

Navigation Safety Bylaw 2017



Northland
REGIONAL COUNCIL



Navigation Safety Bylaw 2017


Pursuant to Section 33M of the Maritime Transport Amendment Act 2013 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 27 June 2017 and ordered to come in to force on 1 August 2017.

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



Malcolm Nicolson
Chief Executive Officer



Bill Shepherd
Chairman

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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 2017.

1.1.2 This bylaw comes into force on **1 August 2017**.

1.2 Areas within which this bylaw applies

1.2.1 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

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

Accident has the same meaning as in section 2 in the Act.

Act means the Maritime Transport Act 1994.

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 or not.

Anchoring 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.

Beacon means a light or mark rigidly attached to the seabed or ground set up in a prominent position as a navigation mark or a warning to vessels.

Board sports means any board sport, including windsurfing, sailboarding, kiteboarding, stand-up paddleboarding, knee boarding, body boarding and surfing where the means of propulsion is by wind, waves other natural forces or paddle, and where no mechanical means of propulsion is used.

Buoy means a float secured to the seabed serving as a navigation or location mark, or to indicate reefs, other hazards or a mooring.

Coastal Marine Area means the foreshore, seabed, and coastal water, and the airspace above the water:

- a. of which the seaward boundary is the outer limits of the territorial sea;
- 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:
 - i. one kilometre upstream from the mouth of the river; or
 - ii. the point upstream that is calculated by multiplying the width of the river mouth by five.

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 Northland Regional Council or any person delegated or authorised to act on its behalf.

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 means the person who is for the time being the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994.

Diver includes persons diving from shore and or from a vessel including a scuba diver, snorkeller, freediver, spearfisher.

Emergency response craft means any vessel approved by the Harbourmaster for use in emergency response and includes Police, Customs, Coastguard, Harbourmaster, naval and port company vessels.

Enforcement Officer means a person appointed as an Enforcement Officer under section 33G(a) of the Act.

Explosive 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 produce a pyrotechnic effect. Substances included within this definition can be more fully found in the Hazardous Substances and New Organisms Act 1996.

Flag A means Flag A of the International Code of Signals (the divers' flag), a burgee (swallow-tailed) flag coloured in white and blue, or a rigid replica, with white to the mast. A flag exhibited on a vessel must be not less than 600mm by 600mm. For divers not swimming from a vessel, or more than 200 metres from a vessel, a dive Flag A on a float must be used. The flag A must be exhibited on a float which must be red, yellow or orange coloured minimum size 10 litres; this equipment must be fitted with a divers flag A of at least 200mm x 200mm and be self-righting.

Flag 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.

Flagged area means that area of beach which may be marked by red and yellow flags from time to time, and extending to 200 metres from the actual water's edge for the purposes of swimming.

Foreshore 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.

Gross tonnage means the gross tonnage of a ship determined under Maritime rule 48.6 or the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurements of Ships 1969, as the case may be.

Harbourmaster has the same meaning as in section 2 of the Act.

Hazardous goods means any substance that is an actual or potential cause or source of harm.

Honorary Enforcement Officer has the same meaning as in Section 33G of the Act.

Incident means any occurrence, other than an accident that is associated with the operation of a vessel, that affects or could affect the safety of the operation.

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 so when it would have otherwise not done so.

Kiteboarding (also known as kitesurfing) means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard.

Length in relation to a vessel means overall length.

Maritime rules means a rule made pursuant to Part 4 of the Act.

Master means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.

Moor means:

- a. the securing of any vessel to a structure;
- b. the securing of any vessel to a mooring or anchor.

Mooring means:

- a. any weight, pile 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
- b. pile or swing moorings, including any wire, rope, chain, buoy, or other device attached or connected to the pile or weight; but
- 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.

Mooring area 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.

Mooring tackle means all the physical components of a mooring, including the block, weight, chains, lines and buoys that make up the mooring system, and includes the pile in the case of pile moorings.

Nautical chart is 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.

Navigable waters means any waters, whether coastal or inland, which are able to be navigated, and includes 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 or prevent 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 and 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).

Owner has the same meaning as in section 2 of the Act.

Paddle craft means a vessel powered only by use of a single or double bladed paddle as a means of propulsion without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements. A paddle craft includes a kayak, canoe, stand-up paddleboard, waka, dragon boat and other such craft.

Personal flotation device means any buoyancy aid that is designed to be worn on the body that meets:

- a. a Standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids;
- b. a national or international standard that the director is satisfied substantially complies with a standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids.

Person in charge of a vessel means:

- a. the master or skipper or kaihautu of the vessel;
- b. in the absence of an identified master or skipper, the owner of the vessel that is on board or the person steering the vessel.
- c. in case of a child under the age of 15 years the person in charge will be the parent or guardian of the child.

Personal water craft has the same meaning as in section 33B of the Act. These craft are commonly known as jet skis.

Pilot 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.

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.

Raft means an inflatable vessel manoeuvred by oars or paddles (or a combination thereof) but does not include inflatable kayaks, sledges or tubes.

Recreational vessel has the same meaning as pleasure craft as defined in the act and recreational craft as defined in the Maritime Rules Part 91: Navigation Safety Rules.

Explanatory note: Section 2 of the Act states:

Pleasure craft-

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

Maritime Rules Part 91 states:

Recreational craft means a vessel that is

- a. a pleasure craft; or*
- b. solely powered manually; or*
- c. solely powered by sail.*

Region means the Northland Region as constituted under the Local Government Act 1974.

Reserved area means any area reserved for a specific purpose under this bylaw.

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.

Sailboard means any type of board including a windsurfer or kiteboard that is propelled by a sail and operated by a person standing upright on a board.

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.

Seaworthiness in relation to any vessel means being, in the opinion of the Harbourmaster, in a fit condition of readiness to safely undertake a voyage.

Shore when referring to distance from shore, means the water's edge.

Speed means speed over the ground.

Speed uplifting means an authorisation by the Harbourmaster to increase, change or otherwise alter, the speed provision under this bylaw.

Structure means:

- a. any building, equipment, device, or other facility made by people and which is fixed to land or seabed; and
- b. includes slipways, jetties, wharfs, marine farms, and other objects, whether or not these are above or below the waterline of the foreshore; but
- c. does not include aids to navigation;
- d. does not include swing or pile moorings.

Sunrise/sunset has the same meaning as stated in the New Zealand Nautical Almanac, NZ204.

Support vessel means any vessel used for coaching, marshalling and rescue attendance for a sporting event, training activity, regatta, competition, ceremonial, or other authorised customary event.

Surfboard means any type of board that is designed to be used for surfing.

Tanker means any vessel which:

- a. is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and
- b. either:
 - i. has on board, or is about to take on board, a cargo the whole or any part of which consists of oil products in bulk; or
 - 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.

Tender means a vessel attendant on other vessels, that ferries people and or supplies to and from the shore.

Tether means a tether, leash, rope or similar that secures the operator to a board.

Towing a person, for purpose of this bylaw, means the towing of a person behind a vessel using for example water skis, sea biscuit, wake board or similar.

Underway means that a vessel is not at anchor, or made fast to the shore, or aground.

Vessel has the same meaning as a ship, boat or craft used in navigation on the water, whether or not it has any means of propulsion, and includes:

- a. barge, lighter, or other like vessel;
- b. 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. submarine or other submersible;
- d. seaplane while on the surface of the water;
- e. personal watercraft (jet ski);
- f. raft;
- g. paddle craft; or
- h. any board used for board sports; and
- i. includes recreational vessel, pleasure craft, and recreational craft.

Warship has the same meaning as in section 2 of the Act.

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

Windsurfing means using a board with a sail or sails designed to be operated by a person standing upright on the board.

Wind-powered board sports include kiteboarding and windsurfing.

2 General matters

2.1 Carriage and wearing of personal flotation devices on vessels

2.1.1 Wearing of personal flotation devices in time of heightened risk:

- a. A person in charge of a vessel must not use it in circumstances where tides, river flows, visibility, rough seas, adverse weather, crossing a bar, in emergencies, or other situations that may 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.

2.1.2 Carriage of personal flotation devices:

- a. A person in charge of a vessel must not use the vessel unless there are sufficient personal flotation devices for each person on board at all times that the vessel is in use.
- b. Personal devices must be:
 - i. in a readily accessible location on board the vessel;
 - ii. of an appropriate size for each person on board; and
 - iii. in good operative condition.

2.1.3 Wearing of properly secured flotation devices:

- a. Every person on board a vessel of 6 metres or less in length when underway, must wear a properly secured flotation device of an appropriate size for that person at all times.
- b. Clause 2.1.3a does not apply when the vessel is within 200 metres of the shore, being used as a tender, and if the person in charge of the vessel, after assessing all circumstances and determining there would be no significant reduction in safety, expressly authorises any person on board to remove a personal flotation device.

2.1.4 Exemptions to the compulsory carriage and wearing of personal flotation devices - clause 2.1.2 and 2.1.3a does not apply to:

- a. Any board sport, provided a wet suit or tether/leash appropriate for the conditions is worn;
- b. a diver on a vessel less than six metres in length that is used for diving within five nautical miles of shore, when the diver is wearing a wetsuit;
- c. 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 an organisation approved by the Director. (Explanatory note: The Director may approve a sporting organisation 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.)
- d. a sporting event, training activity, ceremonial or other authorised customary event if:
 - i. a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel or support

vessel, or both, carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the vessel; or

ii. the Harbourmaster has granted prior written exemption.

2.1.5 Wearing of personal flotation devices by persons being towed:

- a. The person in charge of the vessel and any person being towed are both responsible for ensuring that the person being towed wears a properly secured personal flotation device of an appropriate size for that person.

2.2 Person in charge of the vessel

2.2.1 A person in charge of the vessel must be nominated.

- a. The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons on board the vessel, and anyone being towed.
- b. The person in charge of a vessel must not:
- i. be under the influence of alcohol or illicit substances or prescription medicines, alone or in combination, to such an extent as to be incapable of having proper control of the vessel;
 - ii. cause or permit any act to be done in a manner which causes any unnecessary danger or risk to any other vessel or person in the water, irrespective of whether or not any injury or damage occurs.

2.3 Swimming or diving around wharves

2.3.1 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.

2.4 Use of vessel engine around wharves, ramps

2.4.1 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.

2.4.2 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.

2.5 Vessels to be seaworthy

2.5.1 The person in charge of a vessel anchored or moored in any navigable waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a condition which is not seaworthy.

2.5.2 Except in an emergency or following an accident or incident, a person must not operate a vessel that is unseaworthy, except to comply with the directions of the Harbourmaster to move the vessel to an alternative location.

2.5.3 In an emergency, or following an accident or incident that renders the vessel unseaworthy, the person in charge of the vessel must not move the vessel except:

- a. to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or
- b. in accordance with the directions from the Harbourmaster, enforcement officer or honorary enforcement officer.

2.5.4 If a vessel is not seaworthy or has the potential to cause a hazard to navigation, the Harbourmaster may give a direction to the person in charge of the vessel to move the vessel to an alternative location or remove it from navigable waters within a reasonable time.

2.5.5 If the person in charge of the vessel fails to comply with the direction of the Harbourmaster, or if the owner or person in charge of the vessel cannot be located, the Harbourmaster may move that vessel to a position where it is no longer a hazard or remove it from the water and dispose of it.

2.5.6 Costs incurred will be recovered from the owner of the vessel as a debt due to council. The owner and master are jointly and severally responsible for ensuring the direction is complied with.

2.6 Seaplanes

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

2.6.2 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.

2.7 Vessels to be adequately moored

2.7.1 No person shall anchor or moor a vessel in any navigable water in such a manner that it may break free, drag anchor or cause a navigational safety hazard.

2.7.2 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.

2.7.3 The owner or master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely moored at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.

2.8 Prohibited and restricted anchorages

2.8.1 Except in emergencies, no person may anchor or moor any vessel within any prohibited anchorage.

2.8.2 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, mooring or anchorage; 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.

2.8.3 The prohibited areas to which this bylaw applies are those prescribed in Schedule 2 (Location-specific information).

2.8.4 No person shall anchor any commercial vessel in the areas listed in Schedule 2 (Location-specific information) without the prior permission of the Harbourmaster.

2.9 Obstructions

2.9.1 No person shall obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel, mooring or anchorage, without the prior written authorisation of the Harbourmaster.

2.9.2 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.

2.9.3 No person shall leave equipment, stabilisers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

2.10 Notification of collisions or accidents

2.10.1 The owner and/or person in charge of a vessel that has been involved in a collision or accident must report the details of such, where:

- a. the collision or accident has caused damage to another vessel, or a navigation aid or any structure, or property;
- b. a vessel has been sunk or grounded or become stranded in navigable waters;
- c. by reason of accident, fire, defect or otherwise, the vessel cannot be safely operated; or
- d. any person has been injured.

2.10.2 The details of the collision or accident must be:

- a. given verbally as soon as possible to the Director and to the Harbourmaster, but within 24 hours;
- b. reported as soon as practicable in writing and sent by mail or by email to the Director and to the Harbourmaster, but within 48 hours.

2.10.3 A report must include:

- a. a full description of any injury to persons, their names and contact details; and
- b. a full description of any damage to vessels or structures; and
- c. the name(s), contact details of person(s) in charge of the vessels.

2.11 Aids to navigation

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

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

2.11.3 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.

2.12 Sound and light signals

2.12.1 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.

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

2.12.3 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.

2.12.4 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.

2.12.5 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.

2.12.6 Every vessel shall exhibit the lights and shapes in accordance with Section 2 of Maritime Rule part 22: Collision Prevention.

2.13 Navigating within harbour limits

2.13.1 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.

2.13.2 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.

2.13.3 The master of every vessel under 500 gross tonnage (GT) or under 24 metres in length must not impede the navigation of any vessel of 500 GT or more when operating within harbour limits. This applies to all vessels under 500 GT or under 24 metres in length, including sailing vessels, power-driven vessels and vessels under oars, including kayaks and canoes.

2.13.4 Within the defined harbour limits of Whangārei and the Bay of Islands, all vessels under 500 GT or under 24 metres in length are required to:

- a. Avoid crossing ahead (crossing the bow) of any ship over 500 GT. If crossing the bow is unavoidable, keep at least 500 metres clear at the closest point of approach;
- b. Keep clear by a minimum of 100 metres to each side and 100 metres to the stern of a ship over 500 GT;
- c. When using the marked navigation channel, keep as far possible to the starboard side (right-hand side) of the channel at all times. If a ship over 500 GT approaches, leave the channel if safe to do so, so that the channel is clear for the safe navigation of the ship;
- d. When a ship over 500 GT is engaged in a berthing or un-berthing manoeuvre, keep well clear (500 metres as far as possible) of the ship and any other vessels that may be assisting in this manoeuvre as well as the berth, wharf or jetty;
- e. Within Whangārei harbour do not anchor, stop, engage in fishing or lay fishing equipment within any part of the navigation channel marked by buoys and beacons at any time;
- f. Within the Bay of Islands harbour, no vessel may anchor within any sector of the Waitangi Sector light, from the 10 metre depth contour line adjacent to Hermione Rock, out to

three nautical miles from Tapeka point towards Ninepin Island when a vessel over 500 GT is moving within the harbour that is either approaching to pick up a pilot, approaching to drop anchor, or picking up anchor to depart the harbour. An image showing the Waitangi sector light is in Schedule 1 (Areas defined).

2.13.5 Communications on Whangārei Harbour are coordinated by Whangarei Harbour Radio. All vessels over 100 GT must report to Whangarei Harbour Radio on the current VHF channel when transiting the Whangārei harbour. Smaller vessels are encouraged to listen to Whangarei Harbour Radio when navigating in the main channels. Vessel masters on vessels over 100 GT are required to report to Whangarei Harbour Radio at the following points:

- a. Arrival
 - i. 30 minutes before arrival at the Fairway buoy
 - ii. When passing the Fairway buoy
 - iii. When passing Snake Bank beacon
 - iv. When passing Wellington Rock beacon
 - v. When berthed (this report should also be made by vessels berthed at facilities at Marsden Point).
- b. Departure
 - i. Prior to leaving the berth
 - ii. When passing Wellington Rock beacon
 - iii. When passing Snake Bank beacon
 - iv. When passing the Fairway buoy
- c. Anchoring
 - i. Vessels that anchor anywhere in the harbour are required to report their anchoring time and position to Whangarei Harbour Radio. Similarly, vessels should report to Whangarei Harbour Radio prior to weighing anchor.

2.14 Flagged areas on beaches

2.14.1 The Harbourmaster, a Surf Life Saving New Zealand patrol captain, or an Enforcement Officer, or 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.

2.14.2 No person may carry out any activity other than the activities for which the area has been flagged.

2.15 Discharge into bylaw waters

2.15.1 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.

2.16 Immobilisation of vessel engines

2.16.1 The master of every vessel over 500 GT must not immobilise the vessel's main engines for the purpose of maintenance or otherwise without first obtaining the authorisation of the Harbourmaster.

2.17 Requirement to provide name and address

2.17.1 A harbourmaster or enforcement officer may require any person suspected of an offence against these bylaws to give his or her correct name and address.

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 3.4.

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 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 Clauses 3.1.1 and 3.1.2 do 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 91.5 (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 considers that the person:

- a. is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
- b. is aware of relevant navigation safety rules and navigation bylaws; and
- c. 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 speed exceeding five 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 speed exceeding five 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 speed exceeding five 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 adequate measures 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 GT, 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 vessel training for or participating in competitive rowing or paddling; or
- d. a tug, pilot vessel, Harbourmaster vessel, emergency response vessel 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 3.6, 3.9, 3.12 or 3.13 of this bylaw; or
- 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, with the exception of the prohibited areas defined within Waipū and Ruakaka estuaries as detailed in Schedule 2 (Location-specific information).

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. clauses 3.6, 3.9, 3.12 or 3.13 of this bylaw;
- c. a vessel over 500 GT, if the vessel cannot be safely navigated in compliance with this clause; or
- d. a vessel training for or participating in competitive rowing or paddling; or
- e. a tug, pilot vessel, Harbourmaster vessel, emergency response vessel 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, except where clause (g) below applies.
- g. wind-powered board sports, except within the prohibited areas defined within Waipū and Ruakaka estuaries as detailed in Schedule 2 (Location-specific information).

3.3 Wake

3.3.1 Subject to clause 3.2, every person who propels or navigates any craft shall 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 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 on board 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 Towing a person between sunset and sunrise

3.5.1 No person shall operate, between sunset and sunrise, a vessel that is towing a person. (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

3.6.1 Subject to the provisions of the Resource Management Act 1991, the council may, from time to time, declare by Public Notice that a specified area or areas are to 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 within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.

3.7.3 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.

3.7.4 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.

3.7.5 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 Speed uplifting areas

3.9.1 The council may, from time to time, designate a specified area or areas of any harbour as speed uplifting areas, where vessels will be exempted from complying with the five knots speed restriction under clause 3.2.1 (a) and clause 3.2.1 (b). Skippers of vessels may exercise the privilege of the speed exemption subject to strict compliance with the requirements of clause 3.10.

3.10 Conduct in speed uplifting areas

3.10.1 Before choosing to exceed five knots in a speed uplifting area, skippers of vessels shall carefully assess the conditions and take into consideration the safety of persons on their vessel and the safety of all other persons and vessels in the area.

3.10.2 No person within a speed uplifting area shall proceed in a manner that is dangerous in relation to any other vessel or other person.

3.10.3 No person shall propel, navigate, manoeuvre a vessel, or tow a person in a speed uplifting area for the purpose for which it has been designated, except on that side of the area that lies to the starboard (right) side of the vessel. If circuiting the area, such vessels must be moving in an anti-clockwise direction by keeping to the starboard (right) side of the area.

3.10.4 No person shall obstruct any other person, while that other person is using a speed uplifting area for the purpose for which it has been declared.

3.10.5 The speed uplifting areas to which this bylaw applies are those prescribed in Schedule 2 (Location-specific information).

3.11 Marking of speed uplifting areas

3.11.1 Taking into account the physical shape of speed uplifting areas and the practicability of placing markings, speed uplifting areas are demarcated by:

- a. orange posts with horizontal black bands on shore; and
- b. if the outer edges of the area are marked on the water, by orange buoys with black bands; and
- c. an adequate sign or signs in the vicinity of the area, as far as practicable near the orange posts on shore.

3.12 Reserved areas

Subject to the provisions of the Resource Management Act 1991:

3.12.1 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.

3.12.2 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.

3.13 Reserved areas for special events

3.13.1 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 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.

3.13.2 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.

3.13.3 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.

3.13.4 The council may recover from the Applicant all actual and reasonable costs associated with the application, including any monitoring and advertising.

3.14 Conduct in reserved areas

3.14.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.

3.14.2 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).

3.14.3 Nothing in clause 3.14.1 or 3.14.2 prohibits the use of emergency response craft within a reserved area.

3.14.4 The reserved areas to which these bylaws apply are those prescribed in Schedule 2 (Location-specific information), or those notified in accordance with clauses 3.12.1 or 3.13.3.

3.15 Marking of reserved areas

3.15.1 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.

3.15.2 If the area is demarcated on shore, it is marked by black posts with white horizontal bands.

3.15.3 If the reserved area is marked at sea, it is marked by black buoys with white bands.

3.15.4 Nothing in this clause applies to reserved areas for special events made in accordance with clause 3.13.

3.16 Collision prevention

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

3.16.2 Every person commits an offence against this bylaw who, when required to do anything by an officer of the council under clause 3.16.1 of this bylaw, fails to comply with that requirement as soon as is reasonably possible.

3.16.3 Every vessel must at all times maintain a proper lookout by sight and hearing as well as by all available means appropriate to the prevailing circumstances and conditions, so as to make a full appraisal of the situation and the risk of collision.

3.17 Duty of master of a vessel under 500 gross tonnage

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

3.18 Dive operations

3.18.1 The master of every vessel from which dive operations are in progress must ensure that Flag A is displayed on the vessel in such a manner that it can be clearly identified by the operator of another vessel at a distance exceeding 200 metres, and ensure that the vessel remains within 200 metres of the divers.

3.18.2 Every person diving from a vessel must ensure that Flag A is displayed on the vessel in such a manner that it can be clearly identified by the operator of another vessel at a distance of 200 metres.

3.18.3 Every person diving must ensure that they remain within a 200-metre horizontal radius of the Flag A being exhibited, unless they additionally are attached to a dive Flag A on a float as defined in section one.

3.18.4 Every person who dives unaccompanied by a vessel or dives from the shore, such as when snorkelling, freediving or spearfishing, where there exists a likelihood of passing vessel traffic, must ensure that the Flag A is displayed on a buoy in the water within close proximity to the diver in such a manner that it can be clearly identified by the person in charge of another vessel at a distance exceeding 200 metres.

3.19 Personal water craft

3.19.1 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.

3.19.2 This number must be registered with the council or its agent together with the name and address of the owner.

4 Moorings

4.1 Moorings to be licensed

4.1.1 No person may place (or have in place) a mooring in any waters, unless it is licensed by the council.

4.1.2 The council may, at its discretion, approve or decline an application for a mooring licence. The council may impose terms and conditions on any new or existing mooring licence that may include, but are not limited to:

- a. the location of the mooring;
- b. the type, size and length of any vessel which may be attached to the mooring;
- c. the design and specifications of the mooring;
- d. maintenance requirements;
- 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 of the buoy 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.

4.1.3 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 renewed annually upon full payment of an annual mooring licence 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 period shall apply from 1 July to the following 30 June each year;
- c. Payment of the annual mooring licence fee and acceptance thereof by the council shall constitute a renewal of the licence.

4.1.4 The licensee must notify the council of the vessel occupying the mooring changes and provide the vessel's name, type, length, size and owner's contact details. If a licensee wants to moor a vessel that is larger than, or significantly different from, the vessel that is currently occupying the mooring, the council's approval must be sought in advance.

4.1.5 Every vessel occupying a swing or pile mooring shall display contact phone number(s) and/or email addresses for the owner or owner's representative that can be used in case of emergency.

4.2 Transfer of ownership and termination of mooring licences

4.2.1 No licensee may, except with the written approval of the council, part with the possession of the licence or transfer it to any other person.

4.2.2 When a licensee applies to the council seeking approval for the transfer of a mooring licence to another person, the council may approve the transfer if:

- a. All mooring licence fees, including the transfer fee are fully paid;
- b. The mooring has a current inspection certificate required by clause 4.3.3;
- c. The mooring specification and design are adequate to accommodate the proposed vessel to be moored;
- d. The new mooring owner agrees to the terms and conditions specified in the original licence.

4.2.3 For the transfer of the mooring to be registered, a fully completed 'Mooring Transfer' form must be submitted to the council.

4.3 Maintenance and construction requirements

4.3.1 The council may, from time to time, set mooring guidelines governing the specifications and maintenance/service schedule of mooring components for vessels of a certain type, size and weight.

4.3.2 Owners of swing moorings and pile moorings shall maintain their moorings in a proper state of condition and repair. The moorings must comply with the mooring guidelines set by the Harbourmaster.

4.3.3 All components of swing moorings must be inspected visually and maintenance carried out by a council-licensed mooring contractor. Alternatively, mooring owners may carry out maintenance themselves provided they have prior written approval from the council. Arrangements must be made to have a council licensed mooring contractor or a council officer inspect the mooring and its components prior to being reinstated. All costs associated with the inspection and replacement of components shall be borne by the mooring owner. The mooring owner will be issued with a mooring inspection certificate once the maintenance and inspection is completed and all costs for the works have been paid.

4.3.4 Council officers may inspect all the above water components of pile moorings at suitable intervals and notify the mooring owners if parts must be replaced or if maintenance must be carried out. Replacement of parts or maintenance must be carried out within the advised timeframe. A council licensed mooring contractor may be delegated to carry out these inspections by the Harbourmaster. All costs associated with any maintenance or replacement of components shall be borne by the mooring owner. Replacement of the piles will be notified and coordinated by the council at the recommended guideline interval.

4.3.5 The Harbourmaster may from time to time approve a person(s) to inspect moorings. These person(s) shall be known as council licensed mooring contractors. Council licensed mooring contractors are required to undergo regular assessments by a council officer 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.

4.3.6 The council is not liable in any event for the position, insufficiency of, or insecurity of, any designated mooring area.

4.3.7 The council shall exercise reasonable care, but shall have no liability for, any damage caused by any action taken in accordance with this 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.

4.3.8 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, or adjust the licensed maximum length and/or displacement of the vessel that can be secured to the mooring.

4.3.9 Failure to comply with clause 4.3.3 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. If the mooring is not removed, or booked with a licensed mooring contractor for removal, within a time frame specified by the Harbourmaster, the Harbourmaster may have the mooring removed or transfer the mooring licence to another party. Any vessel occupying the mooring may be removed and detained until all fees and charges, including the cost of removing the mooring and or vessel and storage of the vessel, have been fully paid and discharged. If, after two months following removal of the mooring and/or vessel, the fees and charges remain unpaid, the council may sell the vessel to recover the debt.

4.4 Offences

4.4.1 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.

4.4.2 Every person commits an offence against this bylaw who moors a vessel to any mooring without the approval of the 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 two months, the council has the right to sell the vessel to recover the debt.

4.5 Powers of council with respect to moorings and vessels on moorings

4.5.1 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 to 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 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.

4.5.2 Should any annual mooring licence fee(s) or other charge(s) related to the mooring, due to the council under the provision of this bylaw, remain unpaid for a period of two months, 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 not have been paid and discharged within a further two months, the council may dispose of the mooring and/or vessel or sell the mooring and/or vessel to recover the debt.

4.5.3 The council 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 not have been paid and discharged within a further two months, the council may dispose of the mooring and/or vessel or sell the mooring and/or vessel to recover the debt.

4.5.4 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 council has made reasonable inquiries), the costs incurred by the council for recovery, removal and subsequent storage of the vessel may be recovered from the sale of the vessel, fittings and any equipment onboard.

4.5.5 If the mooring owner or their whereabouts is unknown owing to their failure to notify the council of their change of contact details within two months, the council may, after a period of not less than two months, 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 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 two months, the council has the right to sell the vessel to recover the debt or dispose of the vessel as it sees fit.

4.5.6 For the purposes of navigation safety and efficient use of available space, the Harbourmaster may direct the relocation of a mooring or specify the construction and maintenance/service schedule of the mooring.

4.5.7 For the purposes of navigation safety and efficient use of available space, the Harbourmaster may direct the removal of a vessel from a mooring.

4.5.8 In the case of a cancelled mooring where the vessel occupying the mooring does not belong to the licensee and the vessel owner is not contactable, the Harbourmaster may have the vessel removed to a place of safety.

5 Tankers, hazardous cargoes and works, dangerous materials

5.1 Explosives anchorage

5.1.1 The master of a vessel having on board, or intending to load or unload, explosives in quantities greater than 27 kg must ensure that:

- a. the vessel 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.

5.2 Vessels carrying explosives

5.2.1 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 an all-round red light by night.

5.2.2 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.

5.2.3 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.

5.2.4 Nothing in clauses 5.2.1, 5.2.2 and 5.2.3 applies to any vessel which is carrying only the parachute rockets, signal flares, smoke floats, line throwing appliances and other explosive devices that form part of the vessel's safety and life-saving equipment.

5.3 Signals to be displayed by oil tankers

5.3.1 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 an all-round red light at the masthead, or where it can best be seen from all directions.

5.4 Duties of master while tanker is in harbour

5.4.1 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), unless the Harbourmaster approves an alternative requirement or procedure.

5.4.2 The master of a tanker must 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 authorised by the Harbourmaster.

5.5 Oil tankers not to lie close to other vessels

5.5.1 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 prior authorisation of the Harbourmaster has been obtained.

5.6 Hot work operations

5.6.1 Within any harbour or commercial areas, the person in charge of a vessel must, before any hotwork operation is commenced, obtain the written approval of the owner or manager of the facility at which the operations are to be conducted.

5.6.2 Hot work operations on a vessel must comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand).

5.6.3 The Harbourmaster may issue a Hot Work Permit dispensation from compliance with clause 5.6.1 for;

- a. local operators of any vessel repairing and engineering establishments 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.

5.6.4 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.

5.7 Hazardous goods transfer

5.7.1 Excepting bulk oil transfers at the Refining NZ jetties at Marsden Point, hazardous goods transfers shall only take place between sunrise and sunset unless written permission for transfer outside these hours is obtained from the Harbourmaster.

6 Administrative matters

6.1 Appointment of Officers

6.1.1 The council may appoint persons as honorary enforcement officers to carry out or exercise the duties, office, or powers of any enforcement officer or honorary enforcement officer. Such persons are authorised to enforce the provisions of this bylaw as per the powers accorded to them through warrants.

6.1.2 While exercising any right or performing any duty pursuant to this bylaw, the enforcement or honorary enforcement officer shall carry a warrant of appointment and must, as soon as it is practicable, produce it to any person when asked to do so.

6.2 Bylaw breaches

6.2.1 A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and regulations.

6.2.2 A person who fails to comply with an instruction given to that person by the Harbourmaster, an enforcement officer, honorary enforcement officer or the police, under this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and / or the Local Government Act 2002 and regulations.

6.2.3 The owner and person in charge of a vessel are jointly and severally responsible for compliance with this bylaw.

6.2.4 If no person is placed in charge of a vessel, the owner of the vessel is responsible for compliance with this bylaw.

6.3 Liability of the council

6.3.1 The council is not liable for:

- a. any damage to vessels which have not been securely anchored or moored;
- b. any damage to a vessel which results from any actions taken by the Harbourmaster, his delegate or an enforcement officer, to secure a vessel in the event of an adverse event.

6.3.2 The council is not liable for any damage to a vessel that the Harbourmaster, his delegate or an enforcement officer, secures or removes under this bylaw or under the Act.

6.4 Revocation of bylaws

6.4.1 The following bylaws and all amendments are revoked: Northland Regional Council Navigation Safety Bylaw 2012.

6.5 Application to master/owner

6.5.1 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.

6.5.2 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.

6.6 Suspension and exemptions from this bylaw

6.6.1 The Harbourmaster may exempt by written approval, any person, vessel or class of vessels from any requirements of this bylaw.

6.6.2 In granting any written exemptions to any clause of this bylaw, the Harbourmaster must consider the effects of the exemption on public health and safety.

6.6.3 The Harbourmaster may revoke any exemption at any time the Harbourmaster has reason to believe public health or safety has, or may be, adversely affected.

6.6.4 To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of the law.

6.6.5 Unless the context requires another meaning, a term or expression that is defined in the Act or maritime rule and used in this bylaw, but not defined, has the meaning given by the Act or maritime rule.

6.6.6 Any explanatory notes and maps are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.

6.7 Fees and charges

6.7.1 The fees and charges for functions, duties, powers or services carried out by the council under this bylaw are specified in the Northland Regional Council Charging Policy. These charges are reviewed annually and must be paid to the council on demand by the specified person or owner.

Note: Application forms referred to in the text of this bylaw may be obtained from any Northland Regional Council office or downloaded from the website www.nrc.govt.nz/onthewater

Schedule 1 - Harbour limits

Whangārei 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 Whangārei 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, Mangōnui 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.

**Repealed – Gazette notice No. 159 dated 14 September 1989, as these harbours are contained within Whangārei Harbour limits.*

***Repealed – Gazette notice No. 58 dated 3 June 1982, as these harbours are contained within Rangaunu Harbour.*

Harbour limit - Bay of Islands



Harbour limit - Kaipara Harbour



Harbour limit - Hokianga Harbour



Harbour limit - Mangōnui



Harbour limit - Pārenarenga Harbour



Harbour limit - Whananaki Harbour



Harbour limit - Rangaunu Harbour



Harbour limit - Whangaroa Harbour



Harbour limit - Whangaruru Harbour



Harbour limit - Whangārei Harbour



Schedule 2 - Location-specific information

Prohibited areas

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 Whangārei Harbour described as follows.

1. Marsden Point

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

Marsden Point oil refinery prohibited area



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.

2. Northport

All that area enclosed by the pecked line shown on chart NZ 5214 which surrounds the Northport Berth, when ships are fumigating, bunkering, discharging or loading dangerous cargo. A 100 metre exclusion zone around the ship for all water users will be in force when the KEEP CLEAR 100 metre fluorescent signs (by day) and flashing lights (by night) are displayed on the seaward side of the ship.

Northport berth prohibited area



3. Whangārei Harbour entrance channel, Wave Rider data collection Buoys

- a. All vessels are required to keep at least 100 metres clear of the following WRB system buoys located on the northern side of the Whangārei Harbour shipping channel midway between the Fairway buoy and No.1 buoy:

WRB A in position $35^{\circ} 52.986' \text{ S} /$
 $174^{\circ} 32.888' \text{ E}$

WRB B in position $35^{\circ} 53.015' \text{ S} /$
 $174^{\circ} 32.912' \text{ E}$

Special Mark Buoy in position 35⁰
52.987' S / 174⁰ 32.922' E

- b. Vessels must not attempt to enter or leave the channel between the Fairway Buoy and No. 1 Buoy.

The yellow Special Mark Buoy is positioned to the north of the two Wave Rider Buoys at an equal distance from both. The Special Mark Buoy is deployed to indicate the position of the two smaller Wave Rider Buoys and is higher and more visible than the Wave Rider Buoys which sit very low in the water.

The Special Mark Buoy is fitted with a 3NM range light and the two Wave Rider Buoys are fitted with 1NM range lights.

The WRB system is depicted on charts NZ 5219 and NZ5214, adjacent to the Whangārei entrance channel between the Fairway Buoy and No. 1 Buoy.

Northport's Wave Rider Buoy system

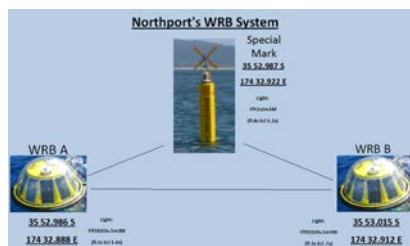
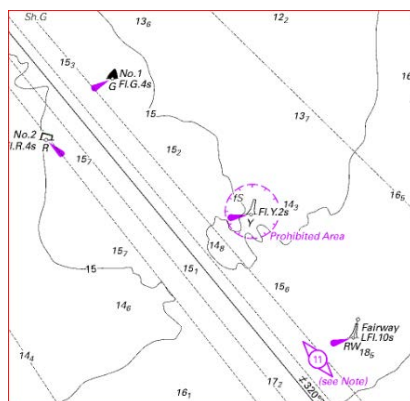


Chart extract NZ5214 showing location of prohibited area



Prohibited anchorages

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

1. Whangārei Harbour - charts affected NZ 5214, NZ 5215

All that area 75 metres each side and parallel to the following lines:

- a. A line in a direction 348° from approximate position 35° 46.75'S / 174° 23.10'E, to Stevens Point Sector Light Beacon in approximate position 35° 46.47'S / 174° 23.03'E and then continuing in a direction 008° to a cable marker at Waikaraka in approximate position 35° 45.67'S / 174° 23.16'E.
- b. A line in a direction 260° from Ross Beacon in approximate position 35° 46.73'S / 174° 23.28'E to approximate position 35° 46.75'S / 174° 23.10'E, continuing in a direction 252° to Shell Bank West Rear Lead in approximate position 35° 46.92'S / 174° 22.49'E and then continuing in a direction 115° to Shell Bank West Front Lead in approximate position 35° 47.49'S / 174° 23.99'E.
- c. A line in a direction 312° from One Tree Point Rear Lead in approximate position 35° 49.32'S / 174° 26.99'E to One Tree Point Front Lead in approximate position 35° 48.63'S / 174° 26.03'E.

2. Bay of Islands Harbour - charts affected NZ 5124, NZ 5125

- a. Within the pecked lines drawn 75 metres on each side of a cable running from an unlighted triangular cable beacon situated on the foreshore at Russell in approximate position 35° 15.87'S / 174° 07.28'E in a direction 226° to an unlighted triangular cable beacon situated on the foreshore at Paihia in approximate position 35° 17.07'S / 174° 05.78'E.
- b. Within the pecked lines in Veronica Channel between Okiato and Ōpua, between unlighted triangular cable markers in approximate positions. N- 35° 18.27'S / 174° 07.10'E E- 35° 18.36'S / 174° 07.30'E S- 35° 18.57'S / 174° 06.99'E W- 35° 18.52'S / 174° 06.90'E
- c. Within pecked lines drawn 75 metres each side of a cable running in a direction 165° / 345° between two unlighted triangular cable beacons situated on the foreshore in the Waikare inlet in approximate positions 35° 18.36'S / 174° 08.07'E and 35° 18.99'S / 174° 08.27'E.

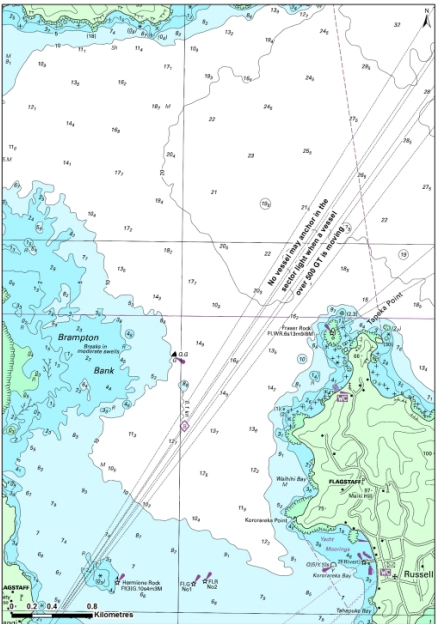
3. Hokianga Harbour - chart affected NZ 4212

Within the pecked lines drawn 100 metres each side of a cable from an unlighted triangular beacon bearing the word "Cable" and standing half a cable westward of the root of Rawene Wharf in approximate position 35° 23.62'S / 173° 30.26'E in a direction 023° to the unlighted triangular cable marker across the harbour in approximate position 35° 22.84'S / 173° 30.65'E.

4. Waitangi sector light - chart affected NZ 5215

Waitangi sector light prohibited anchoring area

- a. Within the Bay of Islands harbour, no vessel may anchor within any sector of the Waitangi Sector light, from the 10 metre depth contour line adjacent to Hermione Rock, out to 3 nautical miles from Tapeka point towards Ninepin Island when a vessel over 500 GT is moving within the harbour. That is either approaching to pick up a pilot, approaching to drop anchor or picking up anchor to depart the harbour.



Bulk oil discharge permitted area

With reference to clause 5.4.2, tanker berths suitable for the discharge of bulk oil are the Refining NZ jetties at Marsden Point.

Access lanes

Bay of Islands

- Doves Bay (Te Kowhai) – Kerikeri Inlet
- Paihia
- Tapeka
- Dicks Bay.

Doubtless Bay

- Coopers Beach.

Whangaruru Harbour

- Ōakura Bay
- Sandy Bay.

Pataua Harbour

- 600 metres upstream of footbridge – south side
- 600 metres upstream of footbridge – north side.

Whangārei Harbour

- Limestone Island.

Whananaki

- Southern side below foot bridge.

Access lane maps

Maps are indicative only. Actual positions of access lanes are marked by orange posts with horizontal black bands on shore and orange buoys with black bands on the water.

Access lanes - Bay of Islands - Doves Bay



Access lanes - Bay of Islands - Tapeka



Access lanes - Bay of Islands - Paihia



Access lanes - Coopers Beach



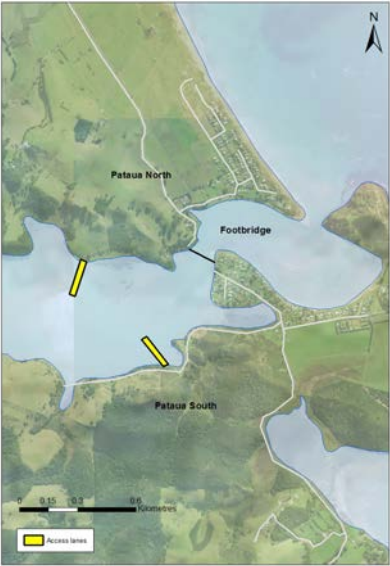
Access lanes - Bay of Islands - Dicks Bay



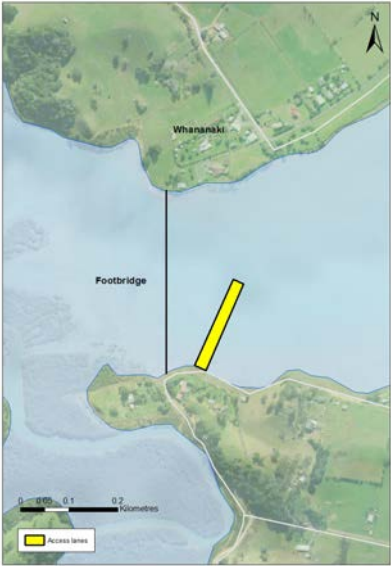
Access lanes - Whangaruru Harbour



Access lanes - Pataua Harbour



Access lanes - Whananaki



Access lanes - Limestone Island



Speed uplifting areas

Houhora Harbour Waingarara

Taipā Oruru river south of bridge

Ngunguru South-eastern side of harbour

Mangawhai Harbour Eastern side of harbour

Speed uplifting area maps

Maps are indicative only. Actual positions of speed uplifting areas are marked by orange posts with horizontal black bands on shore and orange buoys with black bands on the water.

Speed uplifting areas - Houhora Harbour



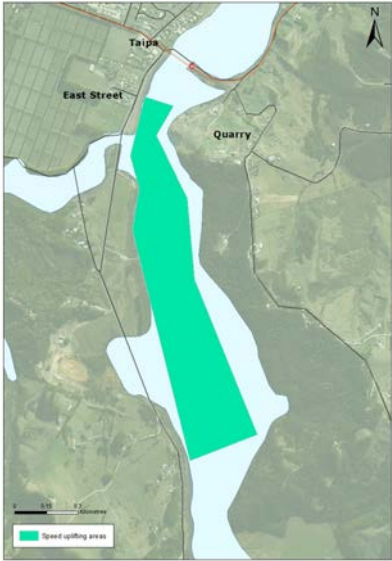
Speed uplifting areas - Ngunguru



Speed uplifting areas - Mangawhai



Speed uplifting areas - Taipā



Wind-powered board sports prohibited areas

Wind-powered board sports prohibited area - Ruakaka estuary



Wind-powered board sports prohibited area - Waipū estuary



Application forms

Application forms referred to in the text of this bylaw may be obtained from any Northland Regional Council office or downloaded at www.nrc.govt.nz/onthewater



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