

# **Taranaki Regional Council**

## **Navigation Bylaws for Port Taranaki and its Approaches 2009**

Taranaki Regional Council  
Private Bag 713  
Stratford

November 2009

#667952



## Preface

The *Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 2009* were prepared by the Taranaki Regional Council under the provisions of Part XLIII section 684B of the Local Government Act 1974 and are to be read in conjunction with the Maritime Rules and Regulations of New Zealand and the operating procedures of Port Taranaki Ltd, the port operating company.

These Bylaws were proposed at the Ordinary Meeting of the Taranaki Regional Council held on 11 August 2009, confirmed at an Ordinary Meeting of the Council held on 3 November 2009 and come into force on 1 December 2009.

DATED at Stratford this <sup>4<sup>th</sup></sup> day of November 2009

SIGNED by the TARANAKI REGIONAL COUNCIL

by the affixing of its common seal in the presence of



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D N MacLeod (Chairman)



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M J Nield (Director - Corporate Services)



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## Part 1 Preliminary provisions

### 1.1 Title and commencement

- 1.1.1 These Bylaws are the *Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 2009*.
- 1.1.2 These Bylaws come into force on 1 December 2009.

### 1.2 Purpose

- 1.2.1 These Bylaws are made for the purpose of regulating navigation and safety in Port Taranaki and its approaches and are to be read in conjunction with Maritime Rules, Part 91 Navigation Safety Rules prepared by Maritime New Zealand (which are attached as Schedule 3 of these Bylaws) and Maritime Rules, Part 22 (Collision Prevention).

### 1.3 Application

- 1.3.1 These Bylaws apply only within Port Taranaki and its approaches, as shown in the map in Schedule 1 of these Bylaws.
- 1.3.2 In all other areas other than Port Taranaki and its approaches, Maritime New Zealand is responsible for navigation and safety.
- 1.3.3 Nothing in these Bylaws shall affect the operations of Port Taranaki Limited, except to the extent provided for by the Acts and Regulations of New Zealand.

### 1.4 Penalties

- 1.4.1 Every person who contravenes or fails to comply in any respect with any provision of these Bylaws shall be liable to a fine not exceeding \$500 and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues.
- 1.4.2 Where a person commits a continuing offence, the Council may apply to the District Court for an injunction to restrain the further continuance of the offence by that person.
- 1.4.3 The continued existence of any work or thing in a state contrary to these Bylaws shall be deemed a continuing offence.

### 1.5 Definition of Terms

- 1.5.1 In these Bylaws, unless the context otherwise requires:

**Access lane** means the area designated as an access lane by the Taranaki Regional Council pursuant to navigation bylaws.

**Act** means the Local Government Act 1974.

**Bylaws** means the *Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 2009* (and for the avoidance of doubt, includes Maritime Rules, Part 91

Navigation Safety Rules prepared by Maritime New Zealand, as attached to these Bylaws at Schedule 3).

**Council** means the Taranaki Regional Council.

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

**Harbourmaster** means any person appointed by the Council under section 650B of the Act to carry out the duties of Harbourmaster and includes any acting Harbourmaster.

**Honorary Enforcement Officer** shall mean any person or persons who may be appointed by the Council for the purpose of monitoring and controlling the operations of small vessels, pursuant to these Bylaws.

**Maritime Rules** means maritime rules made under the Maritime Transport Act 1994.

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

**Navigation bylaw** means a bylaw made under section 684B of the Local Government Act 1974.

**Pilot** in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship.

**Port Taranaki** being that area defined in the map attached to resource consent 4432 held at the Taranaki Regional Council offices and shown approximately in the map in Schedule 1 of these Bylaws.

**Port Taranaki and its approaches** means the maritime area extending 2.5 nautical miles from Moturoa Trig (NZMS 260 P19: 2599200E, 6237500N), as shown in the map in Schedule 1 of these Bylaws.

**Port company** means Port Taranaki Limited or its subsidiaries or successors, acting through its agents or employees.

**Reserved Area** means an area permanently reserved by the Council for the use of specified vessels or any class of specified vessels or the exclusion of specified vessels or any classes of specified vessels.

**Small vessel** means a vessel that is less than 30 metres in overall length, or a seaplane that is less than 30 metres in overall length and is on the water, regardless of the common or intended usage and the mode of power of that vessel or seaplane.

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

- (a) A barge, lighter, or other like vessel;
- (b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of water over which it operates;
- (c) a submarine or other submersible; and
- (d) A seaplane while it is on the surface of the water.



## **Part 2 General matters and operating requirements**

### *Administrative matters*

#### **2.1 Maritime Rules Part 91, Navigation Safety Rules to form part of Bylaws**

- 2.1.1 Subject to Bylaws 2.2 to 2.9, the most current version of the Maritime Rules, Part 91 Navigation Safety Rules shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under these Bylaws.

#### **2.2 Officers not affected**

- 2.2.1 Subject to Bylaw 2.3.1, this Part of the Bylaws shall not apply to any officer, servant, employee or other agent of the Council or the Port Company while acting in the course of his or her duty.

#### **2.3 Harbourmaster and Honorary Enforcement Officers to carry identification**

- 2.3.1 The Harbourmaster or Honorary Enforcement Officers shall at all times carry formal identification issued by the Council under Sections 650F and 710 of the Local Government Act 1974 and produce it on request.

### *Duties and Restrictions*

#### **2.4 Reserved Area A**

- 2.4.1 Reserved Area A refers to that part of Port Taranaki and its approaches marked as Reserved Area A on the map in Schedule 2 of these Bylaws, being the area inside a line from Blyde Wharf to the end of the Lee Breakwater, excluding the Water-ski access lane.
- 2.4.2 Reserved Area A is reserved for the purposes of providing an area where a speed restriction of 5 knots applies to vessels within that area.
- 2.4.3 No person shall propel or navigate a vessel (including a vessel towing a person or an object) in Reserved Area A at a proper speed exceeding 5 knots.

#### **2.5 Reserved Area B**

- 2.5.1 Reserved Area B refers to that part of Port Taranaki and its approaches marked as Reserved Area B on the map in Schedule 2 of these Bylaws.
- 2.5.2 Reserved Area B is reserved for the purposes of providing an area where the speed restrictions set out in Maritime Rules, Part 91.6(1)(b) Navigation Safety Rules do not apply.
- 2.5.3 The speed restrictions set out in Maritime Safety Rules, Part 91.6(1)(b) Navigation Safety Rules do not apply to vessels within Reserved Area B.

## **2.6 Reserved Area C**

- 2.6.1 Reserved Area C refers to that part of Port Taranaki and its approaches marked as Reserved Area C on the map in Schedule 2 of these Bylaws.
- 2.6.2 Reserved Area C is reserved for the purposes of ensuring safe and efficient Port operations.
- 2.6.3 No person shall cause any small craft to enter Reserved Area C, without the permission of the Harbourmaster.
- 2.6.4 No person shall jump, dive or swim from or off any wharf or jetty in Reserved Area C, without the permission of the Harbourmaster.

## **2.7 Water-ski access lane**

- 2.7.1 The Water-ski access lane refers to that part of Port Taranaki and its approaches marked as Water-ski access lane on the map in Schedule 2 of these Bylaws.
- 2.7.2 The Water-ski access lane is declared for the purposes of providing access into Reserved Area B for small vessels when engaged in towing water skiers only, where the speed restrictions set out in Maritime Rules, Part 91.6(1)(b) Navigation Safety Rules do not apply.
- 2.7.3 The speed restrictions set out in Maritime Rules, Part 91.6(1)(b) and 91.6.3 Navigation Safety Rules do not apply to vessels within the Water-ski access lane.

## **2.8 Small vessels to stop on demand**

- 2.8.1 Any person who is or appears to be in charge of any small vessel that is being used within Port Taranaki and its approaches shall stop that vessel on demand of the Harbourmaster or any Honorary Enforcement Officer and:
  - (a) Comply with any further instructions given by the Harbourmaster or any Honorary Enforcement Officer; and
  - (b) Give his or her correct name and address to the Harbourmaster or any Honorary Enforcement Officer upon demand.

## **2.9 Temporary events**

- 2.9.1 Any person intending to conduct a race, speed trial, competition or other organised water activity within Port Taranaki and its approaches may apply to the Council to:
  - (a) Temporarily suspend the application of Bylaws 2.4 to 2.7 during the conduct of the race, speed trial, competition or other organised water activity; and
  - (b) Temporarily reserve the area for the purpose of that activity.
- 2.9.2 If the Council is satisfied that an application may be granted without endangering the public, it may grant the application for a specified period or periods and subject to such conditions as it may specify in the interests of maritime safety and taking into account the commercial requirements of the Port Company.

2.9.3 No grant of an application under Bylaw 2.9.2 shall have effect unless, not less than seven days nor more than 14 days before the commencement of the activity, the applicant publicly notifies in one or more daily newspapers circulating in the New Plymouth District:

- (a) The period of the activity; and
- (b) Details of the suspension or reserved area.

## **2.10 Swimming, diving or playing**

2.10.1 Swimming is permitted within Reserved Area A, however, no person shall swim, dive or otherwise play on/near a boat ramp or jetty, or in a location or manner which may cause danger to the swimmer from boating activities, or which may impede access by any vessel.

## **2.11 Moving safety zones<sup>1</sup>**

2.11.1 While a large vessel (>500 tonnage) is entering, departing or manoeuvring within Port Taranaki and its approaches, all other vessels, apart from those required to assist in the manoeuvring of that vessel, shall not approach closer than 300m ahead, or 50m to the sides and astern.

## **2.12 Collision Prevention<sup>2</sup>**

2.12.1 No person shall operate any vessel in breach of Maritime Rule Part 22 (Collision Prevention) made under the Maritime Transport Act 19943.

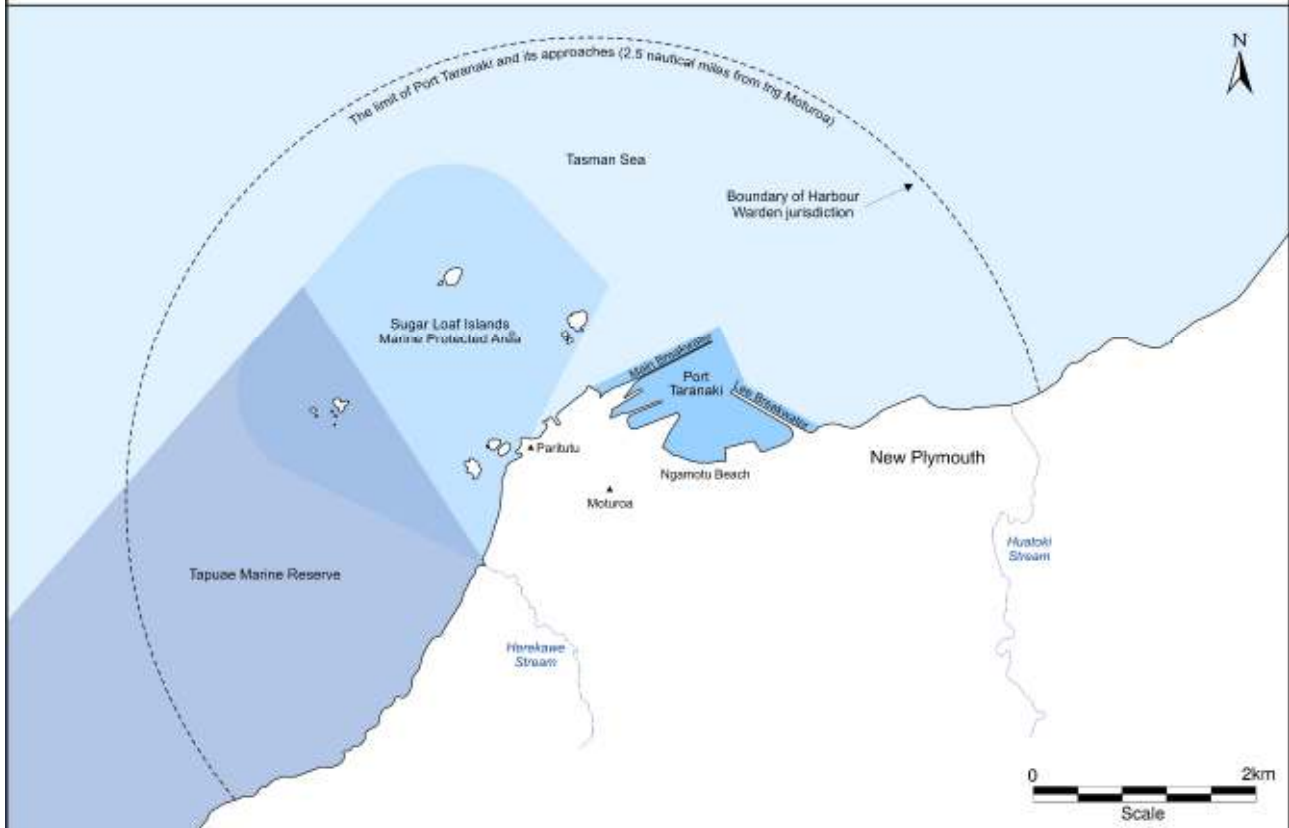
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<sup>1</sup> Moving safety zones in Port Taranaki are smaller than elsewhere in New Zealand because of the size of the Port. Users are advised that if venturing out of Taranaki, to consult the relevant bylaws to make themselves aware of the navigation and safety bylaws, particularly in relation to moving safety zones.

<sup>2</sup> Users are advised to consult the most current version of the Maritime Rules, Part 22 Collision Prevention on [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz), under the rules tab



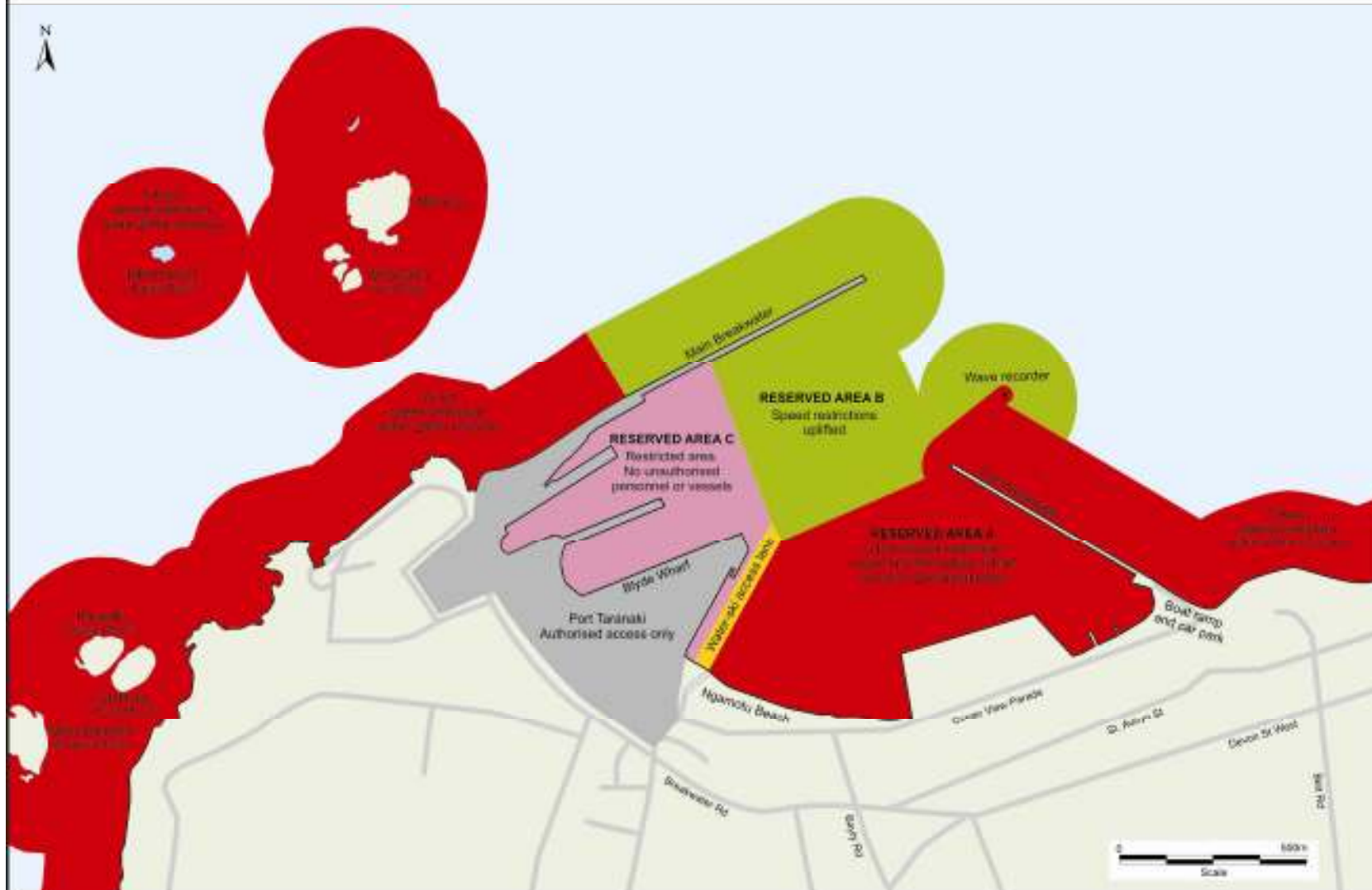
# Schedule 1: Harbour limits





# Schedule 2:

## Map of the reserved areas and speed restrictions







## **Schedule 3**

# **Maritime Rules<sup>4</sup>**

## **Part 91 – Navigation Safety Rules**

Effective 4 September 2008

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<sup>4</sup> Users are advised to consult the most current version of the Maritime Rules, Part 91 Navigation Safety Rules on [www.maritimenz.govt.nz](http://www.maritimenz.govt.nz), under the rules tab.



# Maritime Rules

## PART 91 NAVIGATION SAFETY RULES

### General 1

- 91.1 Entry into force
- 91.2 Definitions
- 91.3 Application

### Operating requirements

- 91.4 Personal flotation devices
- 91.5 Minimum age for operating powered vessels
- 91.6 Speed of vessels
- 91.7 Wake
- 91.8 Lookouts on vessel used for water skiing and towing any person
- 91.9 Water skiing or towing between sunset and sunrise
- 91.10 Conduct in access lanes
- 91.11 Marking of access lanes
- 91.12 Reserved areas
- 91.13 Anchoring and obstructions
- 91.14 Damage to navigation aids
- 91.15 Distance from oil tankers or other vessels showing Flag B
- 91.16 Duty of master of a vessel under 500 gross tonnage
- 91.17 River safety rules
- 91.18 Flags

### Administration

- 91.19 Temporary events
- 91.20 Permanent speed upliftings
- 91.21 Appointment of Safe Boating Advisors
- 91.22 Savings

### Amendments to Part 22

#### General

##### 91.1 Entry into force

Part 91 comes into force 28 days after notification in the Gazette.

##### 91.2 Definitions

In these rules, unless the context otherwise requires:

“**Access lane**” means an access lane referred to in rule 91.22(1) or an area designated as an access lane by a regional council pursuant to navigation bylaws:

“**Commercial raft**” means a raft that is not a pleasure craft:

**“Director”** means the Director Maritime New Zealand appointed under section 439 of the Maritime Transport Act 1994:

**“Explosive”** means and explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class as defined in Schedule 7 or the Hazardous Substances and New Organisms Act 1996:

**“Fishing vessel”** means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research:

**“Flag A”** means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm:

**“Flag B”** means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red, of not less than 600mm by 600mm:

**“Harbourmaster”** means a person appointed as harbourmaster pursuant to the Harbours Acts 1950 or the Local Government Act 1974:

**“Internal waters”** means the internal waters of New Zealand as defined by section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977:

**“Length”** in relation to a vessel, means length overall:

**“Master”** means any person (except a pilot) have command or charge of a vessel:

**“Navigate”** means the act or process of managing or directing the course of a vessel on, through, over, or under the water:

**“New Zealand waters”** means –

- (a) the territorial sea of New Zealand; and
- (b) the internal waters of New Zealand; and
- (c) all rivers and other inland waters of New Zealand:

**“On the surface of the water”** in respect of a seaplane that is taking off from, or alighting on the water, means the seaplane is in contact with the water surface:

**“Owner”**, –

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship:
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship:
- (c) in relation to a fishing ship, other than one to which paragraph (a) or

paragraph (b) of this definition applies, means the person registered as the owner under section 57 of the Fisheries Act 1983:

(d) in relation to a ship 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 ship, includes the charterer or other person who is for the time being so responsible:

(e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**“Paddle craft”** means powered only by a craft’s occupant(s) using a single or double bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles:

**“Person in charge of a vessel”** means the master:

**“Personal flotation device”** means any serviceable buoyancy aid that is designed to be worn on the body and that is certified but a recognised authority as meeting –

(a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or

(b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005:

**“Pleasure craft”** 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 –

(a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business:

(b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as fishing vessel or for the carriage of passengers or cargo for hire or reward:

(c) a vessel that is operated or provided by any club, incorporated society, trust, or business:

**“Power-driven vessel”** means any vessel propelled by machinery:

**“Proper speed”** means speed through the water:

**“Publicly notify”** means to publish a notice in one or more daily newspapers circulating in the region the waters of which are subject to an application under rule 91.19 or rule 91.20:

**“Raft”**

(a) means an inflatable craft manoeuvred by –

- (i) oars or paddles; or
- (ii) a combination of oars and paddles; but
- (b) does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing:

**“Recognised authority”** means an authority that the Director considers is competent to certify a personal flotation device’s compliance with a standard:

**“Recreational craft”** means a vessel that is –

- (a) a pleasure craft; or
- (b) solely powered manually; or
- (c) solely powered by sail:

**“Regional council”** has the meaning given to the term “regional council” in section 2 of the Local Government Act 1974; and includes any territorial authority referred to in section 16(1) of the Local Government Amendment (No.2) 1999:

**“Reserved area”** means a permanently reserved area referred to in rule 91.22(2) or an area of water reserved by a regional council by navigation bylaw for a specified navigation safety purpose:

**“Reward”** means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members:

**“River”** includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides:

**“Structure”** means any building, equipment, device, or other facility made by people and which is fixed to land:

**“Support vessel”** means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions:

**“Territorial sea”** means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**“Vessel”** means every description of boat or craft used in navigation, whether or not is has any means of propulsion; and includes –

- (a) a barge, lighter, or other like vessel:
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- (c) a submarine or other submersible:
- (d) a seaplane while it is on the surface of the water.

### 91.3 Application

- (1) Rules 91.4(3), 91.5(4) and 91.21 apply everywhere in New Zealand waters.
- (2) The rest of Part 91 applies to –
  - (a) areas that are not subject to navigation bylaws; and
  - (b) regions where navigation bylaws are in force, if the bylaws are inconsistent with Part 91, in which case the bylaws shall be construed subject to Part 91.
- (3) Part 91 shall not apply to navigable waters subject to navigation bylaws in the manner specified in rules 91.3(2)(b) until 31 March 2004.

### Operating requirements

#### 91.4 Personal flotation devices

- (1) No person in charge of a recreational craft may use it unless there are 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) Rule 91.4(1) and (6) shall not apply to –
  - (a) any surfboard or similar unpowered craft; and
  - (b) any sailboarder or windsurfer, if a wetsuit is worn at all times; and
  - (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body wetsuit 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 national sporting organisation approved by the Director; and
  - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
  - (f) a commercial raft.
- (3) The Director may approve a national sporting organisation for the purposes of rule 91.4(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.
- (4) Subject to rule 91.4(5), rule 91.4(1) shall not apply in respect of any sporting event, training activity or ceremonial even in 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.

In this rule buoyancy aid means –

- (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard

5823:2001 or NZS 5823:2005<sup>5</sup>; or

(b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 newtons of buoyancy.

(5) Rule 91.4(1) and (6) shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the regional council with jurisdiction for the applicable region has granted an exemption in writing. A regional council may grant an exemption for specified period if the regional council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

(6) Despite rule 91.4(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 person on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.

(7) No person in charge of a vessel may use it to tow any person and no person may cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.

(8) Rule 91.4(7) does not apply to –  
(a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under rule 91.4(3); or  
(b) persons participating in a sporting event that is administered by a national sporting organisation approved under rule 91.4(3); or  
(c) towing at a speed of less than 5 knots.

(9) For the purposes of subrules (1) and (6), in the case of a paddle craft, a personal flotation device shall include a buoyancy aid not certified by a recognised authority, provided that buoyancy aid –

(a) meets type 406 of New Zealand Standard NZS 5823:2005 as demonstrated by prototype testing, except that the device is not required to –

- (i) be tested for resistance to petroleum; and
- (ii) meet the colour requirements; and

(b) is manufactured in accordance with a quality system acceptable to the Director that ensures product conformity to that standard; and

(c) is legibly and indelibly marked in block letters not less than 6mm high  
“MARTIME PRODUCT CONFORMING TO THE REQUIREMENTS OF

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<sup>5</sup> NZS 5823:1989 and NZS 5823:2001 and NZS 5823:2005 define a buoyancy aid as any device designed to assist a person to remain afloat in water until rescue is effect. Any time of buoyancy aid categorised in the Standard meets the requirements of this rule.



MARITIME RULES PART 91. RESTRICTED USE: PADDLE CRAFT APPLICATIONS ONLY”.

(10) In the case of a paddle craft, a serviceable buoyancy aid not certified by a recognised authority and not meeting the requirements of rule 91.4(9), may be used for the purposes of subrules (1) and (6) until –

- (a) 1 October 2014 in the case of a pleasure craft; and
- (b) 1 October 2011 in the case of a craft other than a pleasure craft.

**91.5 Minimum age for operating power driven vessels**

(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 in immediate reach of the controls.

(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 in immediate reach of the controls.

(3) Rule 91.5(1) and (2) does not apply in respect of any person who has a written exemption from a regional council issued in accordance with a navigation bylaw or from the Director.

(4) The Director may issue an exemption in accordance with section 47 of the Act 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 Director –

(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; and

(b) consults with the relevant regional council and notifies the council of the decision to issue the exemption.

**91.6 Speed of vessels**

(1) No person may, 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 200 metres of the shore or of any structure; or  
(c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).

(2) No person may 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) No person may 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 rule 91.6(1).

(4) No person in charge of a vessel may 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.

(5) Rule 91.6(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 –

(i) established under rule 91.19; or

(ii) established under rule 91.20; or

(iii) continued by rule 91.22; or

(iv) established for any river by navigation bylaw.

(6) Rule 91.6(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, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or

- (b) a vessel operating in accordance with a speed uplifting –
  - (i) established under rule 91.19; or
  - (ii) established under rule 91.20; or
  - (iii) continued by rule 91.22; or
  - (iv) established for inland waters by navigation bylaw; or
- (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.

### **91.7 Wake**

Subject to rule 91.6, 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 of harm to other persons.

### **91.8 Lookouts on vessel used for water skiing or towing any person**

(1) No person in charge of a vessel may use it to tow any person at a speed exceeding 5 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.

(2) No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 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.

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

(1) No person may operate, between sunset and sunrise<sup>6</sup>, a vessel that is towing any person on water skis, an aquaplane, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object.

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<sup>6</sup> The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac.

(2) No person may cause himself or herself to be towed in the circumstances described in rule 91.9(1).

#### **91.10 Conduct in access lanes**

(1) No person may 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.

(2) No person may –

(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) No person within an access lane may proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.

(4) No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

(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.

#### **91.11 Marking of access lanes**

Where an access lane is defined by bylaws, the applicable regional council must ensure that –

(a) the access lane is demarcated on shore by orange posts with horizontal black bands; and

(b) if the access lane is marked at its outer edge, it is marked by orange buoys with black bands; and

(c) an adequate sign or signs are provided in the vicinity of the access lane that declare the purpose of that lane.

#### **91.12 Reserved areas**

(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.

(2) If any person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in or use the area for any other purpose.

(3) Where a reserved area is defined by bylaws, the regional council must ensure

that –

- (a) adequate signs are provided in the vicinity of the area that –
  - (i) define the area; and
  - (ii) declare the purpose for which the area has been reserved; and
- (b) if the reserved area is demarcated on shore, it is marked by black posts with white horizontal bands; and
- (c) if the reserved area is marked at sea it is marked by black buoys with white bands.

### **91.13 Anchoring and obstructions**

- (1) No person may anchor a vessel so as to –
  - (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
  - (b) create a hazard to other vessels at anchor.
- (2) When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that –
  - (a) the vessel is securely fastened to the dock, wharf or landing place; and
  - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any tidal conditions.
- (3) No person may place any obstruction, including any fishing apparatus, in any waters that is likely to –
  - (a) restrict navigation; or
  - (b) cause injury or death to any person; or
  - (c) cause damage to any vessel or any property.

### **91.14 Damage to navigation aids**

- (1) No person may tie a vessel to any aid to navigation without the written permission of –
  - (a) if the aid to navigation is operated by a local authority or port company, the harbourmaster; or
  - (b) if the aid to navigation is operated by the Maritime Safety Authority, the Director.
- (2) No person may damage, remove, deface or otherwise interfere with an aid to navigation.

### **91.15 Distance from vessels showing flag B and defence premises**

Where possible, the master of a vessel must not allow that vessel to approach within 200 metres of –

- (a) an oil tanker or any other vessel that is showing flag B by day or a red all round light by night; or
- (b) any wharf, quay, pier, jetty, or premises belonging to the Crown erected or used in connection with defence works or defence purposes under the Defence Act 1990, unless –

- (i) a different distance is prescribed in respect of the wharf, quay, pier, jetty or premises by the New Zealand Defence Force; or

- (ii) the master is authorised to approach within 200 metres by the Defence Officer in charge of the wharf, quay, pier, jetty or premises.

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

(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<sup>7</sup> or more if the vessels are in a harbour area.

(2) For the purposes of this rule a harbour area is an area defined as such in bylaws. If a regional council defines a harbour area in bylaws, the council must inform Land Information New Zealand of the defined area so that it may be marked on any applicable nautical chart.

### **91.17 River safety rules**

A person in charge of a vessel on a river must –

- (a) ensure that the vessel keeps to the starboard (right) side of the river channel; and
- (b) if going upstream, give way to any vessel coming downstream; and
- (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

### **91.18 Flags and signals**

(1) The master of any vessel that has on board, or who intends to load or unload, 27 kilograms or more of explosives in a harbour area as defined in rule 91.16(2) must display code Flag B by day and an all round red light at the masthead or where it can best be seen by night.

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<sup>7</sup> A vessel over 500 gross tonnage is likely to be over 50 m in length overall.

(2) The master of any tanker in a harbour area as defined in rule 91.16(2) must display code Flag B by day and an all round red light at the masthead or where it can best be seen by night.

(3) 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 watchkeeper of another vessel at a distance in excess of 200 metres.

(4) 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 watchkeeper of another vessel at a distance in excess of 200 metres.

## **Administration**

### **91.19 Temporary events**

(1) Any person intending to conduct a race, speed trial, competition or other organised water activity in an area where navigation bylaws do not apply may apply to the Director –

(a) to temporarily suspend the application of any part of rule 91.6 during the conduct of the race, speed trial, competition or other organised water activity; and

(b) to temporarily reserve the area for the purpose of that activity.

(2) If the Director is satisfied that an application may be granted without endangering the public, and that any consultation with affected parties that the Director considers necessary has been undertaken, he or she may grant the application for a specified period or periods and subject to such conditions as he or she may specify in the interests of maritime safety.

(3) No grant of an application under rule 91.19(2) shall have effect unless, not less than 7 days or more than 14 days before the commencement of the activity, the applicant publicly notifies the period of the activity and details of the suspension or reserved area<sup>8</sup>.

### **91.20 Permanent speed upliftings**

(1) A person may apply to have any speed limit prescribed in rule 91.6 or navigation bylaws uplifted from waters specified in the application –

(a) where navigation bylaws are in force, by application in writing to the appropriate regional council; and

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<sup>8</sup> Local Authority permits may also be required for land use associated with the temporary speed uplifting.

(b) where navigation bylaws are not in force, by application in writing to the Director.

(2) An application under rule 91.20(1) must not be granted unless the regional council or the Director, as applicable, is satisfied that –

- (a) the application has been publicly notified; and
- (b) affected persons have had reasonable opportunity to comment on the application; and
- (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process and any measures taken to address the concerns raised; and
- (d) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

(3) A regional council must consult with the Director before granting any application made under rule 91.20(1)(a) and must notify the Director when it grants such an application. Any application granted under rule 91.20(1) must be publicly notified and notified in the Gazette as soon as practicable after it is granted.

(4) The Director may grant an application in accordance with rule 91.20(2) for a specified period or periods and subject to such conditions as he or she may specify in the interests of maritime safety.

#### **91.21 Appointment of Safe Boating Advisors**

(1) The Director may appoint a person as a Safe Boating Advisor for the purpose of promoting safety awareness on recreational craft if the Director is satisfied that the person –

- (a) (i) was appointed as an Honorary Launch Warden under regulation 3 of the Water Recreation Regulations 1979; or  
(ii) holds a Boatmaster Certificate issued by the Coastguard Boating Education Service or a qualification that the Director considers is equivalent to that certificate; and
- (b) has a minimum of 5 years recreational craft experience that is acceptable to the Director.

(2) The Director may appoint a Safe Boating Advisor subject to such conditions as the Director considers necessary in the interests of maritime safety, which shall include the areas within which the Safe Boating Advisor may perform his or her function.

(3) The Director may revoke the appointment of a person under rule 91.21(1) by notice in writing. The notice must include the grounds for revocation and the grounds must be reasonable.



## **91.22 Savings**

- (1) Any access lane designated under regulation 10 of the Water Recreation Regulations 1979 that was in force on the day before Part 91 came into force is an access lane for the purposes of Part 91 unless a navigation bylaw or rule in a plan made under the Resource Management Act 1994 amends or revokes that designation.
- (2) Any area reserved under regulation 18 of the Water Recreation Regulations 1979 that was in force on the day before Part 91 came into force is a reserved area for the purposes of Part 91 unless a navigation bylaw or rule in a plan made under the Resource Management Act 1991 amends or revokes that designation.
- (3) Any waters not subject to a speed limit of 5 knots by virtue of a notice in the Gazette made in accordance with regulation 20 of the Water Recreation Regulations 1979 on the date before Part 91 came into force are not subject to the speed limit specified in rule 91.6 and are subject to any conditions that were specified in the applicable Gazette notice unless a navigation bylaw or rule in a plan made under the Resource Management Act 1994 amends or revokes that designation.

## **Amendments to Part 22**

### **Rule 22.3 Application**

Amend rule 22.3 by adding the following new paragraph (4):

"(4) Nothing in this Part applies to a vessel participating in a race or training or coaching in relation to other vessels participating in such an activity, if the participants have agreed to comply with the International Sailing Federation Rules, prescribed by the International Sailing Federation."

### **Rule 22.18 Responsibilities between vessels**

Amend rule 22.18(1) by revoking subparagraph (d) and substituting the following new subparagraph (d):

"(d) a sailing vessel or a vessel under oars:"

### **Rule 22.30 Anchored vessels and vessels aground**

Amend rule 22.30(3) by deleting the words "light or".