

# **Statement of Proposal – Proposed Amendments to the Wellington Regional Navigation and Safety Bylaws 2003**

## **1. Introduction**

The Wellington Regional Council has reviewed the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws) in accordance with the requirements set out in the Local Government Act 2002 (LGA 2002). As a consequence of this review the Council is proposing to amend the Bylaws

The LGA 2002 requires that Council follows the special consultative procedure to make these proposed amendments to the Bylaws. This Statement of Proposal has been prepared in accordance with the requirements set out in section 86 of LGA 2002. It includes:

- the reason for the proposal;
- consideration of whether a bylaw is the most appropriate way to address the perceived problem;
- consideration of whether the proposed bylaw is the most appropriate form of the bylaw;
- implications under the New Zealand Bill of Rights Act 1990; and
- a draft of the proposed amended Wellington Regional Navigation and Safety Bylaws 2003.

## **2. Reason for proposal**

As required by the LGA 2002 the Council has recently reviewed the Bylaws. As a result of the review the Council considers that the Bylaws should be amended. The LGA 2002 requires the Council to initiate the special consultative procedure if it considers that bylaws should be amended following their review.

The amendments to the Bylaws have been proposed for a number of reasons:

- to ensure that they are not inconsistent with the Maritime Rules;
- to ensure that they are consistent with the national model navigation and safety bylaws;
- to incorporate minor editorial changes to clarify the existing Bylaws,
- to incorporate recommendations resulting from the recently conducted Port and Harbour Risk Assessment; and
- to ensure that the Bylaws reflect standard practice.

### **3. Consideration by the Council of s. 155 of the LGA 2002**

The LGA 2002 specifies the process for reviewing bylaws. The Council must first determine whether a bylaw is the most appropriate way of addressing the perceived problem. If the Council determines that a bylaw is the most appropriate way, it must determine whether the proposed bylaw is the most appropriate form of bylaw (s. 155(2)(a)). The Council must also determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (s. 155(2)(b)). Each of these tests is examined further below:

#### **3.1 Is a bylaw the most appropriate way?**

Navigation and safety bylaws have been in place for many years, and there is public expectation that they will continue. In addition, the Local Government Act 1974 empowers the Council specifically to make navigation and safety bylaws. This in itself signals that bylaws are the appropriate way of addressing navigation and safety on the region's waters. Alternative means, e.g. public education, still require a regulatory framework. Consequently, we are satisfied that navigation and safety bylaws are appropriate in the circumstances.

#### **3.2 Are the proposed bylaws the most appropriate form of bylaws?**

The Bylaws' amendments closely follow the wording in the Maritime Rules, and also the national model navigation and safety bylaws. We are satisfied, therefore, that the form of the proposed changes are appropriate in the circumstances.

#### **3.3 Are there any implications under the New Zealand Bill of Rights Act 1990?**

In addition to the considerations undertaken above, the proposed bylaw must meet the legal standards of reasonableness, and cannot be inconsistent with the freedoms protected and affirmed in the New Zealand Bill of Rights Act 1990. Officers do not believe that there are any implications under the New Zealand Bill of Rights Act 1990.

### **4. Proposed amendments**

Attached is a copy of the proposed amended Bylaws. The proposed amendments are in bold. The comments in italics do not form part of the Bylaws but are there to provide explanation of the proposed amendments.

# **Navigation and Safety Bylaws**

Wellington region

Purpose: These Bylaws are made for the purpose of navigation and safety.

# Contents

## 1 Preliminary provisions

- 1.1 Title and commencement
- 1.2 Areas within which these Bylaws apply
- 1.3 Definition of terms

## 2 General matters

- 2.1 Lifejackets
- 2.2 Persons to avoid swimming or diving around wharves
- 2.3 Use of vessel engine around wharves, ramps
- 2.4 Vessels to be serviceable or removed
- 2.5 Seaplanes
- 2.6 Anchoring and mooring
- 2.7 Prohibited anchorages
- 2.8 Obstructions
- 2.9 Collision Prevention
- 2.10 Notification of collisions or accidents
- 2.11 Damage to buoys
- 2.12 Flashing lights and sounds signals
- 2.13 Use of distress signals
- 2.14 Means of Communication

## 3 Operating requirements

- 3.1 Minimum age for operating powered vessels
- 3.2 Speed of vessels
- 3.3 Use of lights
- 3.4 Lights for power-driven vessels underway
- 3.5 Lights for sailing vessels underway and vessels under oars (including paddles)
- 3.6 Lights for anchored vessels
- 3.7 Diving from vessels
- 3.8 Lookouts on vessels used for water skiing and towing any person
- 3.9 Water skiing or towing between sunset and sunrise
- 3.10 Conduct in access lanes
- 3.11 Marking of access lanes

- 3.12 Reserved areas
- 3.13 Flagged areas on beaches
- 3.14 Special events
- 3.15 Moorings

#### **4 Commercial operations including hazardous works and cargoes**

- 4.1 Vessels carrying explosives
- 4.2 Signals to be displayed by oil tankers
- 4.3 Distance from vessels showing Flag B
- 4.4 Duties of master while tanker is in harbour
- 4.5 Oil tankers not to lie close to other vessels
- 4.6 Hot work operations
- 4.7 Loading or Discharge of cargo

#### **5 Administrative matters**

- 5.1 Appointment of Harbourmaster and Enforcement Officers
- 5.2 Application to master/owner
- 5.3 Notifications to Harbourmaster
- 5.4 Vessels to be licensed
- 5.5 Fees and charges

#### **6 Wellington Harbour**

- 6.1 Directions for transiting Wellington Harbour entrance
- 6.2 General directions for navigating in Wellington Harbour
- 6.3 Duties of persons in charge of motor boats, yachts, launches etc. in Wellington Harbour
- 6.4 Wellington Harbour – radio reporting procedures for vessels sailing from wharves or anchorages
- 6.5 Radio reporting for vessels taking part in organised events within Wellington Harbour
- 6.6 Navigational documents required for Wellington Harbour
- 6.7 Reporting of vessels' air draught prior to entering Evans Bay
- 6.8 Speed limits in Lambton Harbour area
- 6.9 Restricted access for non-commercial vessels

#### **Schedule 1 – areas defined**

#### **Schedule 2 – location-specific information**

- Prohibited anchorages
- Explosives anchorage
- Bulk oil discharges
- Restricted access area for non-commercial craft

**Schedule 3 – regional access lanes and reserved areas**

- Part A – Access lanes for use by waterskiers
- Part B – Reserved areas
- Part C – Areas that may be flagged on beaches

**Schedule 4 – hot work permit**

**Schedule 5 fees**

- Mooring licence
- Commercial vessel licence
- Public notices

Draft

# 1 Preliminary provisions

## 1.1 Title and commencement

1.1.1 These Bylaws are the Wellington Regional Navigation and Safety Bylaws 2003.

1.1.2 These Bylaws come into force on 22 December 2003.

[Explanation: These bylaws replace the Wellington Regional Navigation and Safety Bylaws 2000]

## 1.2 Areas within which these Bylaws apply

These Bylaws apply to the waters within the Region.

## 1.3 Definition of terms

In these Bylaws, unless the context otherwise requires:

<b>access lane</b>	means those areas defined by words and maps in part A of schedule 3 in these Bylaws.
<b>Accident</b>	<b>has the same meaning as in the Maritime Transport Act 1994</b> <i>This had not been previously defined.</i>
<b>anchorage</b>	in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purposes by the Council or not.
<b>anchoring</b>	means the securing of a vessel to the bed of waters by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the anchorage.
<b>beacon</b>	means a light or mark set up as a navigation mark or a warning to vessels.
<b>bodyboard</b>	<b>also known as a boogie board. Means a short foam board usually ridden in a prone or kneeling position.</b> <i>This has been included for use in swimming only areas.</i>
<b>buoy</b>	means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reef or other hazard.
<b>buoyancy aid</b>	means anything that complies with NZ Standard 5823:2001 or a buoyancy aid that the Director of Maritime Safety is satisfied substantially complies with the Standard and that provides a minimum of 53 newtons of buoyancy.
<b>Class 3 packing group I oil products</b>	means oil having an initial boiling point less than or equal to 35 degrees centigrade.
<b>Class 3 packing</b>	means oil having a flashpoint of less than 23 degrees

<b>group II oil products</b>	centigrade and an initial boiling point greater than 35 degrees centigrade.
<b>Class 3 packing</b>	means oil having a flashpoint equal to or greater than 23
<b>group III oil products</b>	degrees centigrade up to and including 61 degrees centigrade and an initial boiling point greater than 35 degrees centigrade.
<b>commercial vessel</b>	has the same meaning as commercial ship in section 2 of the Maritime Transport Act 1994.
<b>Council</b>	means the Wellington Regional Council as constituted under the Local Government (Wellington Region) Reorganisation Order 1989.
<b>crew</b>	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in a harbour.
<b>Director of Maritime Safety</b>	means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994.
<b>Distress signal</b>	means a distress signal as prescribed in Maritime Rule 23 Appendix 3.
<b>Enforcement Officer</b>	means a person appointed under subclause 5.1.2 of these Bylaws.
<b>explosive</b>	has the same meaning as in Class 1 Substances under the Hazardous Substances (Classifications) Regulations 2001.
<b>flag A</b>	means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue with white to the mast, or a rigid equivalent.
<b>flag B</b>	means flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent.
<b>Gross tonnage</b>	<p><b>in relation to a vessel, means the gross tonnage of that ship determined or recognised in accordance with the provisions of the Maritime Transport Act or any maritime rules. This number relates to the volume and not the weight or displacement of the vessel.</b></p> <p><i>Gross tonnage is used in relation to the bylaws regarding small boats keeping clear of large ships, it is a calculation based on volume and not weight of the ship. A more technical definition is not required for the bylaws, the calculation is standard internationally.</i></p>
<b>Harbour</b>	means:  (a) Wellington Harbour; and



- (b) Porirua Harbour as defined by Order in Council, dated 24 March 1969, New Zealand Gazette, 2 April 1969, page 609 (schedule 1 of these Bylaws).

<b>Harbourmaster</b>	means a person appointed under subclause 5.1.1 of these Bylaws, and shall include any Deputy Harbourmaster.
<b>Honorary Enforcement Officer</b>	means a person appointed under subclause 5.1.3 of these Bylaws.
<b>kite surfer</b>	has the same meaning as sailboard.
<b>length</b>	in relation to a vessel, means overall length.
<b>lifejacket</b>	means a serviceable personal floatation device that meets NZ Standard 5823:2005 or a national or international standard that the Director of Maritime Safety is satisfied substantially complies with that Standard.
<b>Maritime Rules</b>	means maritime rules made under the Maritime Transport Act 1994.
<b>master</b>	means any person having command or charge of a vessel, but does not include a pilot.
<b>mean high water spring</b>	means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is the greatest.
<b>mooring</b>	means any weight or article placed in or on the bed of waters for the purpose of securing a vessel or floating structure; and (a) includes any wire, rope, buoy or other device attached or connected to the weight; but (b) does not include an anchor that is removed with the vessel or floating structure when it leaves the anchorage.
<b>mooring area</b>	means any area described as a mooring area in Appendices 5 and 7 of the Regional Coastal Plan for the Wellington Region (June 2000).
<b>navigate</b>	means the act or process of managing or directing the course of a vessel on, through, over or under the water.
<b>oil</b>	has the same meaning as in section 222 of the Maritime Transport Act 1994.
<b>owner</b>	includes: (a) in relation to a vessel, the agent of the owner and also a charterer; and (b) in relation to any dock, wharf, quay or slipway, includes a lessee of the dock, wharf, quay or slipway.

<b>personal water craft</b>	has the same meaning as in section 684B(g)(iii) of the Local Government Act 1974.
<b>person in charge of a vessel</b>	means the master.
<b>pilot</b>	in relation to any vessel means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel.
<b>pleasure craft</b>	has the same meaning as in section 2 of the Maritime Transport Act 1994.
<b>powered vessel</b>	means any vessel that is not solely powered manually or by sail.
<b>proper speed</b>	means speed through the water.
<b>public notice</b>	means a notice published in a newspaper circulating generally in the area adjacent to the waters to which the subject matter of the notice relates.
<b>Region</b>	means the Wellington Region as constituted under the Local Government (Wellington Region) Reorganisation Order 1989.
<b>reserved area</b>	means those areas defined by words and maps in part B of schedule 3 of these Bylaws.
<b>reward</b>	means the payment to, or for the benefit of, the owner or master of a vessel, of a contribution towards the expenses of a voyage by, or on behalf of, persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.
<b>sailboard</b>	means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. <b>This includes kite surfers.</b> <i>This definition already covers kite surfers, but the additional sentence removes any doubt.</i>
<b>seaplane</b>	means a flying boat or any other aircraft designed to manoeuvre on the water.
<b>seaworthy</b>	means being in a fit condition or readiness to safely undertake a sea voyage.
<b>shore</b>	when referring to distance from shore, means distance from the water's edge.
<b>structure</b>	means any building, equipment, device or other facility which is fixed to land; and <ol style="list-style-type: none"><li>(a) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms and other objects whether or not these are above or below the waterline; but</li><li>(b) does not include buoys, beacons or anchored floats.</li></ol>
<b>sunrise</b>	has the same meaning as stated in the New Zealand Nautical Almanac,

NZ204.

**sunset**

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

**surfboard**

means any type of board that is designed to be used for surf riding.

**tanker**

means any vessel which:

- (a) is constructed, or has a compartment constructed, for the carriage in bulk of any Class 3 oil products; 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 any Class 3 oil products in bulk; or
  - (ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks and compartments of which have not been rendered and certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances.

**vessel**

has the same meaning as ship in section 2 of the Maritime Transport Act 1994, and shall include a seaplane when operating on waters.

**waters**

means all that area of:

- (a) seawater in estuaries, fiords, inlets or harbours, the outer boundary being three nautical miles from the shore of the Region and the inner boundary being the water's edge, except where that line crosses a river, **in which case the boundary is deemed to be a straight line representing the continuation of the line of mean high water spring on each side of the river at the outlet**; and
- (b) Lake Wairarapa, as defined by Order in Council (the National Water Conservation (Lake Wairarapa) Order 1989), dated 6 March 1989, New Zealand Gazette 9 March 1989 (schedule 1 of these Bylaws); and
- (c) Lake Onoke, as defined by map in schedule 1 of these Bylaws, where the river mouth of the Ruamahanga River shall be the landward boundary of Lake Onoke.

*These changes are modifying and simplifying another definition.*

**Wellington Harbour**

means Wellington Harbour as defined by Order in Council, dated 17 January 1985 and amended 1 April 1985, New Zealand Gazette 14 February 1985, page 524 (schedule 1 of these Bylaws).

**Wellington Harbour  
Radio**

**Also known as ‘Beacon Hill,’ this is the Council’s Harbour communication station, and is staffed 24 hours a day 365 days a year. The station can be contacted by marine VHF on channels 04 (East Coast approach to Wellington) 14, ( Wellington Harbour) 16, International Distress and calling channel) and 62 (Western side of Cook Strait and Porirua, Mana and Kapiti areas). Phone numbers include 04 388 1911, 04 3885470, Fax 04 388 4319, e-mail: beacon hill@gw.govt.nz**

*This provides a clear understanding of Wellington Harbour Radio, with both names and provides the necessary contact details.*

**Windsurfer**

has the same meaning as sailboard.

**Draft**

## 2 General matters

### 2.1 Lifejackets

- 2.1.1 No person in charge of a pleasure craft may use it or allow it to be used unless it carries, at the time of use, in a readily accessible location, lifejackets of an appropriate size for each person on board.
- 2.1.2 Subclauses 2.1.1 and 2.1.7 shall not apply to:
- (a) any surfboard or similar unpowered craft; and
  - (b) any sailboarder, windsurfer or kite surfer if a wetsuit is worn at all times; and
  - (c) a diver on a boat of six metres or less in length overall that is used for recreational diving within five nautical miles of shore, if a full body dive suit is worn at all times; and
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime Safety under Maritime Rule 91.4(3); and
  - (e) a member of a visiting foreign watersports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence.
- 2.1.3 In respect of any sporting event, training activity, ceremonial event or other organised recreational activity, subclause 2.1.1 shall not apply if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the pleasure craft and the support vessel carries lifejackets or buoyancy aids of an appropriate size for each person on board the support vessel and the pleasure craft.
- 2.1.4 In respect of any sporting event, training activity or other organised recreational activity, the organising body may, where it is not practical to meet the requirements of subclause 2.1.3, apply for a written exemption to subclause 2.1.1. The Harbourmaster may grant an exemption for a specified time period, provided that the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any persons participating in the event or activity.
- 2.1.5 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 lifejacket of an appropriate size for that person.
- 2.1.6 Subclause 2.1.5 does not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under Maritime Rule 91.4(3); or
  - (b) participating in a sporting event that is administered by a national sporting organisation approved under Maritime Rule 91.4(3).

- 2.1.7 The person in charge of a vessel shall ensure that every person on board a pleasure craft that is less than 6 metres in length shall wear a properly secured lifejacket unless;**
- (a) the person in charge of that craft has expressly given permission for lifejackets not to be worn; and**
  - (b) the person in charge of that craft considers that conditions are such that there is no significant increase in the risk to safety to any person through not wearing a lifejacket.**

*This change is being proposed by Maritime New Zealand as a change to Part 91 of the Maritime Rules, with which our Bylaws must be consistent. They are rewording the old requirement to put more positive pressure on the wearing of floatation devices in small craft. This addresses a safety issue identified in the National Pleasure Boat Safety Strategy.*

- 2.1.8 No person in charge of a pleasure craft may use that craft or allow it to be used in circumstances where:**

- (a) tides, river flows, rough seas; or
- (b) adverse weather, adverse visibility or emergencies

cause a danger or a risk to the safety of persons on board, unless each person on board is wearing a lifejacket of an appropriate size.

## **2.2 Persons to avoid swimming or diving around wharves**

- 2.2.1 Without the permission of the Harbourmaster no person may dive or swim within 50 metres of:**
- (a) any structure in the commercial port area as defined in the Regional Coastal Plan for the Wellington Region (June 2000); or
  - (b) any other wharf or boat ramp when a vessel is manoeuvring within 50 metres of the wharf or boat ramp.

- 2.2.2 Any person given permission under subclause 2.2.1 must display flag A.**

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

- 2.3.1 No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any ramp, in such a way that it may damage any property, scour the bed of the waters, or injure any person. However, this subclause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.**

2.3.2 The master of any commercial vessel must:

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

## **2.4 Vessels to be serviceable or removed**

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

2.4.2 If any vessel is a hazard to navigation by reason of it being unseaworthy:

- (a) the Council may give a written direction to the owner and/or the master of the vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time as specified in the direction; and
- (b) the owner and master are jointly and severally responsible for ensuring the direction is complied with.

2.4.3 If the owner or master of the vessel fails to move the vessel in accordance with a direction given under subclause 2.4.2, the Council may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water. The costs incurred may be recovered from the owner, master or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

2.4.4 No person may operate any unseaworthy vessel except to comply with the directions, under these Bylaws, of the Harbourmaster or an Enforcement Officer to move the vessel to an alternative location.

## **2.5 Seaplanes**

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

## **2.6 Anchoring and mooring**

2.6.1 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.

- 2.6.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy or unlawfully detach:
- (a) the mooring of any vessel; or
  - (b) the fastening securing any vessel lying in, at or near a wharf, dock or at or near any wharf or landing place.
- 2.6.3 When a vessel is moored in, at or alongside a wharf or dock or other landing place, the owner or master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured and adjusted to suit all tidal conditions.
- 2.6.4 The owner or master of a vessel berthed at a wharf must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.

## **2.7 Prohibited anchorages**

No person may anchor or moor any vessel within any prohibited anchorage as defined by words in schedule 2 of these Bylaws.

## **2.8 Obstructions**

- 2.8.1 No person may obstruct the access by waters to any wharf, landing place, boat ramp, slipway or mooring.
- 2.8.2 No person may place any obstruction, including any fishing apparatus, in any waters 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.

## **2.9 Collision Prevention**

- 2.9.1 No person shall operate any vessel in breach of Part 22 of the Maritime Rules (Collision Prevention), made under the Maritime Transport Act 1994**
- 2.9.2 A Harbourmaster or enforcement officer may direct any vessel to take any action they deem necessary for compliance with Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.**

*Part 22 is the NZ version of the international Rules for the Prevention of Collision at Sea (the Road Rules); by placing this in the Bylaws it enables us to take enforcement action against breaches of these rules within our Bylaw region. We are not otherwise able to enforce these Rules.*



## **2.10 Notification of collisions or accidents**

2.10.1 The master of any vessel that:

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waters; or
- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property; or
- (c) in any manner gives rise to an obstruction; or
- (d) causes any damage to any navigation aid or structure, or to anything on the structure;

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

2.10.2 A report under subclause 2.10.1 must include:

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

2.10.3 If an incident described in subclause 2.10.1 involves damage to a vessel that affects, or is likely to affect, its seaworthiness, the master may not move the vessel except:

- (a) to prevent the vessel from creating a hazard to navigation; or
- (b) in accordance with the directions of the Harbourmaster or an Enforcement Officer.

2.10.4 Nothing in subclause 2.10.1(a) shall apply to any pleasure craft involved in organised racing if there are no serious injuries sustained.

## **2.11 Damage to buoys**

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

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

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

## **2.12 Flashing lights and sound 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, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.**

**2.12.3 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.**
- (b) The use is required to assist the identification of the vessel to an aircraft involved in an incident.**
- (c) Is otherwise directed to do so by the Police or Harbourmaster.**

**The lights imply no status or privilege to that vessel.**

*The use of these lights is outside of the Maritime Rules, so these Bylaws are to allow for and control their use in emergency response situation, this in is line with the national model bylaws.*

**2.12.4 No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any harbour, except as a navigation safety signal. However, nothing in these Bylaws precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf.**

## **2.13 Use of distress signals**

**2.13.1 A person must not make a distress signal, or cause or permit a distress signal to be made, unless that person is satisfied that:**

- (a) the vessel that is on the water (or any person from that vessel) to which the person belongs is in serious and imminent danger and requires immediate assistance; or**
- (b) another vessel (or any person from that vessel) is in serious and imminent danger and cannot itself make the signal and requires immediate assistance.**

**2.13.2 A person must not use signals which may be confused with the distress signals unless in distress.**

- 2.13.3 The Director of Maritime Safety may, for the purpose of allowing instruction in the use of distress signals, authorise in writing the making of distress signals at such times and places, and subject to such other conditions, as the Director thinks fit.

## 2.14 Means of communication

**Every person in charge of a vessel must ensure that an appropriate means of communication is carried on board the vessel that:**

- (a) provides the ability to communicate with land based and/or seaborne parties from any point within the area the vessel will be operated; and**
- (b) in the case of vessels under 6 metres in length, is able to be operated following submersion in sea water; and**
- (c) is adequate to provide communications for the duration of the voyage.**

*This is a proposed change to Maritime Rule 91; it addresses one of the issues identified in the by the National Pleasure Boat Safety Strategy with regard to rescue after an accident.*

Draft

### 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 in immediate reach of the controls.
- 3.1.2 The owner of a powered vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of subclause 3.1.1.
- 3.1.3 Subclause 3.1.1 does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

#### 3.2 Speed of vessels

- 3.2.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:
- (a) within 50 metres of any other vessel, floating structure or person in the water; or
  - (b) either within 200 metres of the shore or of any structure, or on the inshore side of any buoy(s) demarcating that distance from the shore or structure; or
  - (c) within 200 metres of any vessel or floating structure that is flying flag A; **or**
  - (d) when knowingly or deliberately approaching within 200 metres of a marine mammal.

There are currently DOC rules about not harassing marine mammals and this clarifies them in respect of vessels operation and puts all the rules regarding speed of vessels in the same place.

- 3.2.2 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.
- 3.2.3 No person may cause or allow himself or herself to be towed by a vessel or any other means (whether or not on a water ski, aquaplane or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in any of paragraphs (a) to (c) of subclause 3.2.1.
- 3.2.4 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

which may cause danger to any other person or vessel, without taking appropriate action to recover that water ski or take measures to ensure that the water ski is visible to other water users.

3.2.5 Subclause 3.2.1(a) shall not apply to:

- (a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with subclause 3.2.1(a); 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 subclause 3.2.1(a).

3.2.6 Subclause 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, unless, in the case of a reserved area, a navigation bylaw provides otherwise; or
- (b) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with subclause 3.2.1(b); or
- (c) 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
- (d) a windsurfer; or
- (e) a craft training for or participating in competitive rowing or paddling; or
- (f) a tug, pilot vessel, harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with subclause 3.2.1(b).

3.2.7 Subclauses 3.2.1(b) and 3.2.2 shall not apply to a craft operated by a Surf Lifesaving Club affiliated to Surf Lifesaving New Zealand, that is being operated in accordance with its Inflatable Rescue Boat training policy that has been approved by the Director of Maritime Safety.

3.2.8 Wake

Subject to subclause 3.2.1, every person who propels or navigates a pleasure craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels or structures, or of harm to other persons.

### **3.3 Use of lights**

- 3.3.1 Lights required by clauses 3.4 to 3.6 are to be exhibited from sunset to sunrise. During this time the only other lights which may be exhibited are those lights which:
- (a) cannot be mistaken for lights specified in Part 22 of the Maritime Rules; and
  - (b) do not impair the visibility or distinctive character of lights specified in Part 22 of the Maritime Rules; and
  - (c) do not interfere with the keeping of a proper lookout.
- 3.3.2 The lights specified must, if carried, also be exhibited during the day in restricted visibility. They may also be exhibited in all other circumstances where it is considered necessary.
- 3.3.3 The lights and shapes specified in clauses 3.4 to 3.6 must comply with the provisions of Appendix 1 of Part 22 of the Maritime Rules.

### **3.4 Lights for power-driven vessels underway**

- 3.4.1 Subject to subclauses 3.3.1 and 3.3.2, a power-driven vessel underway must exhibit:
- (a) a masthead light forward; and
  - (b) a second masthead light abaft of and higher than the forward one, except that a vessel of less than 50 metres in length is not obliged to exhibit such light but may do so; and
  - (c) sidelights; and
  - (d) a sternlight.
- 3.4.2
- (a) Instead of the lights prescribed in subclause 3.4.1:
    - (i) a power-driven vessel of less than 12 metres in length may exhibit an all-round white light and sidelights; and
    - (ii) a power-driven vessel of less than seven metres in length whose maximum speed does not exceed seven knots may exhibit an all-round white light, and must, if practicable, exhibit sidelights.
  - (b) The masthead light or all-round white light on a power-driven vessel of less than 12 metres in length may be displaced from the fore and aft centreline of the vessel if:
    - (i) a centreline fitting is not practicable; and
    - (ii) sidelights are combined in one lantern which must be either:
      - (aa) carried on the fore and aft centreline of the vessel; or
      - (bb) located as nearly as practicable in the same fore and aft line as the masthead light or all-round white light.

### **3.5 Lights for sailing vessels underway and vessels under oars (including paddles)**

- 3.5.1 Subject to subclauses 3.3.1 and 3.3.2, a sailing vessel underway must exhibit:

- (a) sidelights; and
- (b) a sternlight;

except that a sailing vessel of less than 20 metres in length may combine the sidelights and sternlight into one tricoloured lantern carried at or near the top of the mast where it can best be seen.

- 3.5.2 (a) A sailing vessel of less than seven metres in length must, if practicable, exhibit the sidelights and sternlight as prescribed in subclause 3.5.1, but if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.
- (b) A vessel under oars may exhibit the lights prescribed in this subclause for sailing vessels, but if it does not do so, it must have ready an electric torch or lighted lantern showing a white light which must be exhibited in sufficient time to prevent collision.
- (c) In Wellington and Porirua Harbours any of the vessels in paragraphs (a) and (b) above who are not able to exhibit the lights prescribed in subclause 3.5.1 must exhibit an all-round white light where it can best be seen.

### **3.6 Lights for anchored vessels**

3.6.1 A vessel at anchor must exhibit where it can best be seen:

- (a) in the fore part, an all-round white light or one black ball; and
- (b) another all-round white light at or near the stern at a lower level than the light in the fore part;

but if the vessel is less than 50 metres in length it may exhibit an all-round white light where it can best be seen instead of the lights referred to in paragraphs (a) and (b) of this subclause.

3.6.2 A vessel of less than 7 metres in length at anchor, not in or near a narrow channel, fairway, anchorage or where other vessels normally navigate, is not required to exhibit the light or shape prescribed for a vessel at anchor.

### **3.7 Diving from vessels**

- 3.7.1 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.
- 3.7.2 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.

**3.7.3 The minimum size for a flag that is required under 3.7.1 or 3.7.2 is 60 cm by 60cm.**

*This change is to meet the national standard and make dive flags more visible.*

**3.8 Lookouts on vessels used for water skiing and towing any person**

- 3.8.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.8.2 No person may cause or allow himself or herself to be towed at a speed exceeding 5 knots by or from any vessel unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.8.3 No person who is under the age of 10 years is permitted to act as the additional person required by subclauses 3.8.1 and 3.8.2.

**3.9 Water skiing or towing between sunset and sunrise**

- 3.9.1 No person may operate, between sunset and sunrise, a vessel that is towing any person, whether or not that person is on a water ski, aquaplane, paraglider or other similar object.
- 3.9.2 No person may allow himself or herself to be towed by a vessel or any other means, between sunset and sunrise.

**3.10 Conduct in access lanes**

- 3.10.1 No person may, in any access lane, propel, navigate or manoeuvre a vessel except by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right-hand side of the vessel.
- 3.10.2 No person may:
- (a) while being towed by a vessel in any access lane, cause himself or herself or any water ski, aquaplane or other towed object, on or by which he or she is being towed; or
  - (b) cause any object that is being towed by a vessel in any access lane
- to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right-hand side of the vessel.
- 3.10.3 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 3.10.4 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.

- 3.10.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 3.10.6 The access lanes to which these Bylaws apply are those prescribed in schedule 3 of these Bylaws.

### **3.11 Marking of access lanes**

- 3.11.1 Every access lane must be marked on shore, by pairs of posts in transit. These posts will be orange with black horizontal bands.
- 3.11.2 An access lane may also be marked with orange buoys with vertical black stripes.

#### **3.11.3 Each access lane shall have an adequate sign or signs in the vicinity of the access lane that declares the purpose of that lane.**

*This is in line with Maritime rules and the national model bylaws*

### **3.12 Reserved areas**

- 3.12.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it has been reserved under these Bylaws.
- 3.12.2 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.
- 3.12.3 A permanent reserved area must be marked on shore, by pairs of posts in transit. These posts will be white with black horizontal bands.
- 3.12.4 If the reserved area is marked at sea it is marked by black buoys with white vertical stripes.

#### **3.12.5 Each reserved areas shall have an adequate sign or signs in the vicinity of the reserved area that declares the purpose of that area.**

*This is in line with Maritime rules and the national model bylaws*

### **3.13 Flagged areas on beaches**

- 3.13.1 **The Harbourmaster, a Surf Life Saving New Zealand Patrol Captain, or an Enforcement Officer may, from time to time, subject to 3.13.4, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.**

- 3.13.2 No person may carry out any activity other than the activities for which the area has been flagged. This shall not prevent Surf Lifesaving or other rescue services operating in this area in case of an emergency.**
- 3.13.3 The areas on which flagged areas signify swimming only areas are detailed in Part C of schedule 3.**
- 3.13.4 Flagged swimming areas on beaches shall consist of two red/yellow flags forming the area boundary. These flags shall meet NZ Standard NZS8690:2003 – 5.1 Design of flags and 5.2 Use of flags.**

*This allows some areas of certain beaches to be set aside for swimming and body boarding only; at present we are only proposing to make this an option on Lyall Bay beach. It will only apply while the Surf Patrol is on duty (and the flags are out). This is one way to avoid accidents caused by clashes of incompatible water uses.*

### **3.14 Special events**

- 3.14.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws apply **should apply** to the Harbourmaster to:
- (a) temporarily suspend the application of subclauses 3.2.1(a) and (b) and clause 6.8 of these Bylaws in that area during the conduct of the race, speed trial, competition or other organised water activity; and/or
  - (b) temporarily reserve the area for the purpose of that activity; and/or
  - (c) temporarily suspend the designation of permanent access lanes or reserved areas.

*This changes are intended to provide more clarity as to who needs to apply to the Council for special events, our aim is to avoid clashes of incompatible events and ensure participant safety has been adequately considered by the organisers.*

- 3.14.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as he or she may specify.
- 3.14.3 Every grant of an application under these Bylaws shall, subject to subclause 3.14.4, have effect according to its tenor.
- 3.14.4 No grant of an application under these Bylaws 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.
- 3.14.5 The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under subclause 3.14.4.

### 3.15 Moorings

- 3.15.1 No person may place a mooring in any waters, whether in a mooring area or not, unless a licence in terms of subclause 3.15.4 has been obtained.
- 3.15.2 The Harbourmaster may remove or authorise the removal of any unauthorised mooring and all costs of so doing are a debt by the owner of the mooring to the Council.
- 3.15.3 No person may anchor any vessel so as to obstruct any licensed mooring unless they are the holders of a current licence to use that mooring.
- 3.15.4 The Harbourmaster may, subject to the conditions specified in subclause 3.15.6, grant a mooring licence to which subclause 3.15.1 applies.
- 3.15.5 Every mooring licence issued by the Harbourmaster shall apply only to the vessel and owner(s) named in the licence.
- 3.15.6 The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
- (a) the precise location of the mooring; and
  - (b) the size and type of any vessel which may be attached to the mooring;
  - (c) the design and specifications of the mooring; and
  - (d) a requirement for maintenance and inspections of the mooring; and
  - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel; and
  - (f) a requirement that the owner of the mooring shall be liable in any event for the position, insufficiency or insecurity of any licensed mooring.
- 3.15.7 The Harbourmaster shall not grant any licence for a mooring unless satisfied that:
- (a) there is adequate space in the mooring area for the proposed mooring; and
  - (b) the mooring is of adequate specifications to accommodate the proposed vessel to be moored.
- 3.15.8 No owner of a licensed mooring may leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.
- 3.15.9 Where the owner of a mooring has left it vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster, the Harbourmaster may cancel the licence and direct that the mooring be removed.
- 3.15.10 No owner of a licensed mooring may, except with the written permission of the Harbourmaster:
- (a) part with the possession of the mooring; or

- (b) assign the mooring to any other person; or
- (c) suffer any such other person to have the use of the mooring; or
- (d) use the mooring for a vessel other than the vessel named in the licence.

Draft

## 4 Commercial operations including hazardous works and cargoes

### 4.1 Vessels carrying explosives

- 4.1.1 The master of a vessel having on board, or intending to load, explosives must ensure that:
- (a) the ship remains within the explosives anchorage specified in schedule 2 of these Bylaws 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; **and**
  - (c) **the Harbourmaster is provided with the Dangerous Goods declaration for the explosives at least 48 hours prior to loading or discharging. For weekend loading or discharging documentation shall be provided no later than 12 noon on Friday.**

*This is to re-enforce the current practise by some operators and ensure there are clear guideline for other on the requirements. This important safety information is passed on to emergency services in case of accident or incident.*

- ~~4.1.2 The master of any vessel in any harbour or anchorage having on board, or intending to load, explosives must display on the vessel flag B by day and a red light by night.~~

*This has been removed because it is incorporated in to the 4.2*

- 4.1.2 Nothing in clauses 4.1 and 4.2 apply to any vessel which:
- (a) is carrying not more than 27 kilograms of explosives; or
  - (b) is carrying **or is intending to load**, no explosives other than explosives of Safety Ammunition of Class 1.4S as defined under the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001 or Fireworks of Classes 1.3G; 1.4G and 1.4S as defined under the Hazardous Substances (Fireworks) Regulations 2001 **in quantities that do not require an Hazardous Substance and New Organisms Approved Handler.**

### 4.2 Signals to be displayed by any vessel taking in, or discharging or carrying Dangerous Goods.

**On or immediately before the arrival in harbour of any vessel, and for as long as that vessel remains in harbour, the master must display by day flag B and by night a red light at the masthead or where it can best be seen from all directions.**

*This covers the requirements for both tankers and other Dangerous Goods carrying ships to*

*fly Flag B or the red light at night.*

### **4.3 Distance from vessels showing flag B**

Where possible, the master of a vessel must not allow that vessel to approach within 200 metres of an oil tanker or any other vessel that is showing flag B by day or a red all-round light by night.

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

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

4.4.2 The master of a tanker must:

- (a) berth or moor the tanker only at such wharf or place as specified for bulk oil discharges in schedule 2 of these Bylaws, or as otherwise permitted in writing by the Harbourmaster; and
- (b) keep the tanks containing Class 3 packing groups I and II oil cargo securely closed, except when opened for loading or discharging; and
- (c) unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency; **and**
- (d) submit to the Harbourmaster a plan showing the layout of the vessel's tanks and contents, giving the products and approximate quantities that will be on board when arriving at Wellington Harbour, at least 12 hours prior to arrival.

*This is to re-enforce the current practise by some operators and ensure there are clear guideline for other on the requirements. This important safety information is passed on to emergency services in case of accident or incident.*

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

The master of a tanker must ensure that, except for the purpose of transshipment, the tanker does not lie within 30 metres of another vessel, unless the permission of the Harbourmaster has first been obtained in writing.

### **4.6 Hot work operations**

4.6.1 Within Wellington Harbour or commercial areas, the person carrying out the hot work and the master or ship's engineer, if available, of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain from the Harbourmaster a Hot Work Permit in accordance with the requirements set out in schedule 4 of these Bylaws, no less than two hours before commencing the work.

- 4.6.2 The person carrying out the hot work or the master or ship's engineer, if available, of the vessel must ensure that before any welding operations are commenced, precautions are taken for the detection, prevention and extinguishing of fire on board the vessel or elsewhere during the welding operations, and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 4.6.3 No person may commence hot work without having seen and understood a current Hot Work Permit for the work to be undertaken.
- 4.6.4 The Harbourmaster may grant a written exemption from compliance with subclauses 4.6.1 and 4.6.2 to the master or owner of a vessel lying at any ship-repairing establishment.
- 4.6.5 No work shall commence until such time as the Harbourmaster is satisfied that the requirements of a Hot Work Permit, as specified in schedule 4 of these Bylaws, have been met in full.

#### 4.7 Loading or Discharge of Cargo

- 4.7.1 **No person shall discharge, drop, cause or allow to be discharged into the region's waters any cargo or anything from any vessel, wharf or from land that would or may constitute a danger to navigation safety. The owner of the cargo or any other matters discharged into navigable waters shall be liable for the costs of removal.**
- 4.7.2 **Vessels that load logs must submit a written plan to the Harbourmaster that relates to the loading and recovery of lost logs. The loading needs to be monitored so as to immediately identify any logs that have been lost in the harbour and track them until they can be removed.**
- 4.7.3 Wellington Harbour Radio shall be informed of any logs lost into the harbour as soon as they are observed missing and again once they have been recovered.

*Logs lost overboard while loading can be a significant hazard; there have been steps taken in recent times to remedy this including an agreed SOP between Centreport and the stevedores. This bylaw re-enforces the need for these agreements to be in place.*

## **5 Administrative matters**

### **5.1 Appointment of Harbourmaster and Enforcement Officers**

- 5.1.1 The Council may, by resolution, appoint a Harbourmaster for the purpose of enforcing the provisions of these Bylaws.
- 5.1.2 The Council may, by resolution, appoint an Enforcement Officer for the purpose of enforcing the provisions of these Bylaws.
- 5.1.3 The Council may, by resolution, appoint an Honorary Enforcement Officer for the purposes of these Bylaws.
- 5.1.4 A Harbourmaster, Enforcement Officer and Honorary Enforcement Officer may require the master of any vessel or any other person who is found committing an offence against the Bylaws to supply their name and address.

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

- 5.2.1 Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
- 5.2.2 Where any clause of these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against these Bylaws. If any such clause is complied with by either the master or the owner, then, for the purposes of these Bylaws, compliance by one is deemed to be compliance by the other.

### **5.3 Notifications to Harbourmaster**

Any notifications required to be made to the Harbourmaster, that occur outside of normal office hours (Monday to Friday 0830-1700) shall be made to Wellington Harbour Radio.

There are several parts of the Bylaws that require the Harbourmaster to be notified of certain things, this section clarifies how this may be done after hours.

### **5.4 Vessels to be licensed**

- 5.4.1 No person shall operate a vessel that is not subject to Maritime Rules in respect of commercial shipping for hire and reward unless a licence, known as a commercial vessel licence, has been granted in terms of subclause 5.4.3.
- 5.4.2 No person shall operate a vessel granted a commercial vessel licence while that licence is



temporarily suspended by the Harbourmaster in terms of subclause 5.4.5.

- 5.4.3 The Harbourmaster may, subject to the conditions specified in subclause 5.4.5, grant a commercial vessel licence to a vessel to which subclause 5.4.1 applies.
- 5.4.4 Every commercial vessel licence issued by the Harbourmaster shall apply only to that vessel and the operator named in the licence, and shall be available for inspection at any time by the Harbourmaster, or Enforcement Officers or Honorary Enforcement Officers.
- 5.4.5 The Harbourmaster may temporarily suspend a commercial vessel licence for such time as he or she considers necessary where, in the opinion of the Harbourmaster, the conditions of the licence have been breached.
- 5.4.6 The Council may resolve to cancel a commercial vessel licence if the conditions of that licence have been breached. There will be no refund of fees if a licence is cancelled.
- 5.4.7 The conditions of any commercial vessel licence issued by the Harbourmaster may include, but are not limited to:
- (a) defining points of embarkation/disembarkation; and
  - (b) defining the area or route of operations; and
  - (c) limiting the number of passengers or quantity of freight; and
  - (d) any limitations in respect of weather or operating hours; and
  - (e) any requirements for rescue craft; and
  - (f) any requirements for safety equipment; and
  - (g) the level of instruction to be given to persons hiring a vessel; and
  - (h) the qualifications required by the person in charge of the vessel.

## **5.5 Fees and charges**

The fees and charges specified in schedule 5 of these Bylaws for functions undertaken by the Council under these Bylaws must be paid on demand by the specified person to the Council.

## 6 Wellington Harbour

*There have been changes made in this section that have been re-worded from the previous Bylaws to make them clearer and more logical and easy to understand in their layout.*

### 6.1 Directions for transiting Wellington Harbour entrance

**6.1.1 The Master of any commercial vessel entering Wellington Harbour must call Wellington Harbour Radio on VHF Ch14 and report their intention to enter the harbour. They shall also inform Wellington Harbour Radio of:**

- (a) number of persons on board, if the vessel is carrying passengers.**
- (b) name of master, if the master is exercising a Pilotage Exemption**
- (c) the operational status of the vessel.**

**6.1.2 During the hours of darkness or restricted visibility all vessels shall comply with 6.1.1.**

*These sections are to clarify and simplify existing requirements*

6.1.3 The master of a vessel not carrying a marine VHF radio and unable to communicate with “Wellington Harbour Radio” satisfactorily by other means (such as a cellular phone), shall not transit the Wellington Harbour entrance during the hours of darkness or during restricted visibility, except in an emergency.

6.1.4 All vessels of 70 gross tonnage or more shall follow the recommended tracks as detailed in Part A of Schedule 6.

6.1.5 Vessels under 70 gross tonnage may follow the leading line or may keep well clear of the main tracks and shall avoid impeding larger vessels.

This has been in place in practice but with no legal backing, this bylaw provides clear instruction as to who must adhere to the recommended tracks and who may not.

6.1.6 **The master of an inward-bound vessel that is required to follow the recommended tracks shall join** the leading line or leading lights at least two nautical miles south of the charted position of Barrett Reef buoy, except where it would be unsafe to do so because of extreme weather conditions.

6.1.7 The part of Wellington Harbour, detailed in Schedule 7, is deemed to be a narrow channel in accordance with Part 22.9 of the Maritime Rules (Narrow Channels). All vessels in this area should navigate in accordance with this rule.

The inclusion of the “Narrow Channel Rule” was put in the bylaws after the Sydney Express/Maria Luisa collision. This is tidying up the definition and removing some ambiguities with the previous definition.

6.1.8 Outbound vessels shall continue to monitor VHF Ch 14 until seaward of the position of Barrett Reef Buoy.

## 6.2 General directions for navigating in Wellington Harbour

6.2.1 All commercial vessels in Wellington Harbour shall maintain a listening watch on VHF Ch 14.

6.2.2 **During the hours of darkness or restricted visibility all vessels on Wellington Harbour shall maintain a listening watch on VHF Ch 14.**

Darkness, with some vessels better lit than others, and the bright backdrop of the city, is a more likely time for incidents between vessels to occur. Good radio communication keeps all vessels aware of who else is on the water and where.

6.2.3 The master shall ensure that while within Wellington Harbour:

- (a) automatic-steering “pilot” devices are not to be used, unless a helmsman is standing by in the immediate vicinity of the helm or wheel, otherwise the vessel is to be in the hand-steering mode; and
- (b) main engines are to be immediately available for reducing speed, stopping or going astern at all times without delay; and
- (c) anchors are to be immediately available for use in an emergency, and capable of being lowered without power; and
- (d) all information from aids to navigation and charts is fully monitored; and
- (e) an appropriate passage plan is safely carried out.

6.2.4 While within Wellington Harbour all aids to navigation on board vessels, including but not limited to radar, **Automatic Identification System (AIS)** and depth recording devices, are to be in continuous operation and fully utilised.

*Updating the bylaw with the new technology and equipment available*

6.2.5 The number of persons on the bridge of the vessel shall be sufficient to enable compliance with subclause 6.2.3. **and Part 22.5 of the Maritime Rules.**

6.2.6 **Any vessel required to follow the recommend tracks shall not, unless for reasons of safety of navigation or pressure of weather, deviate from the relevant track as shown in Part A of Schedule 6 and included in the Wellington Pilotage information. For the purpose of this bylaw ‘following the tracks’ implies being within 50 metres, on either side of the marked tracks.**

6.2.7 **When a vessel needs to deviate from the recommended track in accordance with 6.2.6 the Master or Pilot shall inform Wellington Harbour Radio.**

*By large ships adhering to the published recommended tracks it gives smaller craft more certainty in how to best avoid them. There is room for deviation as on some occasions that is the more prudent decision.*

- 6.2.8. No vessel over 70 gross tonnage, on passage, shall pass less than 3 cables off a line from Point Halswell to Kau Point, and not less than 2.8 cables off a line from Kau Point to Point Gordon.**

*This is current practice, through the Pilot Exemption manual and instruction to shipping. This bylaw confirms the requirement.*

- 6.2.9 All vessels over 500 gross tonnage departing from Lambton Harbour during the hours of daylight shall give one blast on their horn immediately prior to leaving the berth.**

*This is to give small craft adequate warning to keep clear and ensure they are aware of the departing ship.*

### **6.3 Duties of persons in charge of motor boats, yachts, launches etc. in Wellington Harbour**

- 6.3.1** The master of every vessel in Wellington Harbour, under 500 gross tonnage (including vessels at anchor), shall not impede the navigation of any vessel of 500 gross tonnage or more.

- 6.3.2** While within Wellington Harbour the master of any vessel should avoid anchoring within 100 metres of the marked inward and outward tracks as shown in Part B of Schedule 6, or if they do so, shall move in good time to avoid impeding any vessel over 500 gross tonnage that is required to follow those tracks.

- 6.3.3** For the purpose of 6.3.1 and 6.3.2 ‘impede’ shall include, but is not limited to;

- (a) passing less than 500 metres ahead of, or**
  - (b) passing less than 100 metres from the side of, or**
  - (c) requiring the master to take avoiding action on**
- any vessel over 500 gross tonnage.**

*Clarifying when a small vessel has to keep clear of a large vessel, and what keeping clear means, has always been problematic. This is intended to clarify this for both the large and small vessels.*

#### **6.4 Wellington Harbour – radio reporting procedures for vessels sailing from wharves or anchorages**

6.4.1 **At least 10 minutes prior to planned departure the master of any vessel of 70 gross tonnage or greater** shall call Wellington Harbour Radio on VHF Ch 14 to report **their** intentions, to provide **the master’s name and operational status of the vessel** and, to obtain information about known shipping traffic movements, and to obtain current weather conditions at the harbour entrance.

6.4.2 After leaving a berth or anchorage, the master of either any vessel **70 gross tonnage or greater** or any **or commercial vessel carrying passengers** shall, as soon as practicable, call Wellington Harbour Radio on VHF Ch 14 and report that the vessel has cleared the berth or anchorage, **and their intentions**. The master of **any vessel carrying passengers** shall advise of the total number of persons on board.

6.4.3 **Any vessel to which 6.4.1 or 6.4.2 applies shall advise Wellington Harbour Radio on VHF Ch 14 when secured at a berth or anchorage, or when seaward of the position of Barrett Reef buoy if outward bound.**

*Most of these changes are changes on wording from the previous Bylaws. There have been some inclusions to keep consistence with the 70 Gross Tonnage size limit now in use, and other information required as identified by the Port and Harbour Risk Assessment.*

#### **6.5 Radio reporting for vessels taking part in organised events within Wellington Harbour**

During the hours of darkness or during restricted visibility, as defined in Part 22 of the Maritime Rules, when a group of vessels is taking part in an organised event, the controlling officer of that event must advise “Wellington Harbour Radio” of the approximate number of vessels involved, the location and duration of the event, and the radio channel being used.

#### **6.6 Navigational documents required for Wellington Harbour**

When navigating in that part of the harbour between Ward (Makaro) Island and Pencarrow Head, all vessels of six metres in length and above shall carry and consult a current copy of Chart NZ4633 (or approved electronic equivalent).

#### **6.7 Reporting of vessels’ air draught prior to entering Evans Bay**

Any vessel with a height of mast or superstructure exceeding 24 metres shall at least 15 minutes prior to entering Evans Bay report to “Wellington Harbour Radio” on VHF Ch 14.

#### **6.8 Speed limits in Lambton Harbour area**

6.8.1 **In addition to bylaw 3.2**, no vessels shall exceed a speed of 12 knots in the Lambton Harbour area (westwards of a line between the Thorndon Container Pile Light and the Carter

- Fountain in Oriental Bay) unless exempted by the Harbourmaster.  
Clarifies that the 5 knot 200 metre bylaw is still applicable within this area.
- 6.8.2 Emergency-service vessels are exempted from complying with subclause 6.8.1 when responding to emergencies.
- 6.8.3 The Harbourmaster may instruct any vessel not to exceed a specified speed, as determined by the Harbourmaster, in certain parts of the harbour for the purposes of ensuring navigational safety.

## **6.9 Restricted access for non-commercial vessels**

Non-commercial vessels shall not enter the commercial areas as shown in schedule 2 without permission from the Harbourmaster.

Draft

## **Schedule 1 – areas defined**

### **Wellington Harbour**

All that area of sea and tidal waters the outer limits being the arc of a circle running from the landward boundary of the foreshore just north of Baring Head and thence into Cook Strait, and thence to the landward boundary of the foreshore south-west of Owhiro Bay, such arc being an arc of a circle of 3.85 nautical miles radius and having its centre at a point on the outer rock in the Harbour of Wellington, such point being in position 41° 20'.96 S, 174° 50'.1 E based on WGS 84.

The inner limits being a straight line across the Hutt River at the seaward side of the Hutt Estuary road bridge and a straight line across the Waiwhetu Stream at the seaward side of Port Road. The above limits are more particularly shown on the plan marked MD 16306 and deposited in the Office of the Ministry of Transport at Wellington.

### **Porirua Harbour**

All that area of water bounded by the line of mean high water spring tides and having as its seaward limit the arc of a circle commencing from the landward boundary of the foreshore of Rocky Bay and thence into Cook Strait and thence to the landward boundary of the foreshore of the coast northwards of Te Rewarewa Point, such arc being the arc of a circle of 1.75 nautical miles radius centred at peg XXIV, Lot 23, D.P.2093, Block 8, Paekakariki S.D.

### **Lake Wairarapa**

The more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in Featherston County, the shoreline of which is the outer edge of the area within which the vegetation changes from predominantly aquatic to predominantly terrestrial, except at the outlet of the lake, where the shoreline is the lakeward foot of the barrage gates. For the avoidance of doubt it is declared that the shoreline adjacent to the land known as Lots 1 and 2 on Deposited Plan 4547 (Wellington Land District) is the lakeward foot of the stopbank on that land.

### **Evans Bay**

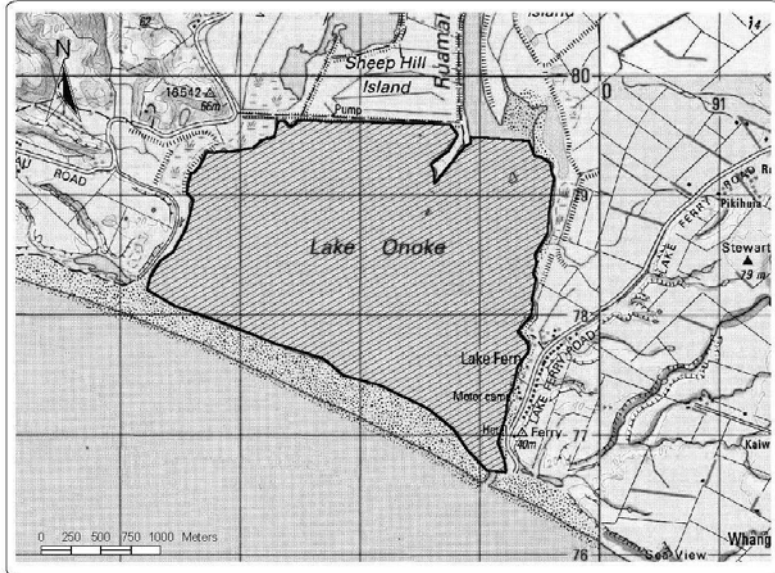
All that area of water in Wellington Harbour south of a line drawn between Point Halswell and Point Jerningham.

### **Lambton Harbour**

All that area of water westwards of a line between the Thorndon Container Pile Light and the Carter Fountain in Oriental Bay.

## Lake Onoke

All that area of water shaded grey on the map.



Draft



## Schedule 2 – location-specific information

### Prohibited anchorages

Within 500 metres of the underwater cable between Mahanga Bay and Webb Point and between Somes (Matiu) Island and Petone Beach.

Within 100 metres of any other underwater power or telephone cable.

Within 50 metres of the Greta Point sea-water intake which is marked by a white triangle.

Within 70 metres of the floating breakwater at Chaffers Marina.

**Note:** White triangular beacons on the foreshore mark the ends of the power cables.

### Explosives anchorage

Explosives anchorage is an area, radius three cables, centre bearing due north distant 1.45 miles from Point Halswell Light ( $41^{\circ} 17'.1$  S,  $174^{\circ} 49'.6$  E), or as designated by the Harbourmaster, depending on weather conditions.

### Bulk oil discharges

Bulk oil discharges are permitted at:

Seaview Wharf

Aotea Quay No 1 or 3

Burnham Wharf

### Restricted access area for non-commercial craft

The shaded area as shown on the map, that is immediately north of a line between the south end of Waterloo Quay Wharf and the south-west corner of the container terminal reclamation.

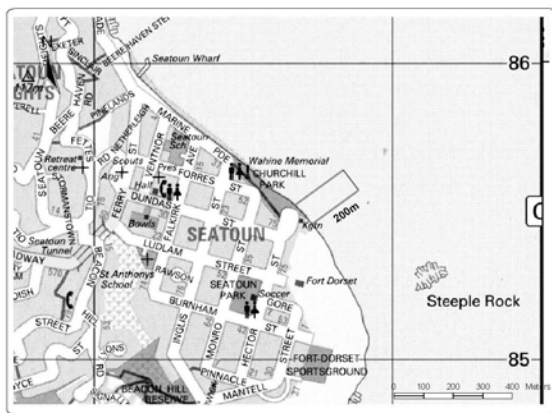


## Schedule 3 – regional access lanes and reserved areas

### Part A – Access lanes for use by waterskiers

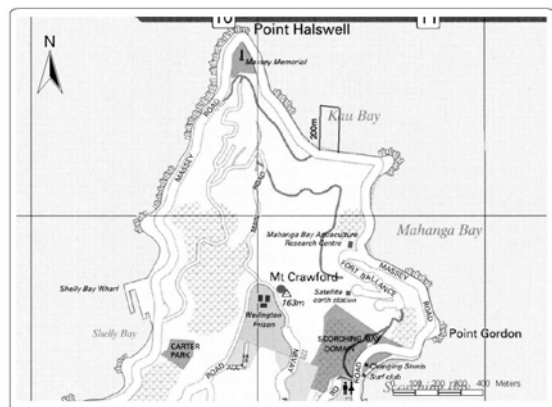
#### Seatoun, Wellington

All that area of water on the southern end of Worser Bay as indicated, bounded on the sides by parallel lines approximately 100 metres apart, and extending in a north-easterly direction 200 metres from the edge of the water.



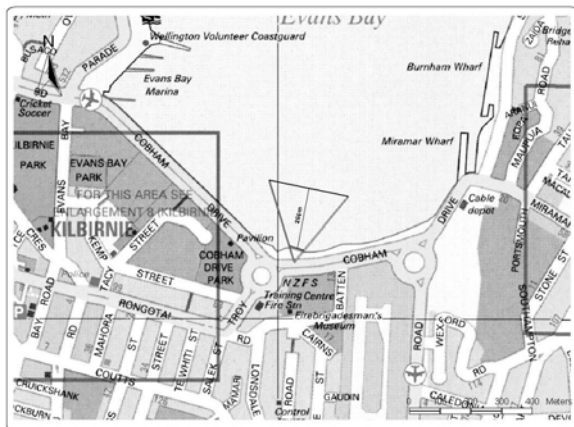
#### Kau Bay, Wellington

All that area of water on the eastern side of Kau Bay as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a northerly direction 200 metres from the edge of the water.



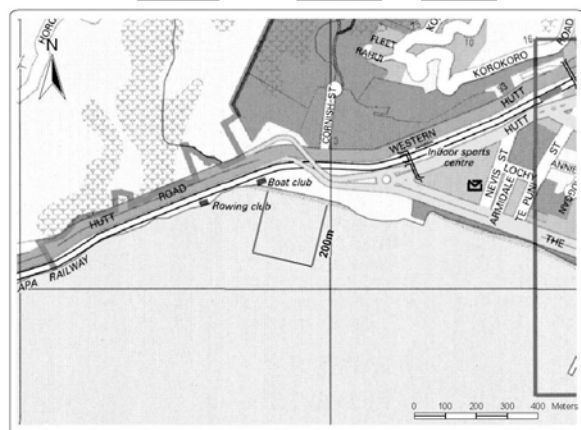
### Evans Bay, Wellington

All that area of water at the southern end of Evans Bay as indicated, bounded on the sides by straight lines approximately 50 metres apart at high water mark, divergent at an angle of approximately 60°, and extending in a northerly direction 200 metres from the edge of the water.



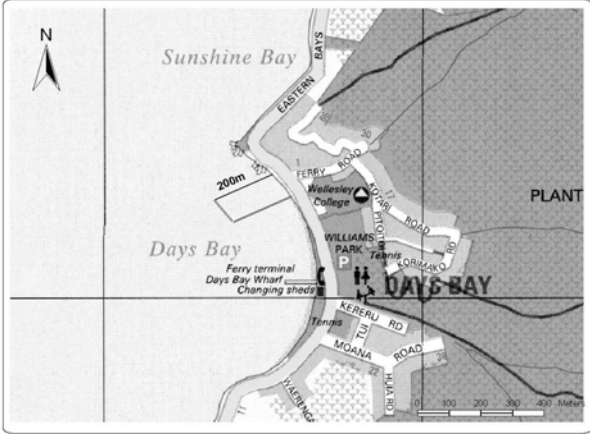
### Petone Beach (West), Lower Hutt

All that area of water at Petone Beach west of the Korokoro Stream as indicated, bounded on the sides by parallel lines approximately 200 metres apart, and extending in a southerly direction 200 metres from the edge of the water.



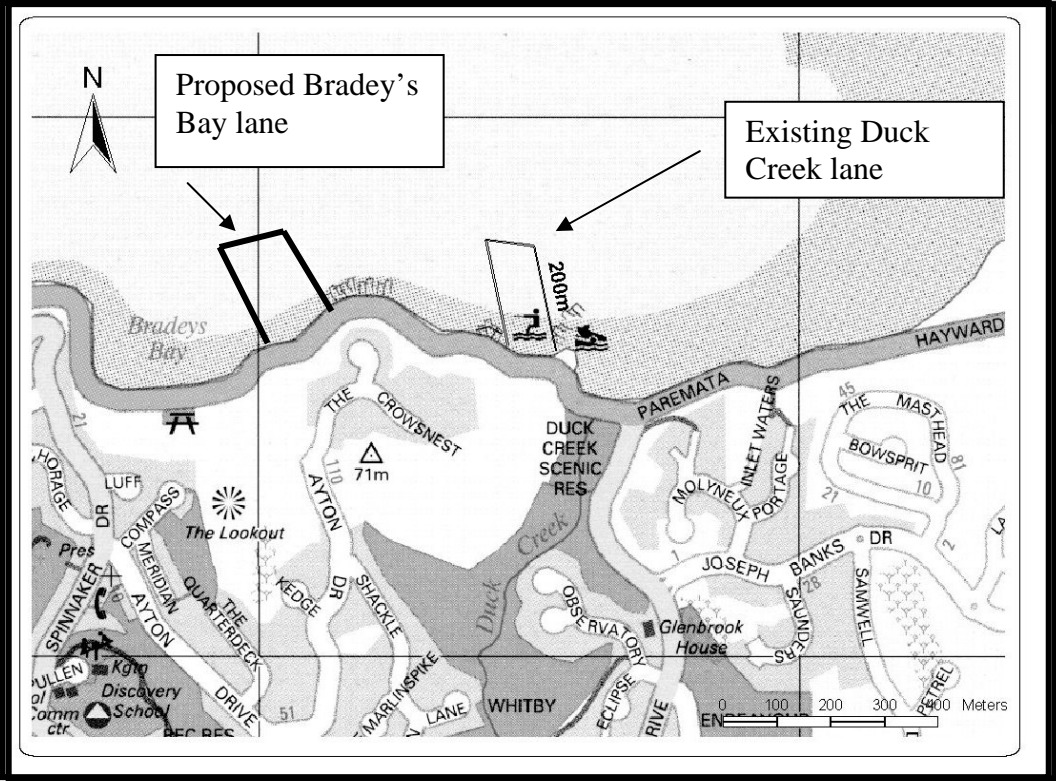
### Days Bay, Lower Hutt

All that area of water at the northern end of Days Bay as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a westerly direction 200 metres from the edge of the water.



**Duck Creek, Pauatahanui Inlet**

All that area of water at the south-eastern end of Pauatahanui Inlet, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a northerly direction 200 metres from the edge of the water.



**Bradey’s Bay, Pauatahanui Inlet**

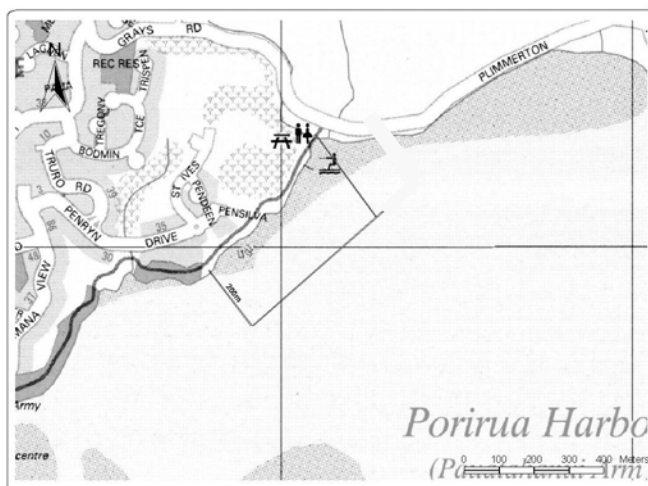
All that area of water on the eastern side of Bradley’s Bay, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a north westerly direction 200 metres from the edge of the water.

*This small beach has always proven a more popular spot for families and other groups to ski from, placing an access land here recognises this.*

*See map above.*

**Grays Road, Pauatahanui Inlet**

All that area to the south-west of the launching ramp extending south-west towards Camborne as indicated, bounded by parallel lines approximately 500 metres apart, and extending in a south-easterly direction 200 metres from the edge of the water.



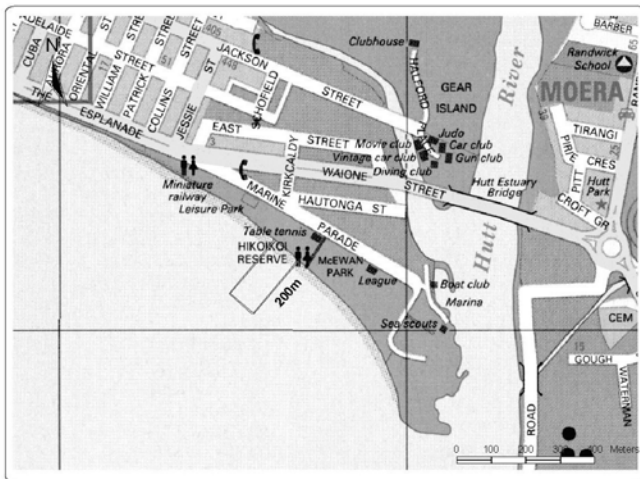
**Part B – Reserved areas**

**Areas reserved for use by personal water craft**

Black and white horizontally striped poles shall mark these areas.

**Petone Beach (East), Wellington**

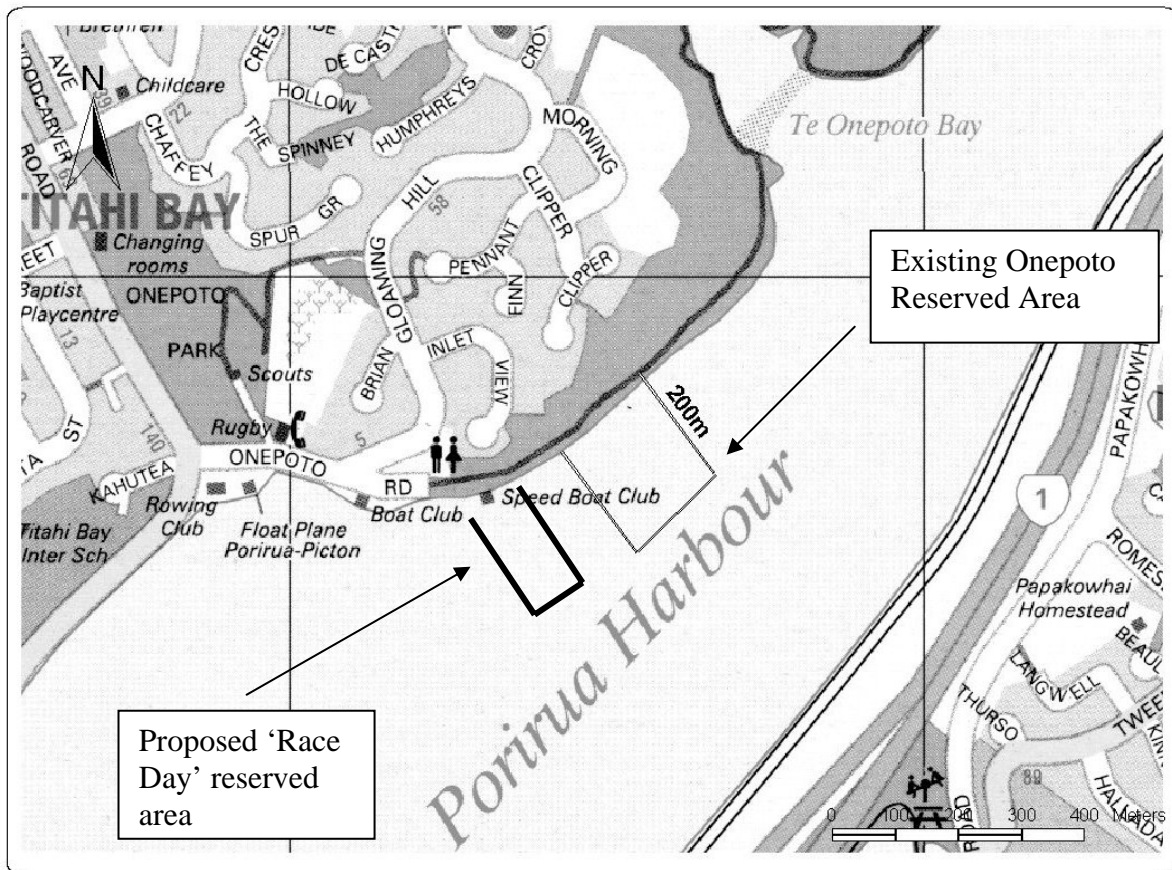
All that area of water at the eastern end of Petone Beach as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a southerly direction 200 metres from the edge of the water.



### Onepoto Arm, Porirua Harbour

All that area of water on the north-western side of Porirua Harbour, Onepoto Arm (at the end of Onepoto Road) as indicated, bounded on the sides by parallel lines approximately 200 metres apart, and extending in a south-easterly direction 200 metres from the edge of the water.

Draft



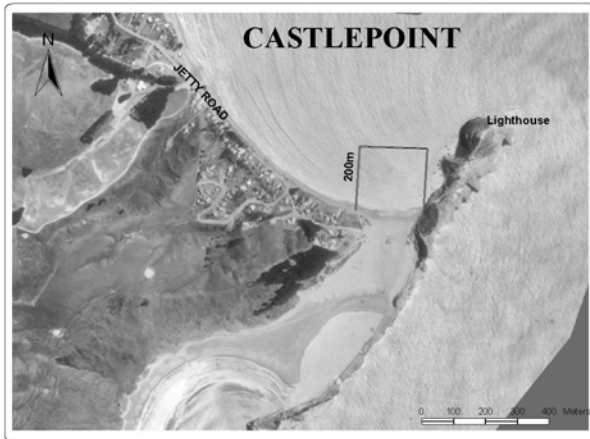
### **Wellington Powerboat Club, Onepoto Arm, Porirua Harbour**

**The area adjacent to the Wellington Powerboat Club rooms at Onepoto, only for use on race days as approved by the Harbourmaster, and to be marked by buoys on the water and a notice displayed on the exterior of clubrooms at least 7 days before the event.**

*See Map above*

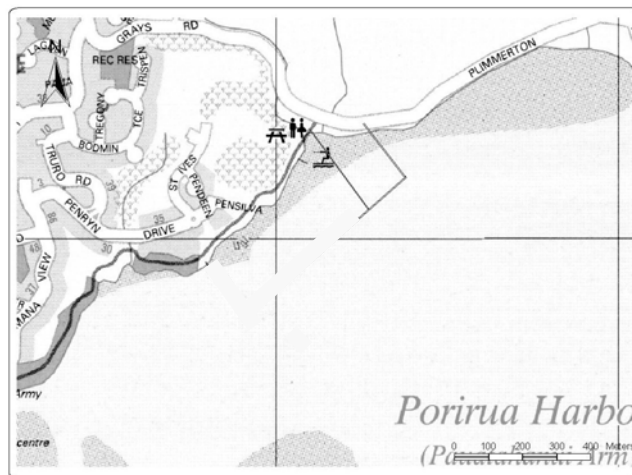
### **Castle Point, Masterton**

All that area of water from the road end on the north-eastern side of the beach as indicated, bounded on the sides by parallel lines approximately 200 metres apart, and extending in a north-easterly direction 200 metres from the edge of the water.



### Grays Road, Pauatahanui Inlet

All that area of water to the east of the launching ramp as indicated and bounded on the sides by parallel lines approximately 150 metres apart extending south-east from the shore.



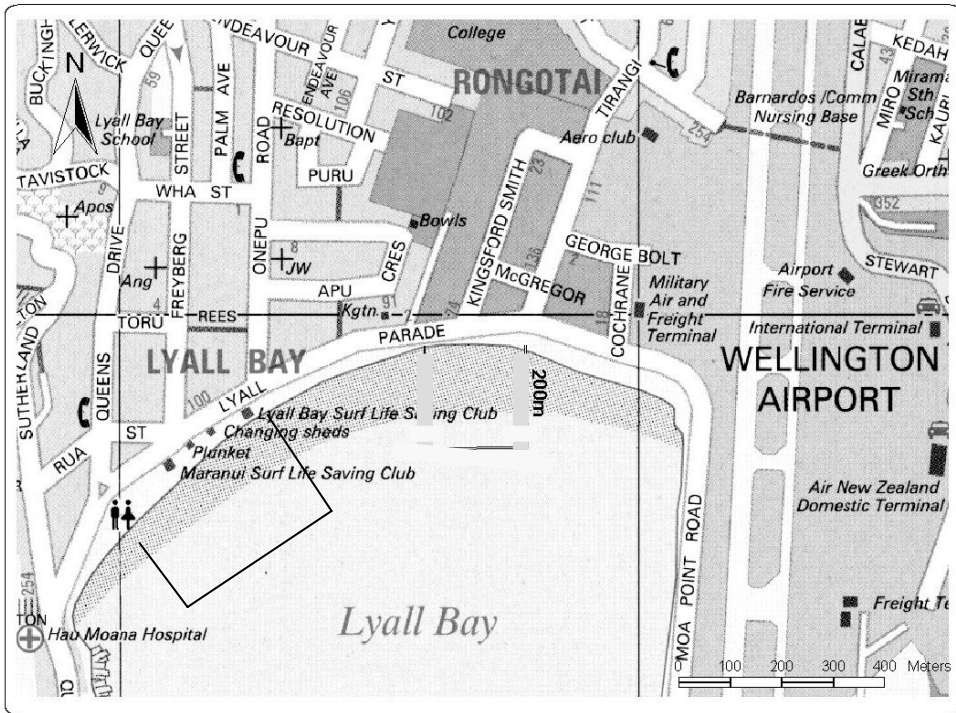
### Part C – Flagged areas

The following areas may be marked by flags, in accordance with Bylaw 3.12.

#### Western end of Lyall Bay beach.

Any area within the indicated area may be marked by flags for the purpose of swimming and body boarding only. The outer limits of the area being adjacent to Queens Drive at the western end and Onepu Road at the Eastern end.





## Schedule 4 – hot work permit

P.O. Box 11648 | 04 384 5706  
142 Waterfield Street | 04 471 1273  
Wellington | 04 388 4319 Ahts  
New Zealand

  
greater WELLINGTON Harbours  
THE REGIONAL COUNCIL

---

### HOT WORK PERMIT

Not for use on tankers/pipeline Permit No. \_\_\_\_\_

Under the Provisions of Section 4.6 of the Wellington Regional Navigation and Safety Bylaws, or any subsequent legislation, permission is hereby given for gas cutting/burning/welding (electric/gas) to be carried out in the said locations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on board vessel \_\_\_\_\_ berth \_\_\_\_\_ CentrePort, \_\_\_\_\_

**subject to the following conditions:**

1. All combustible materials within surrounding areas removed or made safe.
2. No flammable liquids, vapours, gases or dusts present.
3. No Hot Work while any bunkering operations are in progress.
4. Suitable fire extinguishers/hoses provided onsite and in operation.
5. Operator knows how to use fire equipment.
6. Operator knows how and when to raise fire alarm.
7. Inspections of the surrounding work area to be carried out for at least one hour after hot work is completed.
8. Other specified conditions: \_\_\_\_\_

Gas Free Certificate Yes/No \_\_\_\_\_ Issued by \_\_\_\_\_

I/We agree with the above conditions and will ensure that they are complied with for the duration of this permit.

Signed

For the vessel \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

For the contractor \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

Permit issued by \_\_\_\_\_ Position \_\_\_\_\_ Date \_\_\_\_\_

This permit is valid From \_\_\_\_\_ Hrs Date \_\_\_\_\_ 'til \_\_\_\_\_ Hrs Date \_\_\_\_\_

**This permit must be displayed at work area**  
if more than one work area, original to be kept in ship's office/wheel house and a duplicate copy to be displayed at each work area.

Greater Wellington is the provisional name of the Wellington Regional Council

fit

## **Schedule 5 – fees**

All fees are exclusive of GST.

### **Mooring licence**

Application fee of \$150.00

Annual fee of \$120.00

### **Commercial vessel licence**

Vessels under five metres \$25.00

Vessels over five metres \$100.00

### **Public notices**

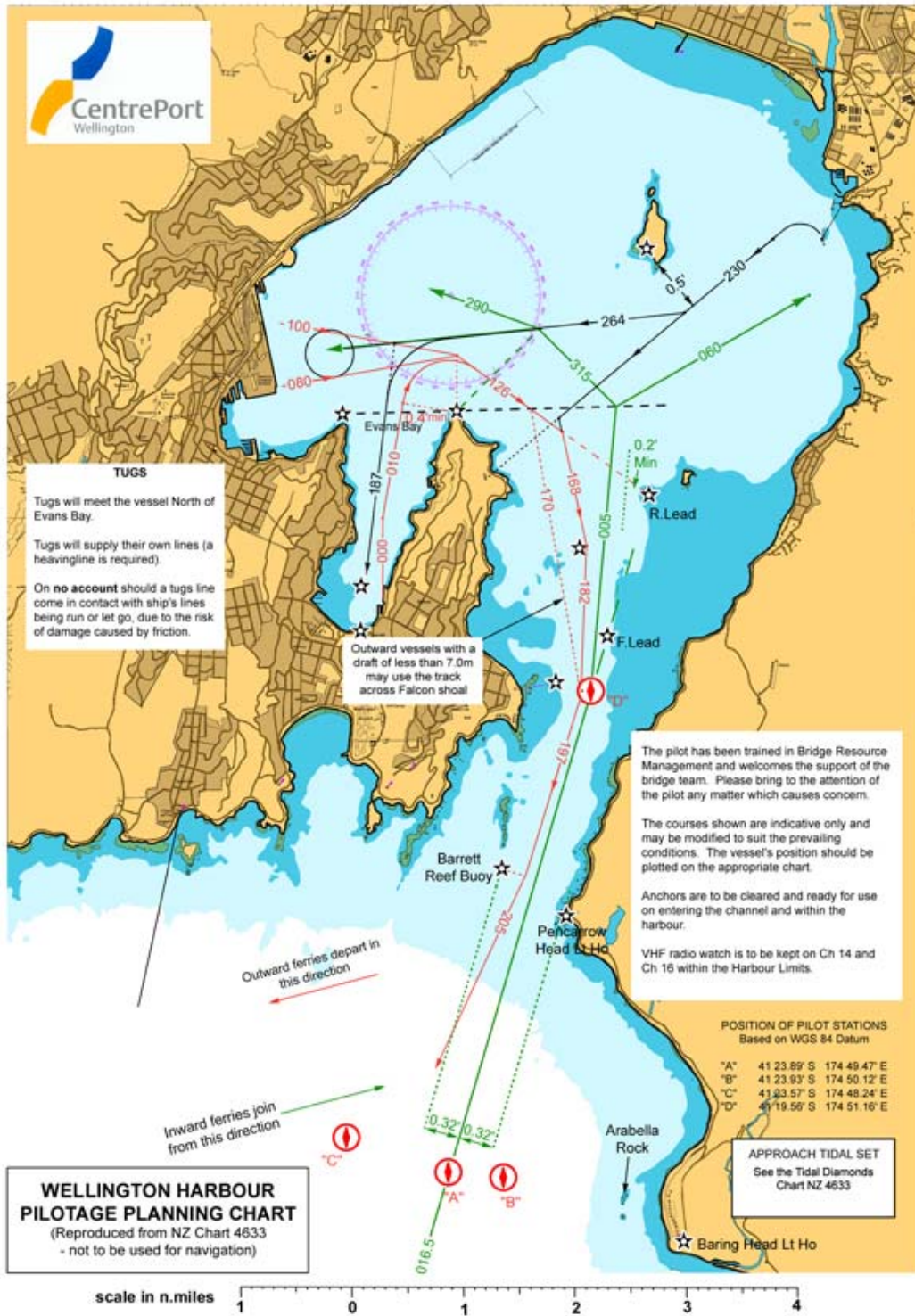
Actual cost of advertisements

The fees specified were correct at the time of printing. However, please contact Greater Wellington Regional Council to see if there have been any subsequent changes.

Draft

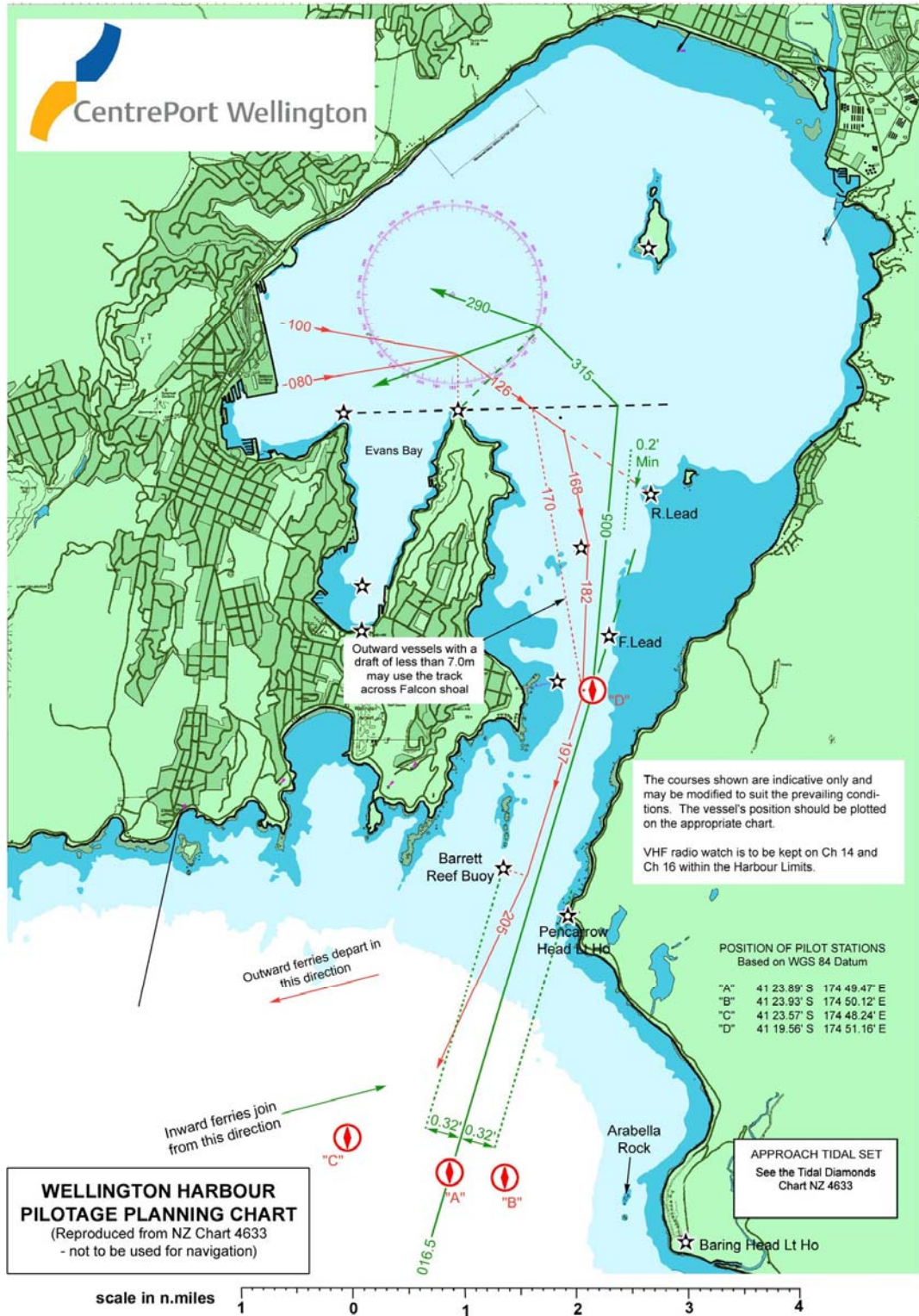
# Schedule 6 – Recommended track

## Part A – tracks to all Centreport

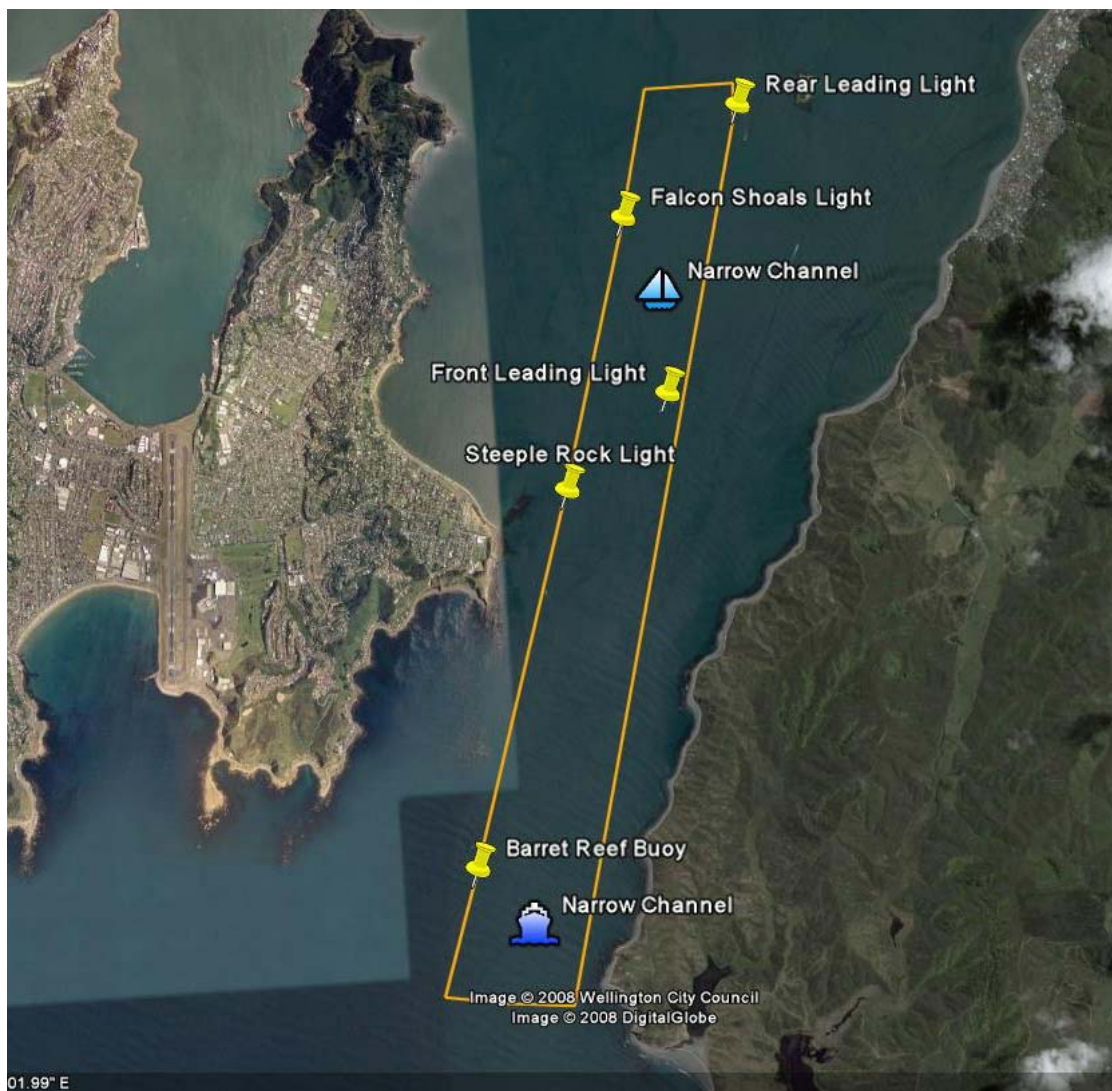




### Part B – Tracks to main wharves, including ferry



## Schedule 7 – Narrow Channel



The western boundary:

- (a) extends northward from Steeple Rock light though Falcon Shoal light until it reaches 41 degrees 17.5 minutes South.
- (b) Extends southward from Steeple Rock light though the position of Barrett Reef buoy until it reaches 41 degrees 21.6 minutes south.

The eastern Boundary is from the rear leading light to the point where the eastern side of the intensified lead light meets 41 degrees 21.6 minutes south, adjacent to Pencarrow Head.