>	Means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect. Substances included within this definition can be found more fully in the Hazardous Substances and New Organisms Act 1996.
<b>Flag A</b>	Means Flag A of the International Code of Signals (the divers' flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm by 600mm.
<b>Flag B</b>	Means Flag B of the international code of signals, a burgee (swallow tailed) flag coloured in red, or a rigid replica, of not less than 600mm by 600mm.
<b>Flagged area</b>	Means that area of beach which may be marked from time to time, by red and yellow flags and extending to 200 metres from the actual water's edge for the purposes of swimming.
<b>Foreshore</b>	Means any land covered and uncovered by the flow and ebb of the tide at mean springs and, in relation to any such land that forms part of the bed of a river, but does not include any area that is not part of the coastal marine area.

<b>Gross tonnage</b>	Means the volume of all the vessel's enclosed spaces (from keel to funnel) measured to the outside of the hull framing.
<b>Harbourmaster</b>	Is the person(s) appointed by the Northland Regional Council as Harbourmaster to exercise authority under this bylaw and all relevant associated legislation; and includes any deputy of a Harbourmaster.
<b>Hazardous goods</b>	Means any substance that is an actual or potential cause or source of harm.
<b>Honorary Enforcement Officer</b>	Means a person appointed as an Honorary Enforcement Officer under section 650B of the Act.
<b>Incident</b>	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.
<b>Impede the passage</b>	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 so when she would have otherwise not done so.
<b>Kiteboarding</b>	(Also known as kite surfing) means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard.
<b>Length</b>	In relation to a vessel, means overall length.
<b>Maritime rules</b>	Means maritime rules made under section 36 of the Maritime Transport Act 1994.
<b>Master</b>	Means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.
<b>Moor</b>	Means: <ul style="list-style-type: none"> <li>(a) The securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes</li> <li>(b) The securing of any vessel to a mooring or anchor.</li> </ul>
<b>Mooring</b>	Means: <ul style="list-style-type: none"> <li>(a) Any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and</li> <li>(b) Includes any wire, rope, chain, buoy, or other device attached or connected to the weight; but</li> <li>(c) Does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.</li> </ul>

<b>Mooring area</b>	Means the area from time to time designated by the council as a mooring management area under the Resource Management Act 1991 where vessel moorings may be placed, but does not include an anchorage.
<b>Nautical chart</b>	A map of a sea area showing on it any coastlines, rocks and dangers to vessels etc within the area covered and also showing the positions of aids to navigation and other prominent features.
<b>Navigable waters</b>	Means any waters whether coastal or inland which are able to be navigated; and includes harbours.
<b>Navigate</b>	Means the act or process of managing or directing the course of a vessel on, through, over, or under the water.
<b>Obstruction</b>	Means an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel.
<b>Oil</b>	Means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994).
<b>Owner</b>	Includes: <ul style="list-style-type: none"> <li>(a) In relation to a vessel, the agent of the owner and also a charterer; and</li> <li>(b) In relation to any mooring, dock, wharf, quay, or slipway, includes a lessee or consent holder of the mooring, dock, wharf, quay, or slipway; or</li> <li>(c) In relation to a fishing vessel; other than one to which paragraph (a) or (b) of this definition applies, means the person registered as owner under section 57 of the Fisheries Act 1983; or</li> <li>(d) In relation to a vessel to which paragraph (a) or paragraph (b) or paragraph (c) 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</li> <li>(e) 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.</li> </ul>

<b>Personal flotation device</b>	Means any buoyancy aid that is designed to be worn on the body that meets: <ul style="list-style-type: none"> <li>(a) A standard in New Zealand, Standard 5823:2001 applicable to such buoyancy aids;</li> <li>(b) A national or international standard that the Director of Maritime New Zealand is satisfied substantially complies with a standard in New Zealand Standard 5823:2001 applicable to such buoyancy aids.</li> </ul>
<b>Personal water craft</b>	Means a power-driven vessel that: <ul style="list-style-type: none"> <li>(a) Has a fully enclosed hull; and</li> <li>(b) Does not take on water if capsized;</li> <li>(c) Is designed to be operated by a person standing, sitting astride, or kneeling on it but not seated in it.</li> </ul>
<b>Pilot</b>	In relation to any vessel means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel.
<b>Pleasure craft</b>	Means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include: <ul style="list-style-type: none"> <li>(a) A vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment or other establishment or business;</li> <li>(b) A vessel that is used on any voyage of pleasure if it 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;</li> <li>(c) A vessel that is operated or provided by any club, incorporated society, trust or business.</li> </ul>
<b>Power-driven vessel</b>	Means any vessel propelled by machinery.
<b>Proper speed</b>	Means speed through the water.
<b>Public notice</b>	Means a notice in a newspaper circulating generally in the district or region to which the subject matter of the notice relates.
<b>Recreational craft</b>	Means a vessel that is: <ul style="list-style-type: none"> <li>(a) A pleasure craft; or</li> <li>(b) Solely powered manually; or</li> <li>(c) Solely powered by sail.</li> </ul>
<b>Region</b>	Means the Northland region as constituted under the Local Government Act 1974.

<b>Reserved area</b>	Means any area reserved for a specific purpose under this bylaw.
<b>Reward</b>	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.
<b>Sailboard</b>	Means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board.
<b>Seaplane</b>	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.
<b>Seaworthy</b>	In relation to any vessel means being in a fit condition or readiness to safely undertake a sea voyage.
<b>Ship</b>	Means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: <ul style="list-style-type: none"> <li>(a) A barge, lighter, or other like vessel;</li> <li>(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;</li> <li>(c) A submarine or other submersible.</li> </ul>
<b>Shore</b>	When referring to distance from shore, means distance from the water's edge.
<b>Structure</b>	Means: <ul style="list-style-type: none"> <li>(a) Any building, equipment, device, or other facility made by people and which is fixed to land or seabed; and</li> <li>(b) Includes slipways, jetties, pile moorings, swing moorings, dinghy pulls, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline of the foreshore; but</li> <li>(c) Does not include aids to navigation.</li> </ul>
<b>Sunrise</b>	Means the time of sunrise as stated in the New Zealand Nautical Almanac NZ204.
<b>Sunset</b>	Means the time of sunset as stated in the New Zealand Nautical Almanac NZ204.
<b>Support vessel</b>	Means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

<b>Surfboard</b>	Means any type of board that is designed to be used for surf riding.
<b>Tanker</b>	Means any vessel which: <ul style="list-style-type: none"> <li>(a) Is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and</li> <li>(b) Either: <ul style="list-style-type: none"> <li>(i) has on board or is about to take on board a cargo the whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or</li> <li>(ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks and compartment of which have not been rendered or certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances.</li> </ul> </li> </ul>
<b>Underway</b>	Means that a vessel is not at anchor, or made fast to the shore, or aground.
<b>Vessel</b>	Has the same meaning as ship.
<b>Waterskiing</b>	Means being towed barefoot or on an object of any kind other than a vessel.
<b>Windsurfing</b>	Means using a board with a sail or sails designed to be operated by a person standing upright on the board.

## 2. General matters

### 2.1 Personal flotation devices

- 2.1.1 No person in charge of a recreational craft shall use it unless they have on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
- 2.1.2 Clause 2.1.1 and 2.1.6 shall not apply to:
- (a) Any surfboard or similar unpowered craft; and
  - (b) Any sailboarder, kiteboarder or windsurfer, 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 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 Harbourmaster under this bylaw, or the director under Maritime Rule 91.4(3); and
  - (e) 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.

- 2.1.3 (a) The Harbourmaster may approve a sporting organisation for the purposes of clause 2.1.2 (d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
- 2.1.3 (b) The director, under Maritime Rule 91.4(3), may approve a national sporting organisation for the purposes of clause 2.1.2 (d) if that organisation has in place a safety system that the director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
- 2.1.4 Subject to clause 2.1.5, clause 2.1.1 shall not apply in respect of any sporting event, training activity or ceremonial event, if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft, and the recreational craft or support vessel, or both, carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.
- 2.1.5 Clauses 2.1.1 and 2.1.6 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbourmaster, with jurisdiction for the applicable region, has granted an exemption in writing. A harbourmaster may grant an exemption for a specified period if it is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 2.1.6 Despite clause 2.1.4 no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a 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.
- 2.1.7 No person in charge of a vessel shall use it to tow any person and no person shall 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.
- 2.1.8 Clause 2.1.7 shall 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 clause 2.1.3 or Maritime Rule 91.4(3); or
  - (b) Participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule 91.4(3).

## **2.2 Swimming or diving around wharves**

- 2.2.1 No person shall jump, dive, swim or undertake other related activities:
  - (a) From or within 50 metres of any commercial jetty, wharf, or quay which is in regular use for the berthing and un-berthing of vessels; or
  - (b) Within any area that the Harbourmaster may determine in the interest of navigation safety;
  - (c) Any other such areas in the navigable waters of the region as the Harbourmaster may from time to time determine.

## **2.3 Use of vessel engine around wharves, ramps**

- 2.3.1 No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. However, this bylaw does not preclude the use of the propulsion system for the safe berthing or un-berthing of any vessel at a wharf.
- 2.3.2 The master of any commercial vessel shall:
- (a) Ensure that the vessel's moorings are checked prior to, and tended during, the testing of its propulsion system while that vessel is lying at any wharf; and
  - (b) Warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

## **2.4 Vessels which are not seaworthy**

- 2.4.1 The master and/or owner of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster or Enforcement Officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbourmaster or Enforcement Officer may determine appropriate to ensure navigation safety.
- 2.4.2 If any vessel is a navigation hazard by reason of it not being seaworthy:
- (a) The Harbourmaster or Enforcement Officer may give a direction to the master and/or owner of that ship to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
  - (b) Where the master and/or owner of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster or Enforcement Officer, the Harbourmaster or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to the council. The owner and master are jointly and severally responsible for ensuring the direction is complied with.
- 2.4.3 No person shall 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 that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.

## **2.5 Seaplanes**

- 2.5.1 No person navigating a vessel shall impede a seaplane in the process of landing or taking off.
- 2.5.2 No person shall take off, land or attempt to take off or land any seaplane or other aircraft, except in an emergency, in any area, other than areas reserved for that purpose, without the prior written permission of the Harbourmaster. Written application must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.

## **2.6 Vessels to be adequately moored or secured**

- 2.6.1 No person shall anchor or moor a vessel in any navigable water in a manner that it may break free, drag anchor or cause a navigational safety hazard.
- 2.6.2 No person shall cut, break, or destroy:
  - (a) The mooring or anchor of any vessel; or
  - (b) The fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- 2.6.3 The owner or master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep a watch.

## **2.7 Prohibited and restricted anchorages**

- 2.7.1 Except in emergencies no person may anchor or moor any vessel within any prohibited anchorage.
- 2.7.2 No person shall anchor a vessel so as to:
  - (a) Obstruct the passage of other vessels or obstruct the approach to any commercial wharf, pier, jetty or mooring; or
  - (b) Create a hazard to other vessels moored or at anchor; or
  - (c) Create a safety hazard for other vessels, swimmers or water users.
- 2.7.3 The prohibited areas to which this bylaw applies are those prescribed in Schedule 2 (Location-specific Information).
- 2.7.4 No person shall anchor any commercial vessel in the areas listed in Schedule 2 (Location-specific Information) without the prior permission of the Harbourmaster.

## **2.8 Obstructions**

- 2.8.1 No person shall obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel or mooring without the prior written authorisation of the Harbourmaster.
- 2.8.2 No person shall place any obstruction, including any vessel or fishing apparatus, in any waterway that is liable to:
  - (a) Restrict navigation; or
  - (b) Cause, or have potential to cause injury or death to any person; or
  - (c) Cause damage to any vessel or any property.
- 2.8.3 No person shall leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

## **2.9 Notification of collisions or accidents**

- 2.9.1 The master of any vessel that:
  - (a) Has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
  - (b) 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 other vessels or property; or
  - (c) In any manner gives rise to an obstruction; or

- (d) 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 practicable report the occurrence to the Harbourmaster and within 48 hours, provide the Harbourmaster with full written details of the occurrence.

2.9.2 A report under clause 2.9.1 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 or structures; and
- (c) The name(s) and address(es) of person(s) in charge of the vessel.

2.9.3 If an incident described in clause 2.9.1 involves damage to a vessel that affects or is likely to affect its seaworthiness, the master may not move the 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 Harbourmaster.

## **2.10 Aids to navigation**

2.10.1 No person shall secure their vessel to any aid to navigation without the prior authorisation of the Harbourmaster.

2.10.2 No person shall damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster as an aid to navigation, or warning.

2.10.3 No person shall erect, maintain or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbourmaster and Director of Maritime New Zealand.

## **2.11 Sound and light signals**

2.11.1 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 Harbourmaster.

2.11.2 The use of blue flashing lights and/or sirens is restricted to Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.

2.11.3 The use of purple flashing lights is for the use of an emergency response craft, authorised by the Harbourmaster, to identify itself to a vessel, aircraft or other emergency response craft involved in a response.

2.11.4 A vessel authorised to use purple flashing lights by the Harbourmaster shall only display them when:

- (a) The use is required to assist the location of a vessel or person in need of assistance; or
- (b) The use is required to assist the identification of the vessel to an aircraft involved in an incident.

The purple flashing lights imply no status or privilege to that vessel. The lights shall only be used by an emergency response craft that has been tasked to assist with an emergency. A vessel so authorised by this clause must observe clause 3.2 at all times.

- 2.11.5 No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any harbour area, except as a navigation safety signal. However, nothing in these bylaws precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf or for maintenance purposes.

## **2.12 Navigating within harbour limits**

- 2.12.1 The master of every vessel shall, when navigating within harbour limits, ensure that:
- (a) Automatic steering 'pilot' devices, if fitted, are not used, unless a helmsman is standing by in the immediate vicinity of the helm station or wheel. Otherwise, vessels are to be in hand-steering mode; and
  - (b) The vessel's main engine(s) is immediately available for reducing speed, stopping or going astern at all times and without delay; and
  - (c) The vessel's anchors are immediately available for use in an emergency and capable of being used without power.
- 2.12.2 The master of every vessel which is not a pleasure craft whether under pilotage or pilot exempt, shall have an agreed passage plan for transits of the harbour, and:
- (a) The number of crew members on the bridge shall be sufficient to safely carry out the passage plan; and
  - (b) In determining the composition of the bridge team, due regard shall be taken of the need to steer, operate manoeuvring machinery, monitor the progress of the vessel visually, use all available aids to navigation and refer to an appropriate navigation chart.
- 2.12.3 The master of every vessel under 500 gross tonnage or under 24 metres in length must not impede the navigation of any vessel of 500 gross tonnage or more when operating within harbour limits.

## **2.13 Flagged areas on beaches**

- 2.13.1 The Harbourmaster, a Surf Life Saving New Zealand patrol captain, or an Enforcement Officer, or an Honorary Enforcement Officer so empowered may, from time to time, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.
- 2.13.2 No person may carry out any activity other than the activities for which the area has been flagged.

## **2.14 Discharge into bylaw waters**

- 2.14.1 It is an offence to discharge, drop or allow to be discharged or dropped into the bylaw waters any cargo or any other thing from any vessel, structure or from the land anywhere that would or may constitute a danger to navigation or safety.

## **2.15 Immobilisation of vessel engines**

- 2.15.1 The master of every vessel over 500 gross tonnage shall not immobilise the vessel's main engines for the purpose of maintenance or otherwise without first obtaining the authorisation of the Harbourmaster (application form in Schedule 3).

## **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, or propel or navigate, a power-driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.3.
- 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 be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 3.1.3 Clause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Harbourmaster issued in accordance with a navigation bylaw, or by the Director under Maritime Rule 91.(4).
- 3.1.4 The Harbourmaster may issue an exemption in accordance with this bylaw that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster:
  - (a) Considers that the person:
    - (i) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
    - (ii) is aware of relevant navigation safety rules and navigation bylaws; and
    - (iii) will be under adequate supervision during the proposed activity or activities.

### **3.2 Speed of vessels**

- 3.2.1 No person shall, without reasonable excuse, 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, 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 demarcating that distance from the shore or structure; or
  - (c) Within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers' flag).
- 3.2.2 No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3.2.3 No person shall cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in Clause 3.2.1 of this bylaw.
- 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 similar object which may cause danger to any

other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.

3.2.5 Clause 3.2.1 (a) shall not apply to:

- (a) A vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (b) 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
- (c) A craft training for or participating in competitive rowing or paddling; or
- (d) A tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
- (e) A vessel operating in accordance with a speed uplifting established under:
  - (i) Schedule 2 (Location Specific Information) of this bylaw; or
  - (ii) Clauses 3.5, 3.8 or 3.9 of this bylaw.
- (f) 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.

3.2.6 Clause 3.2.1.(b) shall not apply to:

- (a) A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared;
- (b) A vessel operating in accordance with a speed uplifting established under:
  - (i) Schedule 2 (Location Specific Information) of this bylaw;
  - (ii) Clause 3.5, 3.8 or 3.9 of this bylaw;
- (c) A vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (d) A craft training for or participating in competitive rowing or paddling; or
- (e) A tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.
- (f) 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.

### **3.3 Wake**

3.3.1 Subject to clause 3.2, every person who propels or navigates a recreational 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.

### **3.4 Lookouts on vessel used for water skiing and towing**

- 3.4.1 No person in charge of a vessel shall use it to tow any person at a speed exceeding five knots unless at least one other person is on board who is:
  - (a) 10 years of age or older; and
  - (b) 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 shall cause himself or herself to be towed by any vessel at a speed exceeding five knots unless at least one other person is on board who is:
  - (a) 10 years of age or older; and
  - (b) Responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

### **3.5 Water skiing or towing between sunset and sunrise**

- 3.5.1 No person shall operate, between sunset and sunrise, a vessel that is towing any person water skiing. (The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac).
- 3.5.2 No person may cause himself or herself to be towed in the circumstances described in clause 3.5.1.

### **3.6 Access lanes**

Subject to the provisions of the Resource Management Act 1991:

- 3.6.1 The council may, from time to time, by Public Notice, declare that specified area or areas of any harbour shall be an access lane for the purpose of high-speed access to and from the shore.

### **3.7 Conduct in access lanes**

- 3.7.1 No person shall propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.7.2 No person shall:
  - (a) While being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or
  - (b) Cause any object that is being towed by a vessel in an access lane; to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3.7.3 No person within an access lane shall proceed in a 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 for the purpose for which it has been declared.
- 3.7.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 3.7.6 The access lanes to which this bylaw applies are those prescribed in Schedule 2 (Location-specific information).

### **3.8 Marking of access lanes**

- 3.8.1 Every access lane must be demarcated by:
- (a) Orange posts with horizontal black bands on shore; and
  - (b) If the access lane is marked at its outer edge, it shall be marked by orange buoys with black bands; and
  - (c) An adequate sign or signs in the vicinity of the access lane that declare the purpose of that lane.

### **3.9 Reserved areas**

Subject to the provisions of the Resource Management Act 1991:

- 3.9.1 The council, on application or of its own mind, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a specific purpose.
- 3.9.2 A reservation under this bylaw may be made on such conditions, and for such period or periods, as the council may specify in the notice.
- 3.9.3 Every area that is reserved under this bylaw shall be indicated by notice boards that are prominently displayed on the land at the extremities of the area.

### **3.10 Reserved areas for special events**

- 3.10.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which this bylaw applies, may apply to the Harbourmaster (application form in Schedule 3) to:
- (a) Temporarily suspend the application of Clause 3.2 in part or in total in that area for the purposes of facilitating the event;
  - (b) Temporarily reserve the area for the purpose of that activity.
- 3.10.2 Where the Harbourmaster is satisfied 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 as he or she may specify.
- 3.10.3 No grant of an application shall have effect unless, not less than seven days or more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 3.10.4 The council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

### **3.11 Conduct in reserved areas**

- 3.11.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 3.11.2 If any person is using a reserved area for the purpose for which it is reserved, no other person shall enter, remain in or use the area for any purpose, unless otherwise stated in Schedule 2 (Location-specific information).
- 3.11.3 Nothing in Clause 3.11.1 or 3.11.2 prohibits the use of emergency response craft within a reserved area.
- 3.11.4 The reserved areas to which these bylaws apply are those prescribed in Schedule 2 (Location Specific Information), or those notified in accordance with Clauses 3.9.1 or 3.10.3.

### **3.12 Marking of reserved areas**

- 3.12.1 Adequate signs shall be provided in the vicinity of a reserved area that:
  - (a) Define the area; and
  - (b) Declare the purpose for which the area has been reserved.
- 3.12.2 If the area is demarcated on shore, it is marked by black posts with white horizontal bands.
- 3.12.3 If the reserved area is marked at sea, it is marked by black buoys with white bands.
- 3.12.4 Nothing in this clause applies to reserved areas for special events made in accordance with clause 3.10.

### **3.13 Collision prevention**

- 3.13.1 No person shall operate any vessel in breach of Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.
- 3.13.2 Every person commits an offence against this bylaw who, being required by an officer of the council under clause 3.13.1 of this bylaw to do anything, fails to comply with that requirement as soon as is reasonably possible.

### **3.14 Duty of master of a vessel under 500 gross tonnage**

- 3.14.1 The master of a vessel under 500 gross tonnage must not allow the vessel to impede the navigation of any vessel of 500 gross tonnage or more if the vessels are in a pilotage or harbour area.

### **3.15 Dive operations**

- 3.15.1 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 operator of another vessel at a distance in excess of 200 metres and ensure that the vessel remains within 200 metres of the divers.
- 3.15.2 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 operator of another vessel at a distance of 200 metres.
- 3.15.3 Every person diving must ensure that they remain within a 200-metre horizontal radius of the Flag A being exhibited.

### **3.16 Moorings**

- 3.16.1 No person may place (or have in place) a mooring in any waters, unless a mooring licence has been issued by the council.
- 3.16.2 The Harbourmaster may remove, or cause to be removed, any mooring, which is either unauthorised under the Resource Management Act 1991 or is unlicensed pursuant to the provisions of this bylaw, and detain the vessel using the mooring, until such fees and charges, including the cost of removing the mooring and storing the vessel, 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 to sell the mooring and/or vessel to recover the debt.
- 3.16.3 The council may, either issue or decline to issue a mooring licence for a mooring including an application to transfer a mooring licence to which subclause 3.16.9 applies.

- 3.16.4 The council may, at its discretion, impose terms and conditions on the licence. The conditions of any mooring licence issued by the council may include, but are not limited to:
- (a) The 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, this will not exceed a period of three years.
  - (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. The mooring buoy must be a bright colour, preferably orange, pink or yellow, and if hollow must be filled with polystyrene beads or foam. The mooring number must be engraved on top in lettering not less than 30mm high;
  - (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;
- 3.16.5 Every mooring licence issued by the council shall apply only to the licensee. The licence is to be held by the licensee subject to the following additional terms and conditions:
- (a) The licence shall be issued annually upon full payment of an annual mooring fee charged pursuant to the council's Navigation, Water Transport and Maritime Safety Bylaw Charges and its Charging Policy as amended from time to time.
  - (b) The licence shall apply from 1 July to the following 30 June each year.
  - (c) Payment the annual mooring licence fee and acceptance thereof by the council shall constitute a renewal of the licence.
- 3.16.6 The council may at any time after giving due written notice, cancel a mooring licence where the licensee fails to comply with the terms and conditions of the mooring licence or any other clause under this section of the bylaw. There will be no refund if a mooring licence is cancelled. Where a mooring licence has been cancelled, the Harbourmaster may request the mooring owner remove the mooring to which that licence refers. The mooring owner shall remove the mooring within the timeframe specified by the Harbourmaster. Where the mooring owner fails to remove the mooring in the specified timeframe, the Harbourmaster may direct that the mooring and any vessel occupying the mooring be removed and the council may recover the costs from the licensee or from the sale of the mooring and/or vessel.
- 3.16.7 Should any annual mooring licence fee(s) or other charges due to the council under the provision of this bylaw remain unpaid for a period of 60 days, then the Harbourmaster may remove, or cause to be removed, the mooring and detain the vessel using the mooring, until such fee(s) and charge(s), including the cost of removing the mooring and storing the vessel, have been fully paid and discharged. Should such debts have not been paid and discharged within a further 60 days, the council may sell or dispose of the mooring and/or vessel to recover the debt.
- 3.16.8 The licensee shall not transfer or part with the licence without first completing and submitting a transfer of the mooring license form with the Northland Regional Council for registration of the transfer of ownership as provided by

this bylaw. All mooring licence fees, including the transfer fee, must be paid and the mooring must have a current inspection certificate before the transfer of the mooring licence will be registered.

- 3.16.9 The mooring owner shall keep and maintain the mooring in a proper state of condition and repair. All components of the mooring must be inspected visually at least once every three years. The inspection must be performed by a council approved mooring contractor or a council approved construction diver. A mooring can be lifted, dragged ashore and maintained by the mooring owner, provided arrangements are made to have a council representative inspect the mooring prior to its replacing. All costs in having the mooring inspected shall be paid for by the mooring owner.
- 3.16.10 Failure to comply with Clause 3.16.9 six months after the expiry of the current inspection certificate will mean that the mooring is unfit for purpose or use. As a result, the council may cancel the mooring licence and the Harbourmaster may direct that the mooring be removed from the water and disposed of. Any vessel occupying the mooring may be detained until all fees and charges, including the cost of removing the mooring and storage of the vessel have been fully paid and discharged. If after 60 days following removal of the mooring the fees and charges remain unpaid, the council may sell the vessel to recover the debt.
- 3.16.11 Where a vessel breaks free from or drags its mooring, or is endangering another vessel or causing or resulting in a navigational safety issue, or is sinking or has become unseaworthy, the Harbourmaster may remove that vessel at the owner's risk. All costs associated with such recovery, removal and subsequent storage are recoverable from the owner of the vessel or from the mooring owner. Where the vessel owner can not be found (after the council has made reasonable enquiries), the costs incurred by the council for recovery, removal and subsequent storage of vessel may be recovered from the sale of the vessel, fittings and any equipment onboard.
- 3.16.12 Every person commits an offence against this bylaw who moors a vessel to any mooring without the written approval of the licensed mooring owner. Should the vessel remain on the mooring for a period longer than a specific date stipulated by the Harbourmaster, then the Harbourmaster may direct that the vessel be removed from the mooring and detained until such fees and charges including the cost of removing and storing the vessel have been fully paid and discharged. If such debts are not paid and discharged within a further 60 days, the council has the right to sell the vessel to recover the debt.
- 3.16.13 If the mooring owner or their whereabouts is unknown, owing to their failure to notify the council of their change of contact details within 60 days, the council may after a period of not less than 60 days sell the mooring in situ (if it has a current mooring inspection certificate). If the mooring does not have a current inspection certificate, the Harbourmaster may direct that the vessel be removed from the mooring and be detained until such fees and charges including the cost of removing and storing the vessel have been fully paid and discharged. If such debts are not paid and discharged within a further 60 days, the council has the right to sell the vessel to recover the debt or dispose of the vessel as it sees fit.

- 3.16.14 Every person commits an offence against this bylaw who secures or allows to be secured any vessel to any moored vessel in a manner that is liable to:
- (a) Restrict navigation; or
  - (b) Cause loss of life or injury to any person; or
  - (c) Cause damage to any vessel or any property.
- 3.16.15 No owner of a licensed mooring may leave a mooring vacant for a period longer than six months without the prior written permission of the Harbourmaster.
- 3.16.16 Where the owner of a mooring has left the mooring vacant or unattended for a period of longer than six months without the prior written permission of the Harbourmaster, the council may cancel the licence and the Harbourmaster may direct that the mooring be removed.
- 3.16.17 The Harbourmaster has the right to inspect or require inspections of any mooring and on receipt of an unfavourable report can require the owner to upgrade or repair the mooring as considered appropriate.
- 3.16.18 The Harbourmaster may from time to time approve, a person(s) to lift and inspect moorings. The person(s) shall be known as council approved mooring contractors. Council approved mooring contractors are required to undergo an assessment by a council officer every six months to ensure certain standards are met including, but not limited to, the quality of workmanship (including welds and splices), the quality of materials used to construct and maintain moorings, and the safe operation of the vessel and associated safe work practices.
- 3.16.19 The council is not liable in any event for the position, insufficiency of, or insecurity of any designated mooring area.
- 3.16.20 The council shall exercise reasonable care, but shall have no liability for any damage caused by any action taken in accordance with the bylaw. In addition, the council is not responsible for any damage or loss that may arise to any vessel or other property caused by:
- (a) Any breaking away or defect of a mooring or any part of it; or
  - (b) The act of any person in causing damage to a mooring or any part of it, where the damage is caused by any vessel moored to such mooring; or
  - (c) The perils of the seas, or by navigation of any vessel, or any other cause.
- 3.16.21 The council may from time to time set mooring guidelines governing the weight, size and length of mooring components for vessels of a certain type, size and weight.

### **3.17 Personal water craft**

- 3.17.1 Every personal water craft being used in or upon the waters of the Northland region must clearly display a unique number on each side of the craft, such number being a minimum height of 90 millimetres and each digit having a minimum width of 80 millimetres.
- 3.17.2 This number must be registered with the council or its agent together with the name and address of the owner.

## **4. Tankers, hazardous cargoes, hazardous works and dangerous materials**

### **4.1 Explosives anchorage**

- 4.1.1 The master of a vessel having on board, or intending to load or unload, explosives in quantities greater than 27kg must ensure that:
- (a) The ship remains within any explosives anchorage which may be designated from time to time or other anchorage specified by the Harbourmaster when not underway, except with the written permission of the Harbourmaster; and
  - (b) No person loads or unloads explosives outside the explosives anchorage, except with the written permission of the Harbourmaster.

### **4.2 Vessels carrying explosives**

- 4.2.1 The master of any vessel in any harbour or anchorage having on board, or intending to load or unload explosives must hoist on the vessel code Flag B of the International Code of Signals by day and a red light by night.
- 4.2.2 The master of any vessel in any harbour or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying, loading or unloading explosives, except:
- (a) With the written permission of the Harbourmaster; 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.
- 4.2.3 The master of any vessel carrying explosives in any harbour or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:
- (a) With the written permission of the Harbourmaster; 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.
- 4.2.4 Nothing in clauses 4.2.1, 4.2.2 and 4.2.3 applies to any vessel which:
- (a) Is carrying not more than 27 kilograms of explosives; or
  - (b) Is carrying no explosives other than explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class, as defined by the Explosives Act 1957.

### **4.3 Signals to be displayed by oil tankers**

- 4.3.1 On or immediately before the arrival in harbour of any tanker, and so long as the tanker remains in harbour, the master must display by day Flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen from all directions.

### **4.4 Duties of master while tanker is in harbour**

- 4.4.1 While in a harbour, the master of an oil tanker must operate in accordance with the most recent edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).

- 4.4.2 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 2 of this bylaw, or as otherwise permitted in writing by the Harbourmaster; and
  - (b) Keep the tanks containing Class 3.1 or 3.2 oil cargo securely closed, except when opened for loading or discharging; and
  - (c) 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.

#### **4.5 Oil tankers not to lie close to other vessels**

- 4.5.1 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 authorisation of the Harbourmaster has first been obtained in writing.

#### **4.6 Hot work operations**

- 4.6.1 Within any harbour or commercial areas, 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 Harbourmaster a Hot Work Permit in accordance with requirements set out in Schedule 3 of this bylaw, no less than two hours before commencing the work.
- 4.6.2 The master of the vessel must ensure that before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel and 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.
- 4.6.3 The Harbourmaster may issue a hot work permit dispensation from compliance with subclauses 4.6.1 and 4.6.2 to:
- (a) Local operators of any ship repairing establishment where the hot work is carried out in a controlled location and where hot work procedures are strictly adhered to; and
  - (b) Any vessel where hot work is a necessary part of the work carried out by the vessel and where hot work procedures are strictly adhered to.
- 4.6.4 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the operations to be commenced or continued until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

#### **4.7 Hazardous goods transfer**

- 4.7.1 Hazardous goods transfers shall only take place between sunrise and sunset unless written permission for transfer outside these hours is obtained from the Harbourmaster.

## **5. Administrative matters**

### **5.1 Revocation of bylaws**

- 5.1.1 The following bylaws and all amendments are revoked.  
Northland Regional Council Navigation Safety Bylaw 2007.

### **5.2 Application to master/owner**

- 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 either the master or the owner complies with any such clause then, for the purposes of this bylaw, compliance by one is deemed to be compliance by the other.

### **5.3 Vessels to be licensed**

- 5.3.1 The owner of a vessel that is not subject to any maritime rule made under the Maritime Transport Act 1994 dealing with the operational management of the vessel must not operate that vessel for hire or reward unless it is licensed by the Harbourmaster.
- 5.3.2 The owner of a vessel must not use that vessel for hire or reward in any area specified in Schedule 1 unless it is licensed by the Harbourmaster.
- 5.3.3 The Harbourmaster may issue a licence in respect of clause 5.3.1 if, in the opinion of the Harbourmaster, the operation is safe and the vessel is fit for its intended purpose.
- 5.3.4 The Harbourmaster may issue a licence in respect of clause 5.3.2 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.
- 5.3.5 Every licence issued by the Harbourmaster under this bylaw shall apply only to that vessel and operator(s) named in the licence.
- 5.3.6 Every licence issued by the Harbourmaster must be available for inspection at any time by the Harbourmaster, or enforcement officers or honorary enforcement officers, or any prospective client of the operation.
- 5.3.7 A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.
- 5.3.8 The terms and conditions of any licence issued by Harbourmaster 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.

#### **5.4 Fees and charges**

- 5.4.1 The fees and charges specified in the Northland Regional Council Navigation, Water Transport and Maritime Safety Bylaw Charges for functions, duties, powers or services carried out by the council under this bylaw must be paid on demand by the specified person or owner to the council.
- 5.4.2 The council may, by Special Order or by the prescribed statutory procedure from time to time, amend the Navigation, Water Transport and Maritime Safety Bylaw Charges.

**Note:** Copies of the application forms contained in Schedule 3 of this bylaw can be obtained from any Northland Regional Council office or from the council's website:

***[www.nrc.govt.nz/forms](http://www.nrc.govt.nz/forms)***

# Schedule 1 – Areas Defined

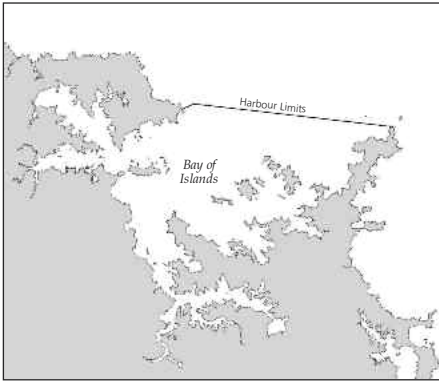
## Harbour Limits

Whāngārei	The limits of which are defined in Order of Council of 28 March 1967, NZ Gazette 13 April, 1967 No. 23, p. 585.
Bay of Islands	The limits of which are defined in Warrant of 1 December 1936, NZ Gazette 3 December 1936, p. 2331.
Ngunguru*	The limits of which are defined in the First Schedule to the Whāngārei Harbour Board Vesting Act 1928.
Tutukākā*, Whangaruru and Whananaki	The limits of which are defined in the Schedule of the Tutukākā, Whangaruru and Whananaki Harbours Control Act 1926.
Pataua*	The limits of which are defined in the Eighth Schedule to the Northland Harbour Board Vesting and Empowering Act 1963.
Hokianga, Kaipara, Whangaroa, Mangōnuī and Mangawhai*	The limits of which are defined in Order of Council of 20 November 1868, NZ Gazette 23 November 1868, p. 549.
Awanui**	The limits of which are defined in Order of Council of 11 October 1926, NZ Gazette 21 October 1926, p. 2962.
Houhora**	The limits of which are defined in Order of Council of 20 November 1868, NZ Gazette 23 November 1868, p. 549.
Rangaunu	The limits of which are defined in NZ Gazette 3 June 1982, p. 1751.
Waipū*	The limits of which are defined in Order of Council of 30 June 1965, NZ Gazette 8 July 1965, p. 1093.
Pārengarenga	The limits of which are defined in Order of Council of 5 May 1969, NZ Gazette 22 May 1969, p. 949.

### Note:

- \* Repealed – Gazette notice No. 159 dated 14 September 1989 as these harbours are contained within Whāngārei Harbour limits.
- \*\* Repealed – Gazette notice No. 58 dated 3 June 1982 as these harbours are contained within Rangaunu Harbour.

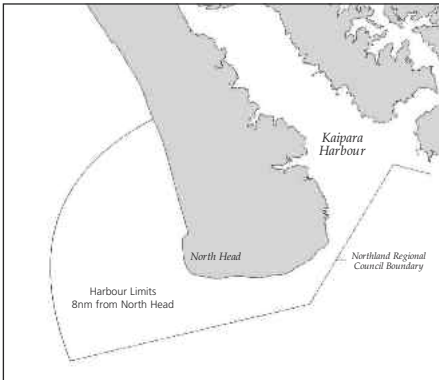
# Harbour Limit Maps



**Bay of Islands Harbour**



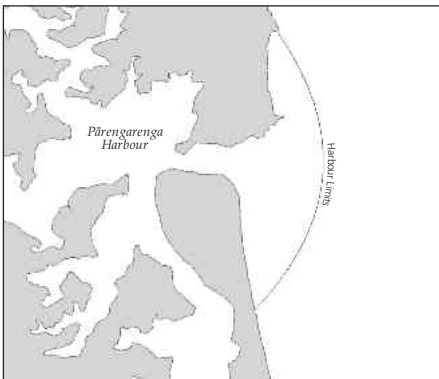
**Hokianga Harbour**



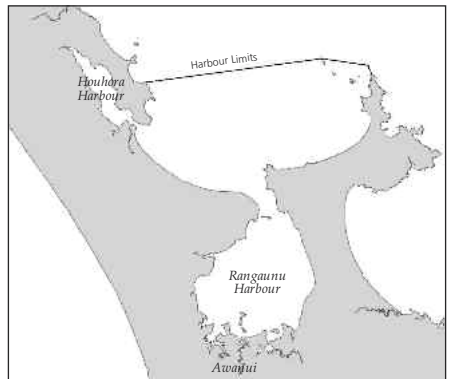
**Kaipara Harbour**



**Mangōnuī Harbour**

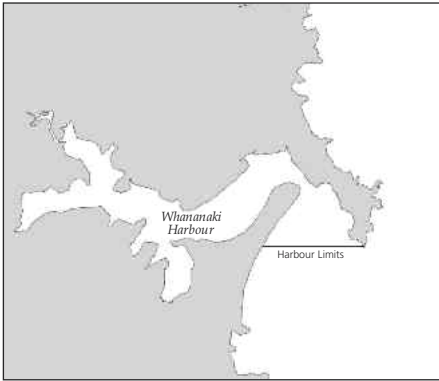


**Pārenārenga Harbour**

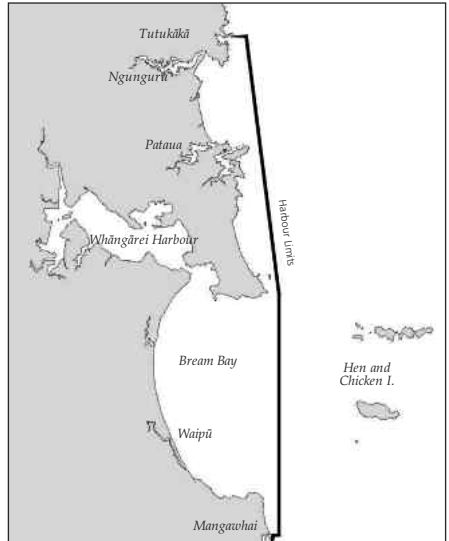


**Rangāunu Harbour**

# Harbour Limit Maps



**Whananaki Harbour**



**Whāngārei Harbour**



**Whangaroa Harbour**



**Whangaruru Harbour**

## Schedule 2 – Location-specific Information

### Prohibited Areas

#### Marsden Point

Except where the Harbourmaster permits, no person shall sail, navigate, moor or anchor any vessel or enter, swim or dive whether with or without diving equipment into or in that part of the Whāngārei Harbour described as follows:

All that area enclosed by the pecked line shown on chart NZ 5214 which surrounds the Oil Refinery berths at Marsden Point as follows:

- From mean high water springs mark on the foreshore 000 degrees true to the Western most dolphin, thence 030 degrees true for 125 metres thence 120 degrees true for 715 metres, thence 210 degrees true for 125 metres to the Eastern most dolphin thence 240 degrees true to the mean high water springs on the foreshore.

### Prohibited Anchorages

Except where the Harbourmaster permits, no person shall moor or anchor any vessel in those parts of the respective harbours under the control of the Council as hereinafter described:

- (a) Whāngārei Harbour - Charts affected NZ 5214, NZ 5215.  
All that area 75 metres each side and parallel to the following lines:
  - (i) From a cable marker approximate position 35 degrees 46.75'S 174 degrees 23.10'E.
  - (ii) A line in a 348 degree direction to Stevens Point Front Lead approximate position 35 degrees 46.46'S 174 degrees 23.02'E continuing in a 010 degree direction to a cable marker at Waikaraka in approximate position 35 degrees 45.65'S 174 degrees 23.16'E.
  - (iii) A line in a 252 degree direction to Shell Bank West Rear Lead position approximately 35 degrees 46.91'S 174 degrees 22.50'E continuing in a direction 116 degrees to Shell Bank West Front Lead position approximately 35 degrees 47.49'S 174 degrees 23.99'E.
  - (iv) A line in a 089 degree direction to Ross Beacon position approximately 35 degrees 46.74'S 174 degrees 23.28'E.
  - (v) A line in a 312 degree direction from One Tree Point Rear Lead position approximately 35 degrees 49.32'S 174 degrees 26.98'E to One Tree Point Front Lead position approximately 35 degrees 48.63'S 174 degrees 26.02'E.
  - (vi) A line in a 107 degree direction from Sinclair Rear Lead beacon in position approximately 35 degrees 49.46'S 174 degrees 27.57'E to Sinclair Front Lead Beacon in position approximately 35 degrees 49.54'S 174 degrees 27.92'E.
- (b) Bay of Islands Harbour - Charts affected NZ 5124, NZ 5125.
  - (i) Within the pecked lines drawn 75 metres each side of an unlighted triangular cable beacon situated on the foreshore at Russell in approximate position 35 degrees 15.87'S 174 degrees 07.28'E in a 226 degrees direction to an unlighted triangular cable beacon situated on the

foreshore at Paihia in approximate position 35 degrees 17.07'S 174 degrees 05.78'E.

- (ii) Within the pecked lines in Veronica Channel between Okiato and Opua, between unlighted triangular cable markers in approximate positions.

N - 35° 18.31S, 174° 07.17E

E - 35° 18.36S, 174° 07.3'E

S - 35° 18.57'S, 174° 06.99'E

W - 35° 18.52'S, 174° 06.90'E

- (iii) Within pecked lines drawn 75 metres each side of an unlighted triangular cable beacon situated on the foreshore in Waikare inlet in approximate positions 35 18.35S 174 08.07E and 35 18.99S 174 08.3E.

- (c) Hokianga Harbour - Chart affected NZ 4212

Within the pecked lines drawn 100 metres each side of a cable from a triangular beacon bearing the word "cable" and standing half a cable westward of the root of Rawene Wharf. The cable is laid across the harbour in a 023 degree direction from the beacon.

### **Bulk Oil Discharge Permitted Area**

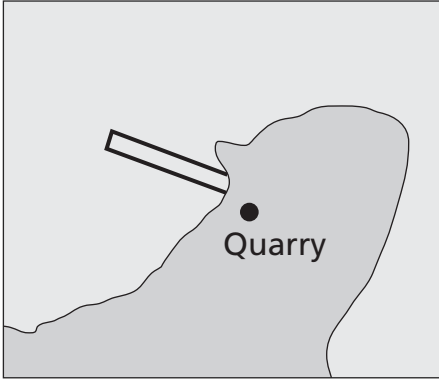
With reference to Clause 4.4.2, tanker berths suitable for the discharge of bulk oil are located at the following area:

- New Zealand Refining Company Limited jetties at Marsden Point.

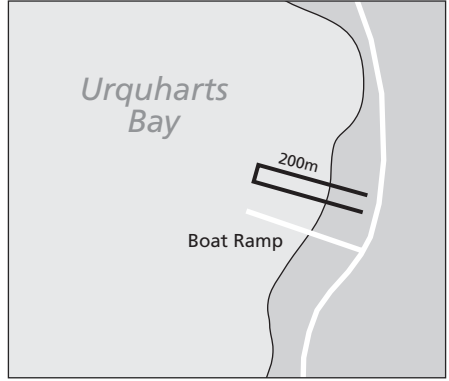
### **Access Lanes**

Whāngārei Harbour	<ul style="list-style-type: none"><li>• Limestone Island</li><li>• Urquharts Bay</li></ul>
Mangawhai Harbour	<ul style="list-style-type: none"><li>• Lane on seaward side</li></ul>
Pataua Harbour	<ul style="list-style-type: none"><li>• 600 metres upstream of footbridge – south side</li><li>• 600 metres upstream of footbridge – north side</li></ul>
Ngunguru Harbour	<ul style="list-style-type: none"><li>• Motor Camp</li><li>• Sand spit</li></ul>
Tutukaka Harbour	<ul style="list-style-type: none"><li>• Kowharewa Bay</li></ul>
Whananaki Harbour	<ul style="list-style-type: none"><li>• Southern shore 60 metres downstream of bridge</li></ul>
Whangaruru Harbour	<ul style="list-style-type: none"><li>• Oakura</li><li>• Whenuakite</li></ul>
Bay of Islands	<ul style="list-style-type: none"><li>• Paihia</li><li>• Waitangi River</li><li>• Te Kowhai – Kerikeri Inlet</li><li>• Wahapu Bay – east side of Veronica Channel</li><li>• Tapeka</li><li>• Dicks Bay</li></ul>
Doubtless Bay	<ul style="list-style-type: none"><li>• Coopers Beach</li></ul>
Houhora	<ul style="list-style-type: none"><li>• Mount Camel</li></ul>

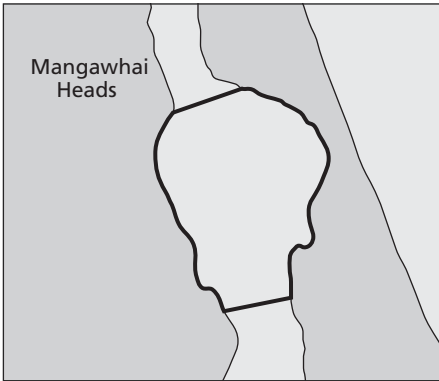
# Access Lane Maps



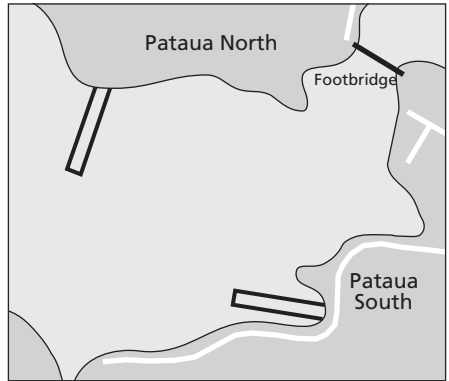
**Limestone Island**



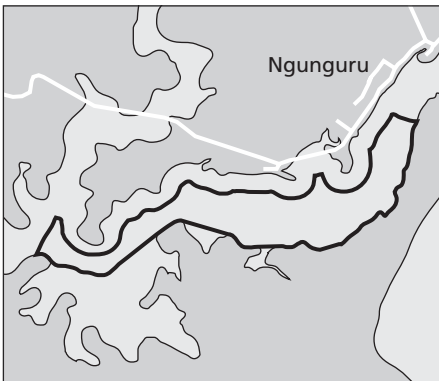
**Urquharts Bay**



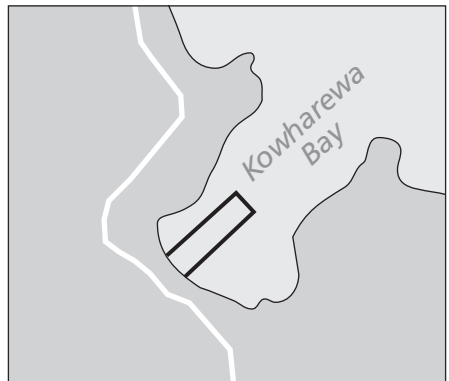
**Mangawhai Harbour**



**Pataua Harbour**

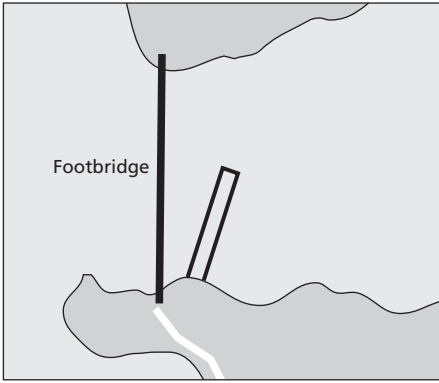


**Ngunguru**

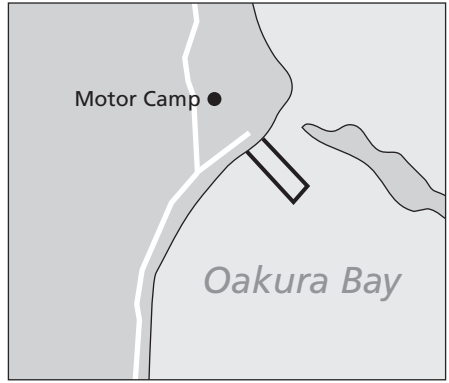


**Tutukākā Harbour**

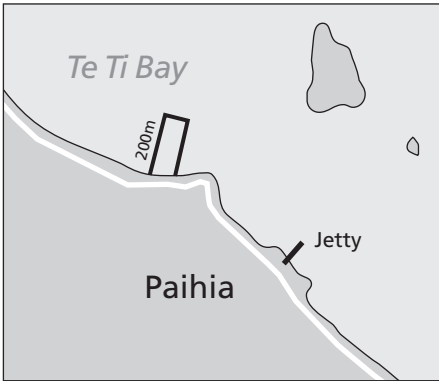
# Access Lane Maps



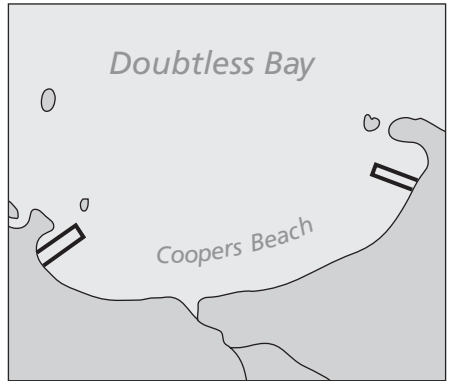
**Whananaki Harbour**



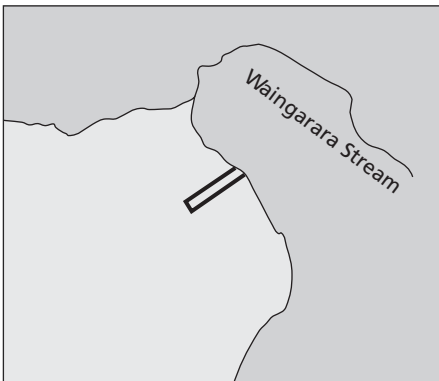
**Whangaruru Harbour - Oakura**



**Paihia**



**Coopers Beach**

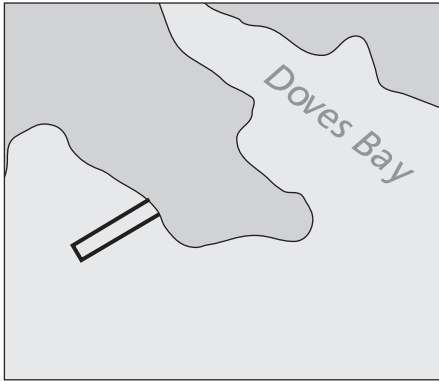


**Houhora**

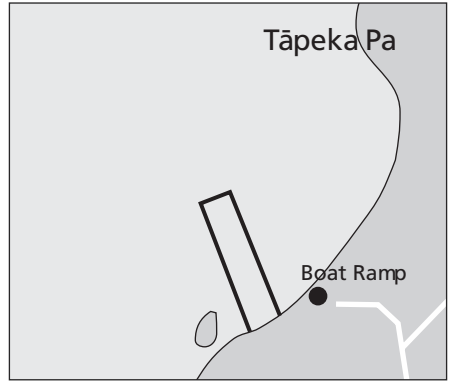


**Dicks Bay**

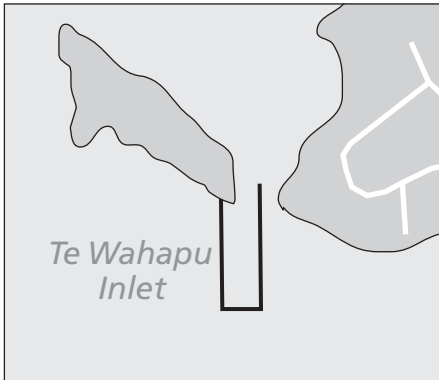
## Access Lane Maps



**Te Kowhai - Kerikeri Inlet**



**Tāpeka**



**Wahapu Bay**

### Wharves and Jetties with Swimming Restrictions

#### Whāngārei

- Main 1 – Port Whāngārei
- Main 2 – Port Whāngārei
- Main 3 – Port Whāngārei
- Portland Wharf
- Marsden Point Wharf
- Refinery Jetties 1 & 2
- Berths 1, 2 and 3 of the Northport facility at Marsden Point

#### Bay of Islands

- Paihia Wharf
- Russell Wharf
- Ōpua Wharf
- Okiato (ferry landing)

#### Hokianga

- Kohukohu (ferry landing)
- Rawene (ferry landing)
- Opononi Wharf

# Schedule 3 – Forms

## Application for Immobilisation of Ship's Engine at Berth



Date: ..... Time: ..... Port of: .....

**To: The Harbourmaster**

I hereby request permission for the vessel: ..... (name of vessel)  
of ..... (name of company) to immobilise its engines to carry out necessary  
maintenance as follows: .....

This work will commence at ..... hours on ..... (date)  
Estimated completion time ..... hours on ..... (date)

	Initial
Berth Name/No: ..... Ship Type: ..... Cargo: .....	
LOA: ..... Max. Draft: ..... Displacement: .....	
Highest wind speed predicted for the above period: ..... from ..... direction	
Standby arrangements/safety procedures confirmed with towage company.	
Manpower is available to handle and monitor mooring lines during maintenance period.	
Extra line to be run, or additional precautions as follows: ..... ..... <b>Note:</b> Hot Work Permit is required if hot work is to be carried out.	

**Signed by the Master**

Name: ..... Signature: .....

**Facility Owner (Northport or NZRC) approval granted**

Name: ..... Signature: ..... Date: ..... Time: .....  
Subject to the following conditions (if any): .....

**Harbourmaster Approval**

Signature: ..... Worksmart No: .....  
Subject to the following conditions (if any): .....  
Copy of Approval sent to applicant/or verbal permission given: .....



# Form of Certificate of Test (Atmosphere Sampling)



To be completed by Analyst on each occasion samples are obtained.

Consecutive No: .....

This is to certify that on: ..... (date) at ..... (hours),  
 atmosphere sampling was undertaken in the following tanks, holds, spaces of the Vessel:  
 .....

The samples were tested for inflammable or toxic vapours and O<sub>2</sub> content.

The vessel is located at: ..... (wharf) ..... (port)

Tank, Hold or Space	Method of Sampling Used	Results of Sampling/Remarks

The results of tests indicate that the following Tanks, Holds or Spaces:

Were **NOT** gas Free: .....

Were gas Free: .....

Additional Comments/Endorsements: .....

.....

.....

.....

.....

This Certificate of Test is valid to: ..... (hours) on ..... (date).  
 The Master of this vessel must be aware that any issued Hot Work Permit is immediately revoked if  
 any subsequent test certificate indicates the presence of a dangerous atmosphere.

Signature of Analyst: ..... Date: .....

Address/Contact: .....

Telephone: ..... Fax: .....

# Hot Work Permit

(Copy to be displayed on-site)



Relating to any work involving temperature conditions which are likely to be of sufficient intensity to cause ignition of combustible gases, vapour or liquids in or adjacent to the area involved. This permit is valid for 12 hours from the time indicated on the gas free certification section of this form or to the date and time shown where gas-free certification is not applicable.

Name of Vessel: .....

Where Berthed: .....

Hot Work Permit valid from: ..... (date) ..... (time)  
to: ..... (date) ..... (time)

Description and Location of Work: .....

.....

.....

Engineering Company carrying out work: .....

Supervisor: .....

What additional Fire Protection is available: .....

.....

Gas Free Certification	(Date/Time of Issue)	Signatory
Gas Free Certificate No. 1 (Prior to work commencing)		Analyst: ..... Work Supervisor: .....
Gas Free Certificate No. 2		Analyst: ..... Work Supervisor: .....
Gas Free Certificate No. 3		Analyst: ..... Work Supervisor: .....
Gas Free Certificate No. 4		Analyst: ..... Work Supervisor: .....

Permission is hereby granted for the work for which this permit applies to be carried out on the days identified in the GAS FREE CERTIFICATION section, and on condition that the Northland Regional Council Navigation Safety Bylaw 2011.

Notwithstanding the foregoing, Northland Regional Council Navigation Safety Bylaw 2011, the Master shall ensure that gas cutting and/or electric welding work ceases when a vessel with Class A, B or C oil cargo is berthed adjacent to his or her ship. The work may resume only by written permission of the Harbourmaster.

Signed: ..... Harbourmaster

Port Operator Notified

Finance Notified

# Application for Special Events

Application to Conduct a Race, Speed Trial,  
Competition or Other Organised Water Activity



Application made under Clause 3.10.1 of the Northland Regional Council Navigation Safety Bylaw 2011.

## Applicant's Details

1. Name of Applicant or Organisation: .....  
Contact Person: ..... Postal Address: .....  
Telephone: ..... Fax: ..... Email: .....  
Signature of Applicant: ..... Date: .....
2. If you have already dealt with a staff member regarding your proposal, please specify their name:  
.....

## Details of Activity

3. Where will the event occur? .....  
*(Name of bay, beach, etc) Map Reference (Latitude/Longitude)*
4. Date(s) of Event: .....
5. Start Time: ..... Finish Time: .....
6. Description of Event (this may include a sketch plan of course(s) and locality including any course markers). Please use separate sheet if necessary.
7. Anticipated number and type of vessels: .....
8. Name of Controller of On-Water activities: .....
9. On-Water Controller cell phone number (to be contactable during the event): .....
10. What Clause(s) of the Bylaw would you like uplifted for your event? .....
11. Details of Safety Arrangements (include number of marshals/safety boats, St John/first aid provisions, operational plan and competitor safety equipment and public safety provisions). Please note that your application will be assessed in terms of the safety arrangements for your event. Please use separate sheet if necessary.
12. Any other Relevant Information: .....
13. As your application will require public notification\* please advise what newspaper(s) are commonly received by the local community in the area your event will occur.

\* Your application will be publicly notified between seven and fourteen days prior to your event as outlined in Clause 3.10.3 of the Navigation Safety Bylaw 2011. The purpose of this notification is to let other users know that this area is reserved for your use. The cost of this/these public notice(s) will be invoiced to you at this time or soon thereafter.

Please contact the appropriate district council in the area your event will occur to discuss any requirement they have.

## Notes

**Authorisation Fee:** The fee for processing an authorisation for a special event is \$135.00 as specified in the Northland Regional Council Charging Policy. The authorisation fee must be included with your application.

**Public Notification:** Your application will be publicly notified between seven and fourteen days prior to your event as outlined in Clause 3.10.3 of the Navigation Safety Bylaw 2011. The purpose of this notification is to let other users know that this area is reserved for your use. The cost of this/these public notice(s) will be invoiced to you at this time.

Please contact the appropriate district council in the area your event will occur to discuss any requirement they have.

Have you (please tick)  Filled in all parts of this form?  Enclosed a cheque for \$135.00?  
If you need assistance please phone the Northland Regional Council's Freephone 0800 002 004





## Stay connected:

 [www.facebook.com/NorthlandRegionalCouncil](http://www.facebook.com/NorthlandRegionalCouncil)

 [www.twitter.com/NRCExpress](http://www.twitter.com/NRCExpress)

**Linked in** [www.linkedin.com/companies/northland-regional-council](http://www.linkedin.com/companies/northland-regional-council)

## Contact us:

### Ōpua Office

Unit 10, Ōpua Marine Park

Ōpua 0200

T: 09 402 7516, F: 09 402 7510

### Kaitiāia Office

192 Commerce Street

Kaitiāia 0410

T: 09 408 6600, F: 09 408 6601

### Dargaville Office

61B Victoria Street

Dargaville 0310

T: 09 439 3300, F: 09 439 3301

### Main Office

36 Water Street, Whāngārei

Private Bag 9021, Whāngārei

Mail Centre, Whāngārei 0148

**Telephone:** 09 438 4639 **Facsimile:** 09 438 0012

**Freephone:** 0800 002 004

**24/7 Environmental Hotline:** 0800 504 639

**E-mail:** [mailroom@nrc.govt.nz](mailto:mailroom@nrc.govt.nz) **Website:** [www.nrc.govt.nz](http://www.nrc.govt.nz)