

Notice is given that a Submissions Hearing meeting will be held on:

Date: Wednesday 18 September 2024
Time: 12:30 pm - Navigation Safety Bylaw Joint
Meeting Room: Hearing and Deliberations
Venue: Tasman Council Chamber
189 Queen Street, Richmond

Zoom conference link: <https://us02web.zoom.us/j/88402190193?pwd=1evj3W4gry2ol4U5691BmXd6co3bNA.1>
Meeting ID: 884 0219 0193
Passcode: 748330

Navigation Safety Bylaw Hearing and Deliberations

AGENDA

MEMBERSHIP

Chairperson Councillor K Maling
Members Councillor C Butler
Councillor G Daikee
Councillor B Dowler

(Quorum 2)

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AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That the apologies be accepted.

3 REPORTS

3.1 Navigation Safety Bylaw - Hearing and Deliberations 4

4 CONFIDENTIAL SESSION

Nil

5 CLOSING KARAKIA

3 REPORTS

3.1 NAVIGATION SAFETY BYLAW - HEARING AND DELIBERATIONS

Decision Required

Report To:	Submissions Hearing
Meeting Date:	18 September 2024
Report Author:	Amy Smith, Community Policy Advisor
Report Authorisers:	Dwayne Fletcher, Strategic Policy Manager; Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RSH24-09-1

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 The purpose of this report is to:
- accept and hear the submissions received during consultation on the proposed Navigation Safety Bylaw 2024 (“**the Bylaw**”);
 - summarise the feedback we received on the Bylaw and provide staff advice on the issues raised in the feedback;
 - provide the Submissions Hearing and Deliberations Panel (“**the Panel**”) with an opportunity to discuss this feedback;
 - seek decisions on any amendments to the Bylaw; and
 - seek a recommendation from the Panel on whether the final Bylaw should be adopted.
- 1.2 The final Bylaw is scheduled to be presented to the Council on 24 October 2024, with the Panel’s recommendation on whether the final Bylaw should be adopted.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 This report is to enable the Panel to accept and hear submissions on the Bylaw and summarises public feedback from the consultation process.
- 2.2 Staff ask the Panel to consider the feedback received and deliberate on the changes they would like to make to the Bylaw, before making a recommendation to the Council on whether the final Bylaw should be adopted.
- 2.3 The consultation period for the Bylaw closed on 1 September 2024. We received 256 submissions (including 21 late submissions).
- 2.4 There are 32 submitters that indicated they wish to be heard at today’s hearing, but only 15 have confirmed they can attend.
- 2.5 The schedule of presenters for this meeting is provided in **Attachment 1**. Subsequent changes to the schedule will be advised before the hearing commences. A copy of the

submissions made by those submitters wishing to be heard has been circulated to the Panel on LG Hub.

- 2.6 There was strong opposition (163 submissions) to clause 12.1 that unintentionally banned swimming or diving around landing places, such as Māpua wharf or Lake Rotoiti jetty.
- 2.7 The main theme of the rest of public feedback was general support for the Bylaw, particularly the requirements regarding personal floatation devices, vessel identification and communication equipment.
- 2.8 The other key themes were:
 - Support for Automatic Identification System (AIS) tracking, but some commercial operators raised concerns.
 - Strong support for the river speed upliftings provisions, but a request to remove cumec ratings and an advisory clause.
 - Mixed views on the proposed navigation aid levy.
- 2.9 Staff have prepared a summary of the submissions received during consultation on the Bylaw (see **Attachment 2**). Staff advice on the issues raised in the feedback and recommended changes to the bylaw are set out in Section 6 of this report to assist the deliberations, and the changes are detailed in **Attachment 3**.
- 2.10 Staff will incorporate the changes that the Panel request and, if the Panel recommends, prepare the final Bylaw for consideration by the Council at its 24 October 2024 meeting.

3. Recommendation/s / Ngā Tūtohunga

That the Submissions Hearing and Deliberations Panel:

1. receives the Navigation Safety Bylaw - Hearing and Deliberations RSH24-09-1; and
2. receives and considers all [256 submissions](#) (including the late submissions) on the proposed Navigation Safety Bylaw 2024 received by 8:00pm 1 September 2024; and
3. notes that the Council has consulted with the Director of Maritime New Zealand as required by section 33M of the Maritime Transport Act 1994; and
4. in accordance with section 155 of the Local Government Act 2002:
 - 4.1 agrees that the proposed Navigation Safety Bylaw 2024 is the most appropriate form of bylaw for navigation safety matters; and
 - 4.2 notes that the proposed Navigation Safety Bylaw 2024 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and
5. for the reasons set out in 'Table 1: Changes proposed in response to feedback in submissions' (Attachment 3 to the agenda report) agrees to staff amending wording in the following clauses:
 - 5.3 Clause 8.4 (Person in charge of the vessel),
 - 5.4 Clause 12 (Swimming and diving around landing places),
 - 5.5 Clause 30 (Vessels to be identified),
 - 5.6 Clause 33 (No obstruction of vessels in a MPZ),
 - 5.7 Clause 36 (Fuel changeover),

- 5.8 Clause 38 (Carriage of AIS), and
- 5.9 The proposed changes to Schedules 1 and 2;
- 6. for the reasons set out in 'Table 2: Other changes proposed by staff' (Attachment 3 to the agenda report) agrees to staff amending wording in the following clauses:
 - 6.10 Clause 1 (Title and commencement),
 - 6.11 Clause 4.1 (Interpretation),
 - 6.12 Clause 5 (Maritime rules to form part of this Bylaw),
 - 6.13 Clause 6 (Controls and demarcations specified under the bylaw),
 - 6.14 Clause 9 (Vessels to be maintained),
 - 6.15 Clause 22 (Reserved areas),
 - 6.16 Clause 23 (Access lanes),
 - 6.17 Clause 30 (Vessels to be identified),
 - 6.18 Clause 31 (Vessels to be adequately secured),
 - 6.19 Clause 34 (Anchoring),
 - 6.20 Clause 40 (Commercial vessel and hire operations),
 - 6.21 Clause 45 (Allocation of mooring licences),
 - 6.22 Clause 58 (Fees and charges), and
 - 6.23 The proposed changes to Schedules 1 and 3.
- 7. delegates authority to the Submissions Hearing and Deliberation Panel Chair and the Chief Executive Officer to approve any minor changes or minor editorial amendments to the proposed Navigation Safety Bylaw 2024, prior to being submitted to Tasman District Council; and

recommendation to Tasman District Council

That the Tasman District Council:

- 1. ***notes that the Council has consulted with the Director of Maritime New Zealand as required by section 33M of the Maritime Transport Act 1994; and***
- 2. ***in accordance with section 155 of the Local Government Act 2002:***
 - 2.1 ***agrees that the proposed Navigation Safety Bylaw 2024 is the most appropriate form of bylaw for navigation safety matters; and***
 - 2.2 ***notes that the proposed Navigation Safety Bylaw 2024 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***
- 3. ***pursuant to section 145 of the Local Government Act 2022 and section 33M of the Maritime Transport Act 1994, makes the Navigation Safety Bylaw 2024 (Attachment 1 to the agenda report) that comes into force on 1 December 2024; and***
- 4. ***authorises staff to publicly notify the Navigation Safety Bylaw 2024; and***

5. *notes that once the Navigation Safety Bylaw has been made, the relevant Maritime Transport Regulations will be updated via an Order in Council with infringement fees for offences under the Bylaw.*

4. Background / Horopaki

- 4.1 Tasman District Council (“**the Council**”) has responsibilities for making our waters a safe and enjoyable place for everyone and this role extends out to the 12-nautical-mile territorial sea limit.
- 4.2 [Section 33M](#) of the Maritime Transport Act (**MTA**) 1994 enables a regional council to make navigation bylaws, in consultation with the Director of Maritime New Zealand (**MNZ**), for the purpose of ensuring maritime safety in its region.
- 4.3 The Council’s 2015 Navigation Safety Bylaw was not reviewed within the required timeframe and is revoked.
- 4.4 Staff consider a new bylaw to be the most appropriate means of ensuring navigation safety in Tasman and setting out the rules for people using the lakes, rivers and seas in our district for all water activities.
- 4.5 A navigation safety bylaw will complement the national rules and improve the Council’s regulatory and enforcement abilities. The bylaw will help the Council to manage actual and potential water safety issues and mitigate risk associated with vessels on the water.

The proposed Navigation Safety Bylaw 2024

- 4.6 The Bylaw will provide the Council with the regulatory authority to exercise control over specified maritime safety matters. It allows for either prosecution or infringements in the form of fines for specified non-compliance offences.
- 4.7 The Bylaw has a range of provisions due to new developments in maritime legislation and navigation management thinking; development of new uses and technologies; opportunities to improve alignment across national regulations and safety campaigns; and ongoing issues identified by Council staff and community members.
- 4.8 The Mooring Area Bylaw provisions, approved by the Council last year but not yet in force, have been included in the Bylaw as Part 7.
- 4.9 The Bylaw also has provisions to help address a range of issues associated with the ongoing safety of the community on the water, including:
- Wearing a lifejacket (personal floatation device).
 - Carrying appropriate communication equipment.
 - Vessel identification.
 - Small watercraft visibility.
 - Vessel tracking.
 - Anchoring and mooring.
 - Hot work notification.
 - A navigation aid levy for commercial vessels operating along the coastline, to be used for the replacement and maintenance of the seasonal floats.

- 4.10 Nelson City Council and Marlborough District Council will shortly be reviewing their navigation safety bylaws and staff have worked collaboratively with their respective Harbourmasters on a range of provisions in the Bylaw, particularly the rules for recreational water users, to aim for consistency across all three councils.

Maritime NZ

- 4.11 [Section 33M \(1\)](#) of the MTA 1994 states that a navigation bylaw must be made in consultation with the Director of MNZ.
- 4.12 Staff have worked closely with MNZ throughout the process. The Bylaw has been reviewed by the bylaw team at MNZ and feedback was received from the Director of MNZ before the consultation period.
- 4.13 MNZ provided further feedback on whether the matters they raised had been addressed by the changes made for consultation, as set out in Bylaw attached to the Statement of Proposal. Staff have proposed some further changes to the Bylaw in response to this feedback, (as set out in **Attachment 3**) and consider the outstanding matters to be:

- Incorrectly referring to the bylaw and control making powers conferred on the Harbourmaster, rather than the regional council.

Staff advise that referring to the Harbourmaster, rather than the Council, in relation to the making and alteration of controls (a collective term for reservations, access lanes and uplifts) and temporary reservations, exemptions etc is deliberate and intends to make operational use of the delegation (under the LGA) very transparent.

- A general exemption power for personal flotation devices (PFDs) rather than limited to specified period, and a broad power for the regional council to issue an exemption from any of the Bylaw's requirements.

Staff advise that the actual use of clause 7.3 regarding PFDs, should be limited to situations (such as adverse conditions) where a prudent person would not make use of the exception granted to them and so the Harbourmaster can step in and require a person normally exempt from wearing a PFD to use one. Clause 50 regarding exemptions is just a more transparent method of the Council using its LGA delegation powers and it is implicit that this clause granting powers of exemptions is limited against doing so for a maritime rule.

- AIS provisions – adding further equipment requirements for commercial shipping that are not supported in relevant maritime rules, creating an undesirable precedent and creating additional compliance costs for commercial operators to comply with.

Staff advise that the AIS provisions of the Bylaw are necessary given the nature and extent of commercial passenger carrying activity in the Tasman district. This has been extensively discussed with MNZ and they appreciate our reasons for the clauses, but remain of the view that it is problematic.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

Consultation

- 5.1 The Council agreed to undertake consultation on the Bylaw between 1 August and 1 September 2024 at its meeting on 1 August 2024 (RCN24-08-8), using the Special Consultative Procedure (SCP) in accordance with sections 83 and 87 of the Local Government Act 2002.

5.2 A public communication and consultation process has been carried out, including:

- The Shape Tasman project page with the Statement of Proposal (including the draft bylaw), a summary of information, background information and a link to the submission portal was promoted throughout the consultation
- A Newline article informing the public about how to make a submission was published on 9 August 2024 and an introductory article was published before consultation began (12 July 2024)
- The Harbourmaster met with some local interest groups during the consultation period to present the draft Bylaw and invited them to make a submission, either as an organisation or individuals.
- Hard copies of the Statement of Proposal and a summary of information was made available at all Council service centres and public libraries in Tasman throughout the consultation period.

5.3 The Council received 256 submissions and these are now publicly available on the [Council's website](#). 32 submitters indicated that they wish to be heard. Hearings and deliberations are scheduled for today's meeting.

Submission hearing and deliberation purpose

5.4 The Council appointed a hearing panel for the Bylaw at its meeting on 1 August 2024 (RCN24-08-8). The appointed Hearing Panel Chair is Councillor, Kit Maling.

5.5 The purpose of the Panel is to:

- consider the views of the submitters (from this hearing and from the written submissions);
- deliberate and decide on any changes to be made to the Bylaw; and
- decide whether to recommend to the Council that the Bylaw is adopted.

The hearing process

5.6 As part of the consultation process on the Bylaw, submitters have the option of presenting their views to the Council verbally.

5.7 32 submitters indicated that they wished to be heard at today's hearing.

5.8 Staff have organised for these submitters to present their views to the Panel at today's meeting. Staff have contacted all submitters that wish to be heard and have booked a time for each submitter to speak. Confirmation has not been received from all submitters, so it is likely that some submitters may not show up to present.

5.9 The schedule of this hearing is provided in **Attachment 1**. A copy of the submissions made by each speaker can be accessed via LG Hub.

5.10 Each submitter has been allowed a maximum of five minutes to speak to their submission. This time includes any points of clarification from the Panel. Submitters will be present either in person or on Zoom.

5.11 Ian Fox, an external technical specialist, is also attending today's meeting via Zoom and is available to answer any questions from the Panel. Ian is an experienced Harbourmaster and is currently the Canterbury Regional Harbourmaster. He is a qualified Master Mariner and a member of the national Navigation Safety Group's Bylaws and Rules Working Group. Ian has been assisting staff with submission analysis and forming recommendations.

6. Submissions and recommended changes

- 6.1 There were 235 submissions received by the closing date, 1 September 2024. A further 21 submissions were received by 3 September 2024.
- 6.2 The main theme of public feedback was that submitters generally support the bylaw, particularly the requirements regarding personal floatation devices, vessel identification and communication equipment. The other key themes we heard were:
 - Strong opposition to clause 12.1 that unintentionally banned swimming or diving around landing places.
 - Support for AIS tracking, but some commercial operators raised concerns.
 - Strong support for the river speed upliftings provisions, but a request to remove cumec ratings and an advisory clause.
 - Mixed views on the proposed navigation aid levy
- 6.3 Staff have prepared an overview of submissions, grouped by theme, to assist the Panel's deliberations (see **Attachment 2**). Staff propose a range of changes to the Bylaw, largely based on feedback from the submitters. These changes are set out in **Attachment 3** with rationale for the changes, and are also tracked into the consultation copy of the Bylaw (see **Attachment 4**).
- 6.4 The submissions and recommended changes are summarised below, with staff advice.

General support

- 6.5 There was general support from most submitters for the Bylaw requirements regarding personal floatation devices (PFDs), vessel identification, and communication equipment.
- 6.6 NZ Police (34037) strongly support the requirements for AIS, wearing and carriage of lifejackets, two forms of communication equipment and identification of vessels, in order to improve public safety, outcomes for people in distress, and the Search and Rescue response in the Tasman area.
- 6.7 Golden Bay Community Board (34378) strongly supports the proposed bylaw and emphasized the need for greater collaboration and integration between local government and central government on a coordinated approach to maritime navigation regulation and management.

Clause 12.1: Swimming or diving around landing places

- 6.8 Unfortunately, this clause was drafted incorrectly, effectively banning swimming or diving around landing places such as the Māpua wharf or Lake Rotoiti jetty. There was significant public feedback (163 submissions) strongly opposing this clause.
- 6.9 Feedback emphasized both visitors and the Māpua community's enjoyment of wharf jumping, bringing families and tourists to the wharf area and the shops and bars. Similarly at Lake Rotoiti, jumping of the jetty is enjoyed by many people and common sense is exercised by all when boats are also using the jetty.
- 6.10 Staff recommend that this clause be amended to enable jumping, diving and swimming around landing places and correct the intent; vessels have the right of way at landing places. Staff also recommend that an explanatory note is added to make it clear that the activity restriction only applies to that part of a landing place (e.g. a berth) where actual vessel movement is taking place, not necessarily to the entire landing place.

Clause 38: Carriage of AIS

- 6.11 Various submissions were supportive of AIS tracking. Feedback included that it would encourage skippers to be more careful around speed limits close to the shore, help identify “vessels of opportunity” to assist the Coastguard or search and rescue operations and that the overall cost is merited and will have numerous pay backs to the operator. Submitter 34002 noted that AIS is the way of the modern world and GPS tracking has been around in many other areas of transportation for a while now.
- 6.12 Six submitters opposed this clause. Some commercial operators raised concerns about the initial and ongoing financial costs to their business, “being tracked” and the suitability for their vessels. Some submitters viewed AIS as unnecessary with unclear safety benefits, objected to regulation above the MNZ requirements and had concerns about how these provisions might be policed.
- 6.13 AIS is an increasingly key device in ensuring safety and compliance and are suitable for small boats. In the case of a fleet of similar looking vessels, for example, it would allow any infraction reported against one vessel to be clearly linked back to which vessel it was. It also allows very clear policing of exclusion areas, speed zones and similar restrictions. Staff recommend minor amendments to clause 38 to align the wording with the Greater Wellington Regional Council’s AIS clause, which has a requirement to transmit an AIS signal rather than a requirement to carry AIS.
- 6.14 The AIS requirements in the Bylaw will not come into effect until 1 September 2025, as staff acknowledge that the initial cost of installing AIS into their vessels may be significant for some commercial operators. A local quotation for a stand-alone AIS Transceiver (transmits and receives AIS data) and antenna was \$2,210.98, plus installation costs if required.

Clause 26: Speed uplifted areas; Clause 27: River safety rules

- 6.15 There was support in submissions from a range of users of the Buller River for the speed uplifted areas, emphasizing how it contributed to a safer environment for non-powered water users and directly to their safety in the water particularly for paddlers.
- 6.16 Jet Boating New Zealand (34046) requested the removal of cumec ratings for river speed upliftings and the removal of the advisory clause for some rivers that sets an expectation for vessels to slow to the minimum speed for safe navigation when passing other vessels or people. JBNZ find this advisory clause unclear and unworkable.
- 6.17 Staff recommend the deletion of the advisory clause as the provisions of the Maritime Rules Part 91 (River Safety) and Part 22 (Look Out, Safe Speed, Narrow Channels) sufficiently cover safe passage on rivers. The Harbourmaster met with local JBNZ representatives and proposed to work with a range of river users to gather data and improve understanding of seasonal river flows. This work will inform river risk assessments so that the suitability of the cumec ratings for river speed uplifting can be considered before the next review of the Bylaw.

Prohibition on kiteboarding

- 6.18 Three submitters opposed the ban on kiteboarding at Rabbit Island, noting there are limited places for wind sports in the region and can only be carried out when the conditions are right. The prohibited area is large and submitter 33851 was concerned that it would encourage kiteboarders to instead use the main beach area, potentially amongst swimmers and other water users.

- 6.19 Staff agree with the views of these submitters. This is not a new ban; it covers PWCs, WIG craft, hovercraft and kite-propelled vessels and was carried forward from the 2015 bylaw. It is unclear why it was been included as a prohibited are and is not supported by any clause within the bylaw. Staff recommend that this prohibition is removed from the bylaw, as there are no navigation safety reasons for its inclusions.

Clause 35: Navigation aid levy

- 6.20 There were mixed views from five submitters regarding the introduction of a navigation aid levy. One submitter was comfortable with the levy, if the cost was the same as the previous CVO. The Department of Conservation (33846) supports the levy, but also seeks an exemption for their vessels. Two submitters noted the seasonal navigation aids benefit the recreation users and tourism operators, and that the costs should be spread between users. Two submitters object to the levy, due to the costs and ability to navigate without the aids in the off season.
- 6.21 The proposed levy replaces the previous commercial vessel operator licensing and associated fee, which can no longer be included in a bylaw following the 2017 amendments to the MTA. This levy will be used for replacing and maintaining seasonal navigation floats in the high traffic density area between Tarakohe and Motueka. The annual charge for the levy ranges from \$100 to \$500 depending on their normal area of operation; the previous CVO licence charges were an initial application fee (\$281) and an annual fee (\$363). The costs of the seasonal navigation aids will be shared by commercial vessel operators and ratepayers. No changes are proposed to this clause.

Clause 11: Vessel must have appropriate navigation and communication equipment

- 6.22 Four submitters supported the communication requirements and one submitter requested communications be defined. Some submitters suggested exceptions including for wind powered vessels, paddle boards, kayaks and tenders. Concerns were raised about the lack of mobile coverage and access to marine radio in some coastal areas, which could make compliance with this clause difficult.
- 6.23 Tenders must have communications to the main vessel. Staff acknowledge that providing the public with information on the appropriate forms for various vessels would be helpful. No changes are proposed to this clause.

Personal watercraft (PWCs) / Jetskis

- 6.24 Three submitters wanted either Lake Rotoiti or Lake Rotoroa to be opened up for PWC / jetski users, as there are no freshwater options in the top of the south. The Bylaw does not prohibit PWCs from the Nelson Lakes, but DOC has banned PWC from both lakes and waterskiing from Lake Rotoroa, as well as power boating on the rivers in the Nelson Lakes National Park.
- 6.25 Submitter 33869 raised concerns about jetskis in shared water areas, particularly those accessing the estuarine area around Greenslade Park (Rough Island), and suggested signage be installed at launching ramps and the area be policed over the busy summer season. Staff acknowledge that this can be a busy area and agree better signage and increased officer presence is needed.

Clause 30: Vessels to be identified

- 6.26 There was a lot of support for the proposed vessel identification requirements. Feedback was supportive of using trailer registration number as more cost effective than a new database and that the ability to identify boats would help identify and educate, particularly in

relation to the clean-up of abandoned boats. Submitter 33554 questioned if the requirements applied to tenders, sailing dinghies and PWC. Staff recommend including an explanatory note to this clause regarding tender vessels, which may display the name and ID of their parent vessel.

- 6.27 NZ Police (345037) strongly support mandatory means of identifying vessels and, where possible, recommend the trailer registration is used as this helps Police match a trailer to a vessel and vice versa. The alternate forms of identification for non-trailer vessels are also supported by Police. An identification system enables Police to more readily identify other vessels in the vicinity and their operators who might be able to assist with enquiries or sightings of a missing vessel, significantly improving how Police can investigate and therefore respond to any reports of missing vessels.
- 6.28 Two submitters did not support the requirements; one had concerns about access to data/privacy issues and one thought it was a waste of money.

Visibility of paddle craft beyond sheltered waters

- 6.29 Six submitters supported this clause and other submitters made some suggestions to amend it. Submitter 34270 questioned whether the requirement was for multiple forms of being visible as the wording was not clear and suggested it should also apply to swimmers.
- 6.30 Staff recommend that 'flag' is deleted from the explanatory note, based on advice that flags may not safely improve visibility of paddle craft to other water users. Staff also recommend that 'and' is changed to 'or' in this clause, to make it clear that more than one method of being visible is not required.

Clause 7: Personal floatation devices

- 6.31 There was strong support from submitters for the proposed PFD requirements and two submitters suggested lifejackets should be worn on all vessels. Submitter 34085 suggested there should be exemptions for some activities, such as using an inflatable tender for a short distance close to shore. Staff consider the PFD requirements appropriate and do not propose any changes to clause 7.
- 6.32 *Interpretation*
Various submitters wanted definitions in the Interpretation section of the Bylaw added or amended. These included defining board sports, unseaworthy rather than seaworthy, and PFDs or buoyancy aids.
- 6.33 Submitter 34224 wanted PFDs or buoyancy aids to be defined. Clause 4.3 covers off all major definitions found in the Act and the Rules. A definition for PFD has not been included in the Bylaw to avoid the likelihood of the definition in the Rules changing and thus making the Bylaw inconsistent.
- 6.34 The Nelson Harbourmaster (33601) wanted to know how *staunch, tight and sound* was defined for clause 9.1 (Vessels to be maintained) and suggested that including a clause to be inclusive of expert opinion would ensure objectivity. Staff do not propose a new definition but agree that the wording is not clear. Staff recommend that clause 9 is entirely replaced with new wording. The proposed wording is simpler, easy to understand and is used in other councils' bylaws so has been tested and works well.
- 6.35 The Wellington Harbourmaster suggested defining unseaworthy, rather than seaworthy, as most regional councils define this in the negative. Harbourmasters have discussed this at length, and it took some time to settle on this approach. The national Navigation Safety

Group hope this approach will become common across all the bylaws and it may also lower the potential risk/liability to the Council. Staff recommend the definition is replaced.

Implementation and enforcement

- 6.36 A range of suggestions were made by submitters regarding implementation and enforcement of the bylaw. These included improving signage and increasing policing over the summer, displaying a notice at launch ramps and an education programme via clubs and local marina staff. Two submitters emphasized the need to enforce the wearing of PFDs including lifejackets and other buoyancy aids. Staff note that enforcement of lifejackets is not currently an issue.

Other matters

- 6.37 Three submitters raised concerns about the adverse effects of powered vessels on the flora and fauna in the coastal and marine environment and the enjoyment and use of the natural environment by other users. Matters associated with environmental protections are addressed elsewhere (for example, under the Resource Management Act 1991 or the Tasman Resource Management Plan) and remain out of scope of this bylaw.
- 6.38 Four submitters had feedback regarding hot work operations (clause 37). It was noted that there are no facilities for haul out for multihulls and a two year wait time for a trailer in Motueka. The Golden Bay and Motueka Commercial Fishermen's Association (34092) sought clarification on when the Harbourmaster needed to be notified, particularly in an emergency, and don't support the requirement to notify at least two hours before commencing hot work. All hot work should be planned, and the Harbourmaster notified to ensure awareness of risk. An exception for emergencies is already provided and no changes are proposed.
- 6.39 Submitter 33630 has concerns about the legality of clause 8.4 prohibiting the person in charge of a vessel from being under the influence of alcohol or drugs, particularly what defines impairment and how the clause could be enforced. Staff recommend that the wording of this clause be changed to better convey behaviour expectations and acknowledge it may not be enforced, although it is supported by Police.
- 6.40 The Nelson Harbourmaster (33601) noted that, in regard to fuel changeover (clause 36), Tier 1 plans do not include ship to ship transfers and should not be referenced. Staff recommend this clause is amended to instead include an exception where evidence of an MNZ audited SOP has been provided to the Harbourmaster, which ensures the approval remains with MNZ.

7. Options / Kōwhiringa

- 7.1 The Panel has the options of accepting the staff recommendations and/or making other changes in response to matters raised in submissions.

Option		Advantage	Disadvantage
1.	Recommended option. Accept staff recommendations to matters raised in submissions	Staff have considered the submissions and have made recommendations on changes to make to the Bylaw Enables the Bylaw to be prepared for adoption before summer.	If staff recommendations are not supported by the Panel, the Bylaw will not reflect the views of elected representatives.
2.	Make changes to the staff recommendations on the other matters raised in submissions.	The Panel demonstrate they have exercised their governance responsibilities by critically assessing staff recommendations. Other advantages will depend on the changes the Panel makes.	The disadvantages will depend on the change the Panel makes.

7.2 Option 1 is recommended.

8. Legal / Ngā ture

- 8.1 Section 33M of the MTA 1994 allows the Council to make a bylaw for the purpose of ensuring maritime safety in the district.
- 8.2 [Section 158\(1\)](#) of the LGA 2002 requires a bylaw made under the MTA 1994 to be reviewed no later than five years after the date on which the bylaw was made. The Council's 2015 Navigation Safety Bylaw was not reviewed within this timeframe and is consequently revoked. There is currently no navigation safety bylaw in force for the Tasman District.
- 8.3 The MTA 1994 states that a navigation bylaw must be made in consultation with the Director of MNZ. In practice, this means MNZ review the draft bylaw and provide feedback, usually before public consultation. MZN also have the final "sign off," although cannot change the bylaw content once it has been approved by the Council.
- 8.4 [Section 156](#) of the LGA sets out the consultation requirements when making a new bylaw. Public consultation on the Bylaw was carried out under the SCP, which satisfies the LGA requirements.
- 8.5 [Section 155\(1\)](#) of the LGA 2002 requires the Council to determine whether a bylaw made under the MTA 1994 is the most appropriate way of addressing a perceived problem. [Section 155\(2\)\(b\)](#) requires the Council to determine whether the proposed bylaw is the most appropriate form of bylaw and gives rise to any implications under the New Zealand Bill of Rights Act (NZ BORA) 1990.
- 8.6 Staff have considered the proposed changes and remain confident that the Bylaw is in the most appropriate form. Staff advise that the Bylaw does not give rise to any implications or inconsistencies under the NZ BORA 1990 and are reasonable and justifiable means to address the identified problems related to navigation safety in Tasman District.

- 8.7 [Section 33N](#) of the MTA enables the Governor-General to make regulations by Order in Council prescribing a fine for offences under the Bylaw. Once the Bylaw is made, the associated [Maritime Transport Regulations 2016](#) will need to be updated to refer to the new bylaw and specify which breaches of the bylaw are infringement offences and prescribe the associated infringement fines. These regulations are administered by the Ministry of Transport.

9. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 9.1 Iwi were informed of the consultation via the Council's Iwi Engagement Portal and encouraged to make a submission. Iwi that indicated they would like to be involved in this project were also emailed directly and invited to make a submission.
- 9.2 Ngāti Tama Ki Te Waipounamu (33444) explained that rāhui is an iwi imposed tikanga that is practiced by all Te Taihū Iwi. This tikanga imposes restrictions or prohibition on an area and in this instance, it will be on coastal marine areas. The Harbourmaster Team will engage with iwi to understand how they can support the rāhui process.

10. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 10.1 At the Council meeting on 1 August 2024 (RCN24-08-8), the Council determined that the provisions of the Bylaw may be of significant interest to some members of the community and of moderate interest to the wider public.
- 10.2 A consultation process was carried out under the SCP from 1 August to 1 September 2024, as set out in section 5 of this report.
- 10.3 The hearing is the next step in the decision-making process and provide submitters the opportunity to present their submissions verbally to the Council
- 10.4 The decisions for the Panel to consider in this report are to receive all 256 submissions, and to decide whether to make any changes to the bylaw resulting from this public feedback and recommend to Council that it makes the Navigation Safety Bylaw 2024, to come into effect from 1 December 2024.
- 10.5 The significance of these decisions may be significant to some members of the community and moderately significant to the public. However, the decisions have been consulted on through an appropriate process and the deliberations at this meeting are in response to that consultation. The changes recommended by staff are not substantial departures from what was proposed in the consultation documents. Therefore, staff consider that the Panel can make the amendments to the Bylaw without further consultation.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Moderate	<p>The decisions on the Bylaw may attract significant interest from some members of the community, but moderately significant to most of the public.</p> <p>The creation of a bylaw is a significant action for the Council.</p>

	Issue	Level of Significance	Explanation of Assessment
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Moderate	The creation of the bylaw is intended to improve maritime safety, which will have a positive effect on the community.
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	The LGA 2002 requires this bylaw to be reviewed within five years.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
5.	Does the decision create a substantial change in the level of service provided by Council?	Low	This proposal expands the Council's current enforcement activities.
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	Implementation of the regulatory activities proposed in the Bylaw have been allowed for in the Environmental Assurance budget
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	No	Consideration of TMOTW obligations is not within the scope of a navigation safety bylaw, as set out in section 33M of the MTA 1994.

11. Communication / Whakawhitiwhiti Kōrero

11.1 Public communication and consultation on the Bylaw was carried out under the SCP, as set out in paragraph 0 of this report.

- 11.2 If the bylaw is approved for adoption, a public notice will be issued in Newsline and on the Council's website that the bylaw has been adopted. This is sufficient to meet the public notification requirements for bylaws in section 157 of the LGA 2002.

12. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

- 12.1 Sufficient funding has been allowed for in the Environmental Assurance budgets to roll out the Bylaw, including training and public education.
- 12.2 The Bylaw proposes a range of maritime fees and charges, including a navigational aid levy. These fees have been set at a level that covers the cost of the Council administering the Bylaw.

13. Risks / Ngā Tūraru

- 13.1 The key risks are reputational and litigation risks related to the decisions the Panel is being asked to make.
- 13.2 A range of community views were received on various provisions in the Bylaw. The Panel's role is to consider the views of the community alongside other advice it received, to make decisions for the final Bylaw.
- 13.3 The Council does not have a current Navigation Safety Bylaw and has relied on general enforcement powers under the MTA 1994, public education, or the TRMP to manage navigation safety in the Tasman District. This is a risk that will continue if the Panel does not recommend to Council that it make the Navigation Safety Bylaw 2024.
- 13.4 If approved, the new Bylaw would be reviewed within five years. This will help ensure that the maritime safety provisions remain fit for purpose in a changing environment.

14. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 14.1 The Bylaw is unlikely to have any impact on the Council or the Tasman District's carbon footprint. Implementation of the Bylaw is not likely to be impacted by the effects of climate change.
- 14.2 The Bylaw neither aligns or detracts from the Council's and Government's plans, policies and legal obligations relating to climate change.

15. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

- 15.1 The scope of what a local navigation safety bylaw can and cannot do is set out in section 33M of the MTA 1994.
- 15.2 The mooring area provisions in the Bylaw will allow TRMP Plan Change 72 to become fully effective and provide the Council with a consistent approach to managing moorings in the district.

16. Conclusion / Kupu Whakatepe

- 16.1 The proposed Navigation Safety Bylaw aims to provide the Council with further regulatory authority over navigation safety matters for water users in or on the waterways or coastlines in the Tasman District.
- 16.2 The main theme of public feedback, other than strong opposition to clause 12.1, was general support for the Bylaw, particularly the requirements regarding personal floatation devices, vessel identification and communication equipment.
- 16.3 The other key themes were:
- Support for AIS tracking, but some commercial operators raised concerns.
 - Strong support for the river speed upliftings provisions, but a request to remove cumec ratings and an advisory clause.
 - Mixed views on the proposed navigation aid levy.
- 16.4 In response to submissions, staff have recommended a number of changes be made to the Bylaw for the Panel's consideration.
- 16.5 Staff will incorporate the changes that the Panel request and, if the Panel recommends, prepare the final Bylaw for consideration by the Council at its 24 October 2024 meeting.
- 16.6 The Bylaw is a new bylaw and, once adopted, will be reviewed within five years

17. Next Steps and Timeline / Ngā Mahi Whai Ake

- 17.1 Staff will prepare a referral report with the Panel's recommendations to be considered by the Council at its meeting on 24 October 2024.
- 17.2 If Tasman District Council agree to make the Bylaw, it will be publicly notified in Newsline and on the Council's website before coming into force on 1 December 2024. A copy of the Bylaw will also be provided to the Director of MNZ.
- 17.3 Once the Bylaw is made, staff will engage with the Ministry of Transport to update the associated Maritime Transport Regulations 2016 with infringement fees for offences under the new Bylaw. This process is likely to run into 2025.

18. Attachments / Tuhinga tāpiri

1. 1	Navigation Safety Bylaw 2024 – Draft Hearing Schedule	20
2. 2	Navigation Safety Bylaw 2024 - Submissions Summary	22
3. 3	Navigation Safety Bylaw 2024 - Proposed Changes	27
4. 4	Proposed Navigation Safety Bylaw 2024 (changes tracked)	35

Submissions Hearing 12.30 pm Thursday 18 September 2024 - 5 minutes per speaker

Submitters in italics have not yet confirmed if they still wish to speak

Submission	Time	Name	Organisation	
33709	12.30 pm	Judith Mitchell		
34036	12.30 pm	Kate Mitchell		Via Zoom
<i>34177</i>	<i>12.30 pm</i>	<i>Greg Swan</i>		
<i>34216</i>	<i>12.30 pm</i>	<i>Peter Kortegast</i>		
<i>34219</i>	<i>12.30 pm</i>	<i>Bridget Miller</i>		
<i>34263</i>	<i>12.30 pm</i>	<i>Miranda Sikking</i>		
<i>34264</i>	<i>12.30 pm</i>	<i>Sali Matthews</i>		
<i>34267</i>	<i>12.30 pm</i>	<i>Belinda Ellis</i>		
<i>34268</i>	<i>12.30 pm</i>	<i>Maria Fillary</i>		
<i>34279</i>	<i>12.30 pm</i>	<i>Jeff Quartly</i>		
33911	1.00 pm	Lucy Clark		
34069	1.00 pm	Sonja Mitchell		Via Zoom
33527	1.00 pm	Gillian Pollock		
34224	1.00 pm	John Leydon		
34046	1.15 pm	Ronald Clearwater	Jet Boating NZ Inc	
<i>34123</i>	<i>1.15 pm</i>	<i>Samuel Jospeh Cuttle</i>		
34204	1.15 pm	Jessica Matheson	NZ Kayak School	Via Zoom
34082	1.15 pm	David Sissons	Waimea Inlet Forum WG	
	1.15 pm	Elsbeth Collier Kim Bowie		
<i>34184</i>				
<i>34136</i>	<i>1.15 pm</i>	<i>Joel Scott</i>	<i>Tasman Jetskis</i>	
33851	1.15 pm	Dean Palmer		Possibly Zoom
<i>33791</i>	<i>1.45 pm</i>	<i>Gavin Alborn</i>	<i>Marahau Water Taxis</i>	
33928	1.45 pm	Chris Roff	SailNelson	
34085	1.45 pm	Martin Holmes	Abel Tasman Sailing Adventures	
<i>33505</i>	<i>1.45 pm</i>	<i>Lisa Savage</i>	<i>Golden Bay Kayaks</i>	
<i>33591</i>	<i>1.45 pm</i>	<i>Dan Bremner</i>	<i>Motueka Paddle Sports</i>	
<i>33943</i>	<i>1.45 pm</i>	<i>Andrew Butler</i>		
<i>34270</i>	<i>1.45 pm</i>	<i>Rod King</i>	<i>Nelson SUP club</i>	

34037	1.45 pm	Jude Yeoman	NZ Police	
33601	2.15 pm	Stuart Whitehouse	Nelson HM	
34076	2.15 pm	Jake Oliver	Marlborough HM	Via Zoom
34102	2.15 pm	Grant Nalder	Wellington HM	Via Zoom

Overview of submissions for the Navigation Safety Bylaw consultation

Summary of submissions received

Public consultation on the draft Navigation Safety Bylaw commenced 1 August and closed on 1 September. We received 256 submissions over the consultation period including 21 late submissions. The submissions hearing is scheduled for 18 September 2024 in Richmond at the Council Chambers and 32 submitters have indicated they wish to speak.

The community were invited to provide feedback on any aspects of the draft bylaw, rather than respond to specific questions.

Organisations and groups that submitted included:

- Golden Bay Kayaks, Motueka Paddle Sports, Kahu Kayaks, R&R Kayaks, Marahau Sea Kayaks, Awaroa Sea Kayaks and New Zealand Kayak School
- Motueka Power Boat Club, Jet Boating New Zealand and Tasman Jetskis
- Marahau Water Taxis / Abel Tasman AquaTaxi
- Abel Tasman Sailing Adventures and SailNelson, Gourmet Sailing
- Golden Bay & Motueka Commercial Fisherman's Association
- Nelson Coastguard Unit and NZ Police/Search and Rescue
- Port Nelson and Tarakohe Marina Association
- Department of Conservation and Kaiteriteri Recreation Reserve,
- Waimea Inlet Forum Working Group
- Ngāti Tama Ki Te Waipounamu
- The Golden Bay Community Board

The Nelson, Marlborough and Wellington Harbourmasters also made submissions. The remaining submissions were from individuals.

Submitters generally supported the draft bylaw and many submitters made comments or suggestions on various provisions of the bylaw. This feedback has been summarised below by theme and is discussed in the Deliberations Report.

Submission feedback grouped by theme

Staff have grouped the feedback from submitters by theme on the following pages. Note that some submissions had feedback that covered one or more of the themes and so the submission may be referenced more than once.

General support

The main theme of public feedback was that submitters supported the draft bylaw, particularly the requirements regarding personal flotation devices, vessel identification and communication equipment.

NZ Police (34037) submit that in order to improve public safety, outcomes for people in distress, and the Search and Rescue response in the Tasman area, they strongly support the requirements for AIS, wearing and carriage of lifejackets, two forms of communication equipment and identification of vessels.

The Golden Bay Community Board (34378) strongly supports the proposed bylaw and emphasized the need for greater collaboration and integration between local government and central government on a coordinated approach to maritime navigation regulation and management.

Clause 12: Swimming or diving around landing places

Unfortunately, this clause was drafted incorrectly, effectively banning swimming or diving around landing places such as the Māpua wharf or Lake Rotoiti jetty. There was significant public feedback (163 submissions) strongly opposing this clause, including from the Lake Rotoiti School Principal (34311) and some students. All the 21 late submissions were from people concerned about the impact of this ban in St Arnaud.

Feedback emphasized both visitors and the Māpua community's enjoyment of wharf jumping, bringing families and tourists to the wharf area and the shops and bars. Similarly at Lake Rotoiti, jumping of the jetty is enjoyed by many people and common sense is exercised by all when boats are also using the jetty. Wharf and jetty jumping are important traditions in the Tasman district.

Clause 38: Carriage of AIS

Various submissions were supportive of AIS tracking. Feedback included that it would encourage skippers to be more careful around speed limits close to the shore (34088), help identify “vessels of opportunity” to assist the Coastguard or search and rescue operations (33934) and that the overall cost is merited and will have numerous pay backs to the operator (33762). Submitter 34002 noted that AIS is the way of the modern world and GPS tracking has been around in many other areas of transportation for a while now. One submitter (34140) suggested that the AIS requirement should be broadened to other users, who may pose more of a risk as they don't know the local coastal operators timetables as well as regular skippers.

Six submitters opposed this clause. Some commercial operators raised concerns about the initial and ongoing financial costs to their business, “being tracked” and the suitability for their vessels. Some submitters viewed AIS as unnecessary with unclear safety benefits, objected to regulation above the MNZ requirements and had concerns about how these provisions might be policed.

Clause 26: Speed uplifted areas and Clause 27: River safety rules

There was strong support in submissions from a range of users of the Buller River for the speed uplifted areas, emphasizing how it contributed to a safer environment for non-powered water users and directly to their safety in the water particularly for paddlers. This river is used for recreation and for education and people travel from all over the country and internationally to develop their skills here. 20 submissions support the restriction of usage and speed in sections of the river that are popular for beginner kayakers and can be shallow with limited visibility.

The submission from Jet Boating New Zealand (34046) seeks the removal of cumec ratings for river speed upliftings and the removal of the following advisory clause when referring to rivers in the Tasman region: *the expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river*. JBNZ find this advisory clause unclear and unworkable.

Prohibition on kiteboarding

Three submitters opposed the ban in kiteboarding at Rabbit Island, as shown in Schedule 1.17. Submitter 34189 noted that there are limited places for kitesurfers in the region and there is plenty of space at the eastern end of the beach for all parties to enjoy the resource. The prohibited area is large and submitter 33851 raised concerns that the ban would encourage kiteboarders to instead use the main beach area for this activity, potentially amongst swimmers and other water users. The prohibited area is the ideal for this activity when conditions are right, and locals and visitors will be denied one of the safest spots to participate in the sport. Submitter 34176 suggest kitesurfing only be prohibited if horses are present.

Clause 35: Navigation aid levy

There were mixed views from five submitters about the introduction of a navigation aid levy. Submitter 34088 was comfortable with the proposal, if the cost is the same as the previous CVO licence (and preferred this prior framework). The Department of Conservation (33846) supports the levy, but also seeks exemption for all DOC vessels as they are not commercial in nature and the cost falls on taxpayers.

Submitter 34151 noted that the seasonal navigation aids benefit the recreation users and tourism operators, and recreational vessel numbers are much greater than commercial numbers. This submitter suggested that better way of spreading the costs between users would be through pre-existing boat launching fees, port fees and commercial moorings. It was also suggested that the 1nm trigger is arbitrarily chosen and unrelated to the location of the seasonal buoys and could unintentionally discourage vessels who are transiting around Separation Point or otherwise up the coast to venture further into rough conditions to avoid this. Submitter 33928 strongly objects to the levy, as its operation has no need for the navigation aids and its vessels can navigate fine without them in the off season. Submitter 34085 also disagrees with the levy, suggesting the costs to its operation will double.

Clause 11: Vessel must have appropriate navigation and communication equipment

Submitters 33672, 34037 and 33937 were supportive of the communication requirements. Submission 33630 wanted to see communications defined, for example, cell phone in watertight container, type of radio and operator competent in its use.

33505 supports the use of two forms of communications on vessels, but with reservation due to the lack of reliable marine radio in Golden Bay. This submitter suggested that in order to enforce the requirement, infrastructure needs to be installed to enable vessels access to marine radio.

Submitter 34040 proposed the requirement be reworded or removed as is not practical for some vessels and there was no cell reception in some parts of Tasman which would make it difficult to comply. Submitted 34085 proposed an exception be allowed for tenders to a main vessel; if the main vessel is able to provide support to them then it shouldn't be necessary. This submitter also noted that mobile coverage can be poor or non-existent in some bays.

Submitter 33526 thought that applying this rule to wind powered small vessels (one or two man) was ludicrous. Similarly, submitter 33468 suggested two types of communications for vessels is not really possible for a paddleboard or kayak.

Personal watercraft (PWCs) / Jetskis

Three submitters (34136, 34149 and 34153) wanted either Lake Rotoiti or Lake Rotoroa to be opened up for PWC / jetski users, as there are no freshwater options in the top of the south. Submitters note that PWC are used for fishing off, travel and access, water activities and play. These submitters suggest that opening up one of the Nelson Lakes to the community and families for jetskis would be great in summer months and having days/time frames where it was accessible would be fantastic for families who like to jetski and wakeboard. It would also draw more people into the local economy and become more aware of the area.

Submitter 33869 raised concerns about jetskis in shared water areas, particularly those accessing the estuarine area around Greenslade Park (Rough Island). This area is used by families with dogs as one of the very few swimmable spots to go with your pet and is also frequented by an increasing number of small watercraft users. Motorised water vehicles are a growing hazard for swimmers as they seldom go the limit of five knots and both humans and dogs are hard to see when only their heads are above water. This submitter has observed many near misses and many altercations with angry/frightened people because of speeding jetski and is concerned that it is only a matter of time until a serious incident occurs. This submitter suggested signage be installed at launching areas specific to jetski and small craft users highlighting the dangers and reminding them of the law and more money to be invested so these areas could be policed over the busy summer season.

Clause 30: Vessels to be identified

There was a lot of support for the proposed vessel identification requirements. Submitter 33505 considered this essential due to the large number of powerboats and jetskis now operating in the area and was concerned about the increasing number of conflicts on the beach between swimmers and other beach user. This submitter suggested that the ability to identify boats could help identify and educate, including in relation to the costly clean-up of abandoned boats, and wanted to see vessel identification taken to a national level. Nelson Coastguard Unit (33934) strongly support vessel identification requirements; when they find a vessel with no occupants it will greatly assist in identifying the owner.

Submitter 33937 supports the use of trailer registration number, as it will be more cost efficient than setting up an additional database. Similarly, submitter 33762 strongly recommended that trailer registration number is used as an easy, low-cost method for capturing such information and suggested that MSA numbers or boat names could be considered for non-trailer boats and tenders. Submitter 33554 agreed naming or displaying owner name on a vessel would also be advisable and questioned if it included tenders, sailing dinghies and PWC.

NZ Police (34037) strongly support mandatory means of identifying vessels and, where possible, recommend the trailer registration is used as this helps Police match a trailer to a vessel and vice versa. Often if a vessel is reported missing Police will attempt to locate the vehicle and trailer associated to the missing vessel. This ascertains that a vessel is in fact still outstanding and the information from a

registration plate can assist Police to quickly make urgent enquiries with family and friends. The type and condition of the trailer and tow vehicle can also provide a lot of information about the nature and likely condition of the missing vessel. This system only works for trailer boats, but the majority of Search and Rescue operations of this nature involve trailer boats. Alternative forms of identification for non-trailer vessels are also supported by Police and can be dealt with by the means proposed in the bylaw. An identification system also enables Police to more readily identify other vessels in the vicinity and their operators who might be able to assist with enquiries or sightings of a missing vessel. This system will significantly improve how Police can investigate and therefore respond to any reports of missing vessels.

Two submitters did not support these requirements. Submitter 33788 had concerns about access to data and privacy issues. Submitter 33924 thought it was a waste of money.

Visibility of paddle craft beyond sheltered waters

Six submitters supported the clause regarding visibility of paddle craft – 33505, 33591, 33723, 33937, 34002 and 34092. Other submitters made suggestions to amend this clause. Submitter 34270 questioned whether the requirement was for multiple methods of being clearly visible (use of 'and' rather than 'or') and also suggested that swimmers should be using methods to be visible when more than 200m from the shore to lower the risk of collision and make them easier to spot if they get in trouble and require assistance. Submitter 33937 suggested that the requirement for paddle craft visibility be from at least 100m, not 200m.

Clause 7: Personal floatation devices

There was strong support for the proposed PFD requirements. Submitted 34002 considered this to be well overdue and would bring Tasman in line with other regions. Submitter 33630 strongly supported the compulsory wearing of properly sized / fitted life jackets and that the person in charge of any vessel regardless of size must ensure compliance.

NZ Police (34037) strongly support the standardisation of life jacket regulations across the district. There would be significant benefit in having consistency across Tasman, Nelson and Marlborough. Police consider the proposal to be best practice and are a step towards national consistency regarding life jacket regulations. It's understood there is currently no plan to implement these measures under Central Government legislation and therefore Police consider it necessary for councils to cooperate in implementing these measures across the country in a manner consistent with improving public safety. Police noted there have been numerous Search and Rescue operations where life jackets have saved lives because life jackets were worn by both children and adults. Without life jackets, drowning usually occurs too quickly for a formal rescue response to be effective.

Submitter 33527 suggested that anyone who goes on a boat should wear a lifejacket and submitter 33505 would also support the use of life jackets on all vessels. Submitter 33630 supports the proposal but suggests it should be for vessels up to 8m in length. Submitter 34224 wanted PFDs to be defined as lifejackets are not mentioned.

Submitter 34085 suggested there should be exemptions for some activities, as they use an inflatable tender to get people from the beach to the main boat and usually only a distance of a few metres and there are always plentiful lifejackets and support available on the main vessel if needed. This submitter suggested that the inflatable tender can be considered a flotation device if needed and for short distances in good weather there is little risk, and should be at skippers discretion.

Interpretation

Various submitters wanted definitions in the Interpretation section added or amended. These included defining board sports (33477), unseaworthy rather than seaworthy (34102), PFDs or buoyancy aids (34224) and using 'propelled' in clause 30.3(c) (34082). Submitter 33630 wanted to know how the consumption of alcohol would be defined. Submitter 33468 asked how vessel is defined and if it means all vessels, being all craft that float on the water.

The Nelson Harbourmaster (33601) wanted to know how *staunch, tight and sound* was defined for clause 9.1 (Vessels to be maintained) and how is the harbourmaster an expert in assessing this – was there criteria and what if there is conflicting opinion from a boat builder/surveyor? It was suggested that including a clause to be inclusive of expert opinion would ensure objectivity.

Implementation and enforcement

A range of suggestions were made by submitters regarding implementation and enforcement of the bylaw. These included improving signage and increasing policing over the summer (33869) displaying a notice at launch ramps and an education programme be considered via clubs and local marina staff (33630). Submitters 33431 and 34224 emphasized the need to enforce the wearing of personal floatation devices including lifejackets and other buoyancy aids. Submitter 34151 suggested that many of the rules are practically unenforceable.

Other matters

Submitters 34082, 34184 and 34069 raised concerns about the adverse effects of powered vessels on the flora and fauna in the coastal and marine environment and the enjoyment and use of the natural environment by other users.

Submitters 33468, 34089 and 34269 had feedback regarding hot works. It was noted that there are no facilities for haulout for multihulls and a two year wait time for a trailer in Motueka. Submitter 33937 supported the notification requirement. The Golden Bay and Motueka Commercial Fishermen's Association sought clarification on when the Harbourmaster needed to be notified, particularly in an emergency, and don't support the requirement to notify at least two hours before commencing hot work.

Three submitters raised feedback regarding vessel speed (clause 29). Submitter 33477 requested that vessels powered by sail be exempt from speed restrictions when training or racing and board sports also be exempt. Submitter 33526 noted that clauses 29.1 (a) and (b) prohibit wind sports from the regularly used areas at Motueka Salt Bath and Grossi Point. Submitter 33838 requested a 3knot/no wake restriction inside Port Tarakohe breakwaters, due to moorings with vessels usually worked on and mussel harvester vessels transiting.

Submitter 33630 has concerns about the legality of clause 8.4 prohibiting the person in charge of a vessel from being under the influence of alcohol or drugs, particularly what defines impairment and how the clause could be enforced.

Regarding fuel changeover (clause 36), Submitter 33601 noted that Tier 1 plans do not include ship to ship transfers, so should not be referenced.

Proposed changes to the Navigation Safety Bylaw following consultation

Table 1: Changes proposed in response to feedback in submissions

Current wording	Recommended changes (addition or deletion)	Reasons for the proposed changes
8 Person in charge of the vessel 8.4 The person in charge must not be under the influence of alcohol or a drug, or both.	8 Person in charge of the vessel 8.4 The person in charge must not be under the influence of alcohol or a drug, or both. No person shall operate a vessel while impaired; this could include (but not limited to) impairment by fatigue, alcohol or drugs.	<p>The amendment of clause 8.4 sets a clearer indication of expected behaviours than the current wording.</p> <p>This change is in response to submission 33630 and the replacement wording was suggested by the Wellington Harbourmaster (34102)</p>
12. Swimming or diving around landing places 12.1. No person shall jump, dive, swim or undertake related activities, from: (a) within 50 metres of a landing place; or (b) within any designated anchorage; or (c) within any navigation channel; or (d) within the commercial port areas of Tarakohe or Motueka, without the prior written permission of the Council; or (e) any such areas in the navigable waters of the region as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written permission of the Harbourmaster. Landing place means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels are moored or are launched or retrieved	12. Swimming or diving around landing places 12.1. No person shall jump, dive, swim or undertake related activities: (a) from, or within 50 metres of a landing place; or (i) while it is in use for the berthing and/or unberthing of vessels; (ii) when a vessel is approaching to berth, or manoeuvring alongside, or departing; or (b) within any designated large ship anchorage; or (c) within any marked navigation channel or any other navigational channel leading to a landing place; or (d) within the commercial port areas of Tarakohe or Motueka, without the prior written permission of the Council; or (e) any such areas in the navigable waters of the region as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written permission of the Harbourmaster. 12.2. In subclause 12.1 "landing place" shall mean the berthing position along or at a landing place where the vessel will be is or is berthed. Explanatory note: For the sake of clarity, subclause (12.2) refers to such landing places as multi-berth wharves and jetties. The activity restriction applies only to that part of a landing place (ie: a berth) where actual vessel movement is taking place, not necessarily to the entire landing place structure.	<p>These amendments correct the intent of this clause.</p> <p>The effect of the wording will be that vessels have the right of way at landing places. The explanatory note has been added to provide further clarity.</p> <p>These changes will enable jumping, diving and swimming around landing places, such as Mapua Wharf, to occur when it is safe to do so.</p> <p>These changes are in response to at least 163 submissions.</p>
30 Vessels to be identified	30 Vessels to be identified Explanatory note: A tender may display the name and ID of its parent vessel	<p>This explanatory note has been added to provide further clarity and is in response to submission 33554.</p>
33 No obstruction of vessels in a Moving Prohibited Zone (MPZ) 33.1. No person shall navigate a vessel so as to be within the MPZ for any vessel within Tasman regional waters. 33.2. Subclause 33.1 shall not apply to any person in charge of tugs or pilot vessels while they are carrying out towage or pilotage duties with those tugs or pilot vessels in relation to a vessel for which a MPZ applies.	33 No obstruction of vessels in a Moving Prohibited Zone (MPZ) 33.1. No person shall navigate a vessel so as to be within the MPZ for any vessel within Tasman regional waters three nautical miles of the coast between the Ports of Tarakohe and Motueka.	<p>This amendment removes inconsistency with Nelson's Navigation Safety Bylaw, so removes any confusion when a vessel crosses the Tasman/Nelson boundary.</p> <p>This clause only needs to apply to anchorages close to the coast along the Abel Tasman National Park, not all regional waters.</p> <p>This change was suggested by the Nelson Harbourmaster (33601)</p>

<p>33.3. Subclauses 33.1 and 33.2 shall not apply where the permission of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the channel.</p> <p>33.4. A specified MPZ may be declared by the Harbourmaster to apply to any vessel for such times and duration as the Harbourmaster considers necessary.</p>	<p>33.2. Subclause 33.1 shall not apply to any person in charge of tugs or pilot vessels while they are carrying out towage or pilotage duties with those tugs or pilot vessels in relation to a vessel for which a MPZ applies.</p> <p>33.3. Subclauses 33.1 and 33.2 shall not apply where the permission of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel. in the channel.</p> <p>33.4. A specified MPZ may be declared by the Harbourmaster to apply to any vessel for such times and duration as the Harbourmaster considers necessary.</p>	<p>The deletion in clause 33.3 removes extra wording.</p>
<p>36. Fuel changeover</p> <p>36.1. Any vessel which is to change between fuel types used for propulsion shall:</p> <p>(a) when entering the Tasman region, complete the fuel changeover and be running on the desired fuel at least four hours prior to entering regional waters;</p> <p>(b) when departing from the Tasman region, commence the fuel changeover once the vessel is outside of regional waters.</p> <p>36.2. Fuel changeovers within regional waters is strictly prohibited.</p> <p>36.3. Ship to ship transfers of oil within regional waters (with the exception of a transfer subject to Tier 1 site plan approval) are strictly prohibited.</p>	<p>36. Fuel changeover</p> <p>36.1. Any vessel which is to change between fuel types used for its propulsion shall:</p> <p>(a) when if intending to enter the Tasman region Tasman regional waters, complete have completed the fuel changeover and been running on the desired new fuel for at least four hours prior to entering regional the region's waters;</p> <p>(b) when if departing from the Tasman regional waters, commence only undertake the fuel changeover once the vessel is outside of regional waters after having departed from the region's waters.</p> <p>36.2. Fuel changeovers within regional waters is strictly prohibited.</p> <p>36.3. Ship to ship transfers of oil within regional waters are strictly prohibited, unless evidence of an MNZ audited SOP has been provided to the Harbourmaster. (with the exception of a transfer subject to Tier 1 site plan HM approval) are strictly prohibited.</p> <p><i>Explanatory note: The SOP should include a Spill Response Plan with an available equipment list and be of a similar standard to a Tier 1 Site Response Plan.</i></p>	<p>The amendment of clause 36.1 ensures that this only covers matters within regional waters where we have jurisdiction.</p> <p>The effect of the amended wording is that it sets an arrival condition for the vessel that it should have been running on the new fuel for sufficient time to resolve any issues; and a prohibition on fuel changeovers within the region. This is to avoid the significant navigation safety issue of blackouts during fuel changeovers.</p> <p>This change is supported by MNZ.</p> <p>The addition of an exception to ship to ship transfers of oil where evidence of an MNZ audited SOP can be provided to the Harbourmaster ensures that the approval remains with MNZ.</p> <p>This change is supported by the Nelson Harbourmaster (33601).</p>
<p>38 Carriage of AIS</p> <p>38.1. With effect from 1 September 2025, the following categories of vessels operating within Tasman regional waters is required to carry an AIS transmitter and to transmit an accurate AIS signal;</p> <p>(a) All commercial vessels of 300 gross tons or more;</p> <p>(b) Tugs and barges together measuring 40 metres length overall (LOA) or greater;</p> <p>(c) Commercial vessels of over 18 metres LOA; and</p> <p>(d) Commercial vessels licenced to carry 12 or more passengers; and</p> <p>(e) Commercial vessels operating with passengers during the hours of darkness or in restricted visibility; and</p>	<p>38 Carriage of AIS <u>Transmitting of Automatic Identification System (AIS) signal</u></p> <p>38.1. With effect from 1 September 2025, the following categories of vessels operating within Tasman regional waters is shall be required to carry an AIS transmitter and to transmit an accurate (AIS) signal;</p> <p>(a) All commercial vessels of 300 gross tons or more;</p> <p>(b) Tugs and barges together measuring 40 metres length overall (LOA) or greater;</p> <p>(c) Commercial vessels of over 18 metres LOA; and</p> <p>(d) Commercial vessels licenced to carry 12 or more passengers; and</p> <p>(e) Commercial vessels operating with passengers during the hours of darkness or in restricted visibility; and</p> <p>(f) Commercial vessels licenced as a commercial charter vessel to carry up to 12 passengers.</p>	<p>These amendments align the wording of this clause with Greater Wellington Regional Council's AIS clause, which has a requirement to transmit an AIS signal, rather than a requirement to carry AIS.</p> <p>This change is supported by the Wellington Harbourmaster (34102).</p> <p>The amendment of clause 38.2 (a) allows the Harbourmaster to specify the requirements, as the Council's appointed navigation safety specialist.</p>

<p>(f) Commercial vessels licenced as a commercial charter vessel to carry up to 12 passengers.</p> <p>38.2. The owner or person in charge of every vessel required to carry AIS under this Bylaw must ensure that:</p> <p>(a) The AIS transmits such information in accordance with the standards and requirements specified by the Council (Harbourmaster) and in accordance with the manufacturer's specifications; and</p> <p>(b) The AIS operates continuously when the vessel is navigating within Tasman regional waters.</p>	<p>38.2. The owner or person in charge of every vessel required to carry AIS transmit an AIS signal under this Bylaw must ensure that:</p> <p>(a) The AIS transmits such information in accordance with the standards and requirements specified by the Council Harbourmaster (Harbourmaster) and in accordance with the manufacturer's specifications; and</p> <p>(b) The AIS operates continuously when the vessel is navigating within Tasman regional waters.</p>	
<p>Schedule 1: Coastal waters – reserved and restricted areas</p>	<p>Kaiteriteri - Schedule 1.9 (Map 9)</p> <p>Conditions of use</p> <p><i>Prohibited Areas</i></p> <p>In the prohibited areas at Kaiteriteri shown on Map 9 and pursuant to clause 24, specific activities are prohibited as follows:</p> <ul style="list-style-type: none"> • Personal watercraft, WIG craft and hovercraft are prohibited from operating in Kaiteriteri Bay except when transiting to and from the boat ramp (in accordance with Part 91). This is not shown on Map 9. To avoid confusion Kaiteriteri Bay is all areas shoreward from a notional line formed between the outer edges of Torlesse Rock and Kaka Island. 	<p>This condition was carried forward from the 2015 bylaw but is not supported by any bylaw clause and there are no navigation safety reasons for its inclusion.</p> <p>This deletion is in response to the Kaiteriteri Recreation Reserve (34058).</p> <p>Table 1 has also been updated to reflect this deletion.</p>
	<p>Rabbit Island - Schedule 1.17 (Map 17)</p> <p>Conditions of use</p> <p><i>Prohibited Areas</i></p> <p>In the prohibited area at the south eastern half of the beach, shown on Map 17 and pursuant to clause 24, specific activities are prohibited as follows:</p> <ul style="list-style-type: none"> • all personal watercraft, WIG craft, hovercraft and kite propelled vessels are prohibited at all times • other vessels must avoid creating a nuisance that may spook horses. 5 knots maximum speed within 200 metres of shore. 	<p>This condition was carried forward from the 2015 bylaw, but is not supported by any bylaw clause and there are no navigation safety reasons for its inclusion.</p> <p>This deletion is in response to three submitters who want to do kiteboarding in this area of Rabbit Island.</p> <p>Table 1 has also been updated to reflect this deletion.</p>
<p>Schedule 2: Inland waters – reserved and restricted areas</p>	<p>Maps of Aorere River (Map 20), Takaka River (Map 21), Motueka River (Map 22), Waimea and Wairoa Rivers (Map 23) Buller River and Tributaries (Map 24), Matakotaki River (Map 25) and Maruia River (Map 26).</p>	<p>The advisory comment has been deleted as the provisions of Maritime Rules Part 91 (River Safety) and Part 22 (Look Out, Safe Speed, Narrow Channels) sufficiently cover safe passage on rivers.</p>

	Conditions of use <i>Speed Uplifted Areas</i> The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.	This deletion is in response to Jet Boat New Zealand (34046), which viewed the advisory comment as unclear and unworkable.
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Table 2: Other changes proposed by staff

Current wording	Recommended changes (addition or deletion)	Staff comment / reason for proposed changes
1. Title and commencement 1.1 This Bylaw is the Tasman District Council Navigation Safety Bylaw 2024. 1.2 This Bylaw comes into force on [DATE MONTH 2024].	1. Title and commencement 1.1 This Bylaw is the Tasman District Council Navigation Safety Bylaw 2024. 1.2. This Bylaw comes into force on [DATE MONTH 2024]. 1 December 2024.	This date ensures sufficient time for public notification of the Bylaw.
4.1 Interpretation Bylaw means the Tasman District Council Navigation Safety Bylaw 2024 (and for the avoidance of doubt includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).	4.1 Interpretation Bylaw means the Tasman District Council Navigation Safety Bylaw 2024 (and for the avoidance of doubt includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).	This deletion was requested by Maritime New Zealand.
4.1 Interpretation Seaworthy in relation to any vessel, means being in all respects in a fit condition or readiness to undertake a sea voyage or used for the purpose for which the vessel was intended. Unseaworthy has the opposite meaning.	4.1 Interpretation Seaworthy in relation to any vessel, means being in all respects in a fit condition or readiness to undertake a sea voyage or used for the purpose for which the vessel was intended. Unseaworthy has the opposite meaning. Unseaworthy means, in the opinion of the Harbourmaster either or both of the following: a. not being in a fit condition or readiness to safely navigate or remain on the water; b. not being in a fit condition or readiness to safely undertake a voyage within its design capabilities.	This definition has been replaced. Most regions around New Zealand define this in their bylaw in the negative, relating to when a vessel is unseaworthy. Use of the definition of unseaworthy, rather than seaworthy, in a bylaw is an approach strongly supported by the national Navigation Safety Group and may also lower the potential risk/ liability to Council.
5 Maritime rules to form part of this Bylaw 5.1. The most current version of the Maritime Rules, <u>in particular Part 91 Navigation Safety</u> and <u>Part 22 Collision Prevention</u> apply as if those requirements were requirements under this Bylaw. For the avoidance of doubt, in the event of a conflict between these Bylaws and the Maritime Transport Act 1994 and any Rules promulgated by the Minister of Transport under the Maritime Transport Act 1994, the Act and Rules shall prevail.	5 Maritime rules to form part of this Bylaw 5.1. The most current version of the Maritime Rules, in particular <u>Part 91 Navigation Safety</u> and <u>Part 22 Collision Prevention</u> apply as if those requirements were requirements under this Bylaw. For the avoidance of doubt, in the event of a conflict between these Bylaws and the Maritime Transport Act 1994 and any Rules promulgated by the Minister of Transport under the Maritime Transport Act 1994, the Act and Rules shall prevail.	This deletion ensures that any regulatory changes made elsewhere do not change this Bylaw without due process, for example public consultation on draft Maritime Rules.

<p>6 Controls and demarcations specified under the bylaw</p> <p>6.2 The Harbourmaster may in consultation with Maritime New Zealand and subject to the appropriate delegations from Maritime New Zealand demarcate the use of any waterway for a specified purpose pursuant to this Bylaw through the placement of buoys, posts or signs at the demarcated area.</p> <p>22 Reserved areas</p> <p>22.1 Any area of a waterway may be reserved for a maritime safety purpose in a control made under this Bylaw.</p> <p>22.2 The Harbourmaster may specify controls for the use of any reserved areas. Specific conditions may be listed in Schedules 1 (Coastal waters) and 2 (Inland waters), in addition to the purpose or purposes of any reserved area.</p> <p><i>Explanatory note: Temporary Reservations issued under subclause 22(1)(b) will be published on the Council's website</i></p>	<p>6 Controls and demarcations specified under the bylaw</p> <p>6.2 The Harbourmaster may in consultation with Maritime New Zealand and subject to the appropriate delegations from Maritime New Zealand demarcate the use of any waterway for a specified purpose pursuant to this Bylaw through the placement of buoys, posts or signs at the demarcated area.</p> <p>22 Reserved areas</p> <p>22.1 Any area of a waterway may be reserved for a maritime safety purpose in a control made under this Bylaw. specified maritime safety purpose, either</p> <p>(a) in a control made under this Bylaw; or</p> <p>(b) for a specified period, by the Harbourmaster issuing a Temporary Reservation.</p> <p>22.2 The Harbourmaster may specify controls for the use of any reserved area(s). Specific conditions may be listed in Schedules 1 (Coastal waters) and 2 (Inland waters), in addition to the purpose or purposes of any reserved area.</p> <p><i>Explanatory note: Temporary Reservations issued under subclause 22(1)(b) will be published on the Council's website</i></p>	<p>The deletion of clause 6.2 and amendment of clause 22.1 has been made to better reflect the process of making reservations.</p> <p>Consultation with MNZ is on the bylaw rules about making reservations, not on individual reservations (which would be onerous, particularly if it was on a temporary/timebound reservation).</p>
<p>9. Vessels to be maintained.</p> <p>9.1 The person in charge of every vessel anchored or moored in any waters in the region must always keep the vessel staunch, tight and sound and in a seaworthy condition, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a condition which is not staunch, tight and sound and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigation safety.</p> <p>9.2 If any vessel is deemed (within the Harbourmaster's discretion) not to be staunch, tight and sound and in a seaworthy condition:</p> <p>(a) the Harbourmaster may give a direction to the owner, operator or person in charge of that vessel to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and</p> <p>(b) where the owner, operator or person in charge of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster, the Harbourmaster may move that vessel to a position where it is no longer a hazard or remove it from the water and dispose of it.</p>	<p>Replaced entire clause with:</p> <p>9. Vessels to be seaworthy</p> <p>9.1 No person shall navigate or keep or place on the water any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.</p> <p>9.2 No person shall navigate or keep or place on the water any vessel in circumstances where persons on board or in charge have been advised by the Harbourmaster or an Enforcement Officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or Enforcement Officer to proceed to a safe area.</p> <p>9.3 The person in charge of any vessel for which subclause 9.2 applies, shall on direction by the Harbourmaster or an Enforcement Officer, navigate the vessel immediately by the shortest and quickest route, to a safe area nominated by the Harbourmaster or Enforcement Officer.</p>	<p>This clause has been replaced. The new wording is simpler, easy to understand and doesn't confuse the matters of requirement and cost recovery.</p> <p>This wording is used in other councils' bylaws; it's been tested and works well, which may lower the potential risk to Council</p>

<p>(c) Costs incurred will be recovered from the owner, person in charge, berth, or mooring owner of the vessel as a debt due to Council. The owner, operator or person in charge of the vessel, and berth or mooring owner are jointly and severally responsible for ensuring the direction is complied with.</p> <p>(d) No person may operate any vessel that is not staunch, tight and sound and in a seaworthy condition except to comply with the directions under this Bylaw of the Harbourmaster to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.</p>		
<p>23 Access lanes</p> <p>24.1 An access lane shall be any area within 200 metres of the shore specified in this Bylaw; or by the Harbourmaster.</p> <p>24.2 An access lane may be specified or declared for vessels of any description.</p>	<p>23 Access lanes</p> <p>24.1 23.1 An access lane shall be any area within 200 metres of the shore specified in this Bylaw; or by the Harbourmaster.</p> <p>24.2 23.2 An access lane may be specified or declared for vessels of any description.</p>	<p>This change corrects the numbering of clause 23.</p>
<p>30 Vessels to be identified</p> <p><i>Visibility of paddle craft beyond sheltered waters</i></p> <p>30.5. A person or persons using a paddle craft (for example kayak, stand up paddle board or waka) beyond 200 metres from the shore, must ensure the craft is clearly visible to any other water user (for example, by using high visibility personal flotation devices and equipment, flags, or lights).</p>	<p>30 Vessels to be identified</p> <p><i>Visibility of paddle craft beyond sheltered waters</i></p> <p>30.5. A person or persons using a paddle craft (for example, kayak, stand up paddle board or waka) beyond 200 metres from the shore, must ensure the craft is clearly visible to any other water user (for example, by using high visibility personal flotation devices and or equipment, flags, or lights).</p>	<p>The deletion of 'flags' is based on advice that flags may not safely improve visibility of paddle craft to other water users.</p> <p>The word 'and' has been changed to 'or' to make it clear that more than one method of being clearly visible is not required.</p>
<p>31 Vessels to be adequately secured</p> <p>31.3 No person shall abandon any vessel or property on the banks or shore or in an intertidal area where it may re-float and create a navigation hazard or where it may interfere with the normal use of the waters by other persons.</p>	<p>31 Vessels to be adequately secured</p> <p>31.3 No person shall abandon leave any vessel or property on the banks or shore or in an intertidal area where it may re-float and create a navigation hazard or where it may interfere with the normal use of the waters by other persons.</p>	<p>This change has been made as "abandon" has a specific meaning within the Maritime Transport Act 1994 (in relation to the removal of abandoned ships) and it is not the intention here.</p>
<p>34 Anchoring</p> <p>34.4 In the event of an emergency, any vessel may anchor within the Tasman regional waters. The Harbourmaster must be made aware of the emergency as soon as practicable. The Harbourmaster may, subject impose conditions on the vessel so anchored. Such conditions shall include (but not be limited to) imposing the requirement to have a support vessel in attendance, limited the period of time that the vessel can remain so anchored, or other conditions that in the Harbourmaster's reasonable assessment will meet the objectives of these Bylaws, including, but not limited to the preservation of the Tasman Bay environment.</p>	<p>34 Anchoring</p> <p>34.4 In the event of an emergency when it is not practicable to make a designated anchorage, any vessel may anchor within the in Tasman regional waters. The Harbourmaster must be made aware of the emergency as soon as practicable.</p> <p>The Harbourmaster may, subject impose conditions on the vessel so anchored. Such conditions shall include (but not be limited to) imposing the requirement to have a support vessel in attendance, limited the period of time that the vessel can remain so anchored, or other conditions that in the Harbourmaster's reasonable assessment will meet the objectives of these Bylaws, including, but not limited to the preservation of the Tasman Bay environment.</p>	<p>This clause has been amended to more clearly convey the intent.</p> <p>The Harbourmaster already has powers to issue a direction that imposes conditions on a vessel.</p>

<p>40 Commercial vessel and hire operations</p> <p>40.1 If, in the reasonable opinion of the Harbourmaster a person is operating any vessel for hire or reward the Harbourmaster may require the operator to produce their Maritime Transport Operator Certificate to determine if they are correctly licence to conduct the activity. Should they be unable to produce a permission under the Maritime Rules, the Harbourmaster may direct them to cease operating.</p> <p>40.2 If in the reasonable opinion of the Harbourmaster, a properly licenced operation is conducting itself on the water in a manner which in the reasonable opinion of the Harbourmaster, presents a safety risk to persons, property or the environment and the Harbourmaster may direct them to cease operating and report them to Maritime New Zealand.</p>	<p>40 Commercial vessel and hire operations</p> <p>40.1 No person shall operate any commercial vessel for hire or reward or any vessel involved in a commercial operation or any vessel hire operation if, in the opinion of the Harbourmaster, such operation is deficient in terms of safety or compliance with good practice for such an operation, and the Harbourmaster directs them to cease operating.</p> <p>40.1 If, in the reasonable opinion of the Harbourmaster a person is operating any vessel for hire or reward the Harbourmaster may require the operator to produce their Maritime Transport Operator Certificate to determine if they are correctly licence to conduct the activity. Should they be unable to produce a permission under the Maritime Rules, the Harbourmaster may direct them to cease operating.</p> <p>40.2 If in the reasonable opinion of the Harbourmaster, a properly licenced operation is conducting itself on the water in a manner which in the reasonable opinion of the Harbourmaster, presents a safety risk to persons, property or the environment and the Harbourmaster may direct them to cease operating and report them to Maritime New Zealand.</p>	<p>These clauses have been replaced to make it simpler and more clearly aimed primarily at operations that are not being run safely or does not comply with good practice.</p>
<p>45. Allocation of mooring licences</p> <p><i>Initial allocation of space</i></p> <p>45.1. The Council will not accept any application for a Mooring Licence before a date that is Publicly Notified for the Mooring Area.</p> <p>45.2. Applications for Licences in Mooring Areas (excluding Kaiteriteri Mooring Area 2) will be received, considered and decided using the following preferential system of allocation:</p> <p>45.2.1. Firstly, to owners of Moorings, the locations of which are identified in Schedule 25A(iii) Tasman Resource Management Plan as at the date this Bylaw is made, or by coastal permit.</p> <p>45.2.2. Secondly, for a Mooring for public use.</p> <p>45.2.3. Thirdly, any other applicant whose application has been accepted for processing by the Harbourmaster on a first-in, first-served basis.</p> <p><i>Explanatory note: Applications are subject to 43.2 and 43.3</i></p>	<p>45. Allocation of mooring licences</p> <p><i>Initial allocation of space</i></p> <p>45.1. The Council will not accept any application for a Mooring Licence before a date that is Publicly Notified for the Mooring Area.</p> <p>45.2. Applications for Licences in Mooring Areas (excluding Kaiteriteri Mooring Area 2) will be received, considered and decided using the following preferential system of allocation:</p> <p>45.2.1. Firstly, to the current owners of Moorings, the locations of which are where previously identified in Schedule 25A(iii) Tasman Resource Management Plan as at 21 July 2022 the date this Bylaw is made, or by coastal permit currently held, or in effect at 21 July 2022.</p> <p>45.2.2. Secondly, for a Mooring for public use.</p> <p>45.2.3. Thirdly, any other applicant whose application has been accepted for processing by the Harbourmaster on a first-in, first-served basis.</p> <p><i>Explanatory note: Applications are subject to 43.2 and 43.3</i></p>	<p>This amendment will be re-establish the preference for mooring license to be given to those who lawfully held a mooring at the time of the plan change.</p> <p>This change will enable preference to be given to the owners of previously permitted moorings in Kaiteriteri & Mapua and mooring owners whose resource consent has since expired and cannot be renewed as a RC.</p> <p>The wording change is a fix to the problem that arose when the bylaw did not become operative at the same time as the plan change; the change will resolve Council's current liability issue.</p> <p>The changes suggested are not a change in policy/new material and were recommended by staff.</p>
<p>58 Fees and charges</p> <p>58.1. The current maritime fees and charges payable for activities within Tasman waters are set out in Schedule 3 (Maritime fees and charges) and may be changed from time to time. Any changes to these fees will be publicly notified in the Council's Annual Plan.</p>	<p>58 Fees and charges</p> <p>58.1. The current maritime fees and charges payable for activities within Tasman waters are set out in Schedule 3 (Maritime fees and charges) and may be changed from time to time. Any changes to these fees will be publicly notified in made through the Council's Annual Plan process.</p>	<p>This clause is amended to more accurately reflects the way Council's maritime fees and charges are changed.</p> <p>Schedule 3 has also been updated to reflect this amendment</p>

Schedule 1: Coastal waters – reserved and restricted areas	Maps of Marahau (Map 8), Stephens and Tapu Bays (Map 10), Mapua Channel (Map 14), Port Motueka (Map 11) and Jackett Island (Map 12). <u>Update the location of the infrastructure corridor.</u>	This change will update five maps to ensure the marked infrastructure corridor aligns with the last known location of the unmarked subsurface power cable. The line was moved about 5 years ago by Network Tasman and the change is based on data they have provided Staff. The changes improve the accuracy of the maps.
	Bark Bay Schedule 1.4 (Map 4) <u>Centre the map on Bark Bay</u> to show the entire Coastal Access Point.	This change corrects Map 4 in Schedule 1.4 to ensure all marked areas are shown.
Schedule 3: Maritime fees and charges <i>Fees and charges set under S33R MTA</i> Anchoring The following navigation safety levies will be applied to all vessels 500 gross tonnage or greater, or 40 metres LOA or greater, that anchor within regional waters with the exemption of any vessel berthing at Port Nelson facilities within 48 hours of anchoring: for the costs of chart updates, operation and maintenance of navigation aids, and operation and maintenance of Safety Management Systems, per vessel call based on gross tonnage or length overall.	Schedule 3: Maritime fees and charges <i>Fees and charges set under S33R MTA</i> Anchoring The following navigation safety levies will be applied to all vessels 500 gross tonnage or greater, or 40 metres LOA or greater, that anchor within regional waters with the exemption of any vessel berthing at Port Nelson facilities within 48 hours of anchoring <u>off the Nelson anchoring sites</u> ; for the costs of chart updates, operation and maintenance of navigation aids, and operation and maintenance of Safety Management Systems, per vessel call based on gross tonnage or length overall.	The change more clearly exempts vessels that also visit Port Nelson, so they don't have to pay fees twice.



DRAFT NAVIGATION SAFETY BYLAW

Made by Resolution of Council on XX XXXXXXX 2024



POST-CONSULTATION CHANGES - TDC Nav. Safety Bylaw TRACKED

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Part 1 Preliminary Provisions

1. Title and commencement

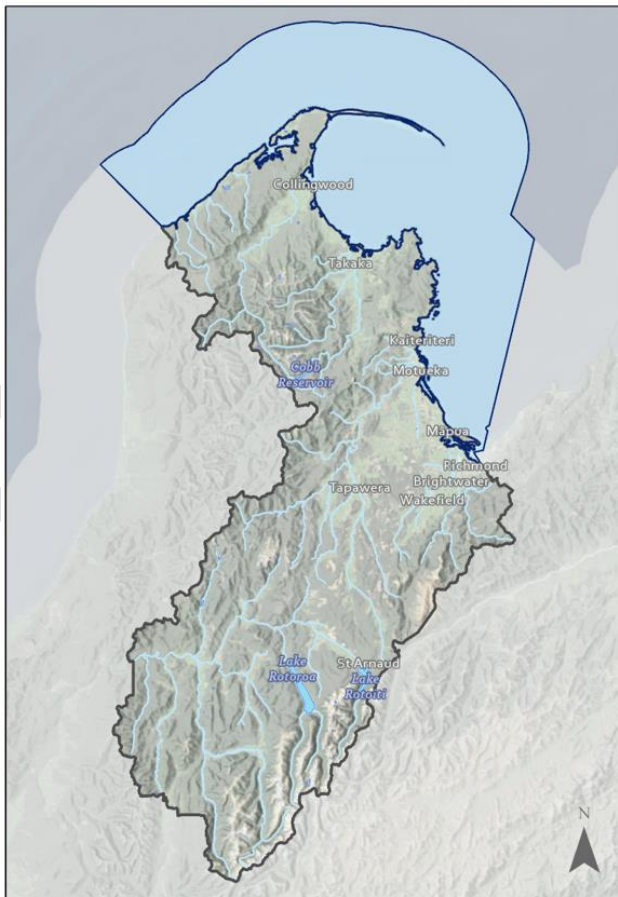
- 1.1. This Bylaw is the Tasman District Council Navigation Safety Bylaw 2024.
- 1.2. This Bylaw comes into force on **DATE MONTH** 1 December 2024.

2. Purpose

- 2.1. This Bylaw is made for the purpose of regulating navigation safety in the Tasman District and is to be read in conjunction with the Maritime Rules made by the Minister of Transport pursuant to the Maritime Transport Act 1994.

3. Application

- 3.1. This Bylaw is made pursuant to Part 3A (Section 33M) of the Maritime Transport Act 1994 (the Act) and applies to all Tasman District waters.



Map of the Tasman District regional and coastal boundary

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4. Interpretation

4.1. In this Bylaw, unless the context otherwise requires:

Act means the Maritime Transport Act 1994.

Access lane means an area declared as an access lane under clause 23. An access lane may be declared for specific activities or for classes of vessel.

Explanatory note: Activities could be such as water skiing or racing. Classes of vessel could be such as Personal Watercraft, jet boat, water ski boat.

AIS means Automatic Identification System.

Anchorage in relations to vessels, means a place (enclosed or otherwise) normally used or capable of being used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the Council or not.

Anchoring means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device that is normally removed with the vessel when it leaves the site or anchorage.

Bylaw means the Tasman District Council Navigation Safety Bylaw 2024 (and for the avoidance of doubt includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, ~~prepared by Maritime New Zealand,~~ with all necessary modifications and exceptions).

Council means the Tasman District Council as constituted under Part 2 of the Local Government Amendment Act 1992 and the Local Government Act 2002.

Enforcement Officer means a person appointed by the Tasman District Council under section 33G of the Maritime Transport Act 1994.

Gross tonnage means total internal volumetric capacity of all the vessel's enclosed spaces, including non-cargo spaces as further defined in Annex 1 of the Tonnage Convention 1969.

Harbourmaster has the same meaning as in section 2 of the Act. Harbourmaster includes any person authorised by the Council to act in this capacity or to exercise powers under section 33F of the Act or this Bylaw.

Kaiteriteri Mooring Area 1 means the area identified by the Council as Kaiteriteri Mooring Area 1 in the Tasman Resource Management Plan, refer planning map 181.

Kaiteriteri Mooring Area 2 means the area identified by the Council as Kaiteriteri Mooring Area 2 in the Tasman Resource Management Plan, refer planning map 181.

Landing place means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels are moored or are launched or retrieved.

Large vessel means any vessel 40 metres or greater in length, or 500 gross tonnage or greater. A tug and tow is considered a composite unit.

Moor means:

- a. the securing of any vessel alongside a wharf or jetty; and
- b. the securing of any vessel to a mooring.

Mooring means

- a. any weight or article placed in or on the foreshore, seabed or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure; and

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- b. includes any wire, rope, chain, buoy, or other device attached or connected to the weight; A mooring may include a system of weights and attachments for the same purpose; but
- c. does not include an anchor that is normally removed with a vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

Mooring Agreement means a written agreement between persons (including the Council) agreeing to fund, establish, use and maintain Moorings in accordance with the conditions contained within the written agreement. The Mooring Agreement may pertain to a communal Mooring system or any other method of Mooring within a Mooring Area that is approved by the Harbourmaster.

Mooring Area means the area identified as a Mooring Area in the Tasman Resource Management Plan planning maps.

Mooring Area User Group is a group consisting of some or all of the Mooring Licence holders in a Mooring Area, established and approved by the Harbourmaster for the purpose of collaborative management of the area with the Harbourmaster.

Mooring Licence is a licence within a Mooring Area issued under this Bylaw.

Moving Prohibited Zone (MPZ) means the space of water extending 100 metres astern and 100 metres to each side of a vessel, and continued at such width to 500 metres ahead which is reserved around any large vessel including any attendant tugs or pilot launches, when that vessel is underway within an area defined in this Bylaw or as declared by the Harbourmaster.

Navigable means able to be navigated by a vessel on, through, over or under the water.

Non-powered vessel means any vessel that is not a power-driven vessel.

Obstruction means an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel.

Paddle craft in addition to the definition in Maritime Rules Part 91, shall include white water sledges, river bugs and any other vessels that are propelled primarily by the use of any occupant's arms and legs without the aid of any paddle but shall not include a surfboard.

Personal watercraft means a power-driven vessel with a fully enclosed hull.

Person in charge of a vessel means:

- a. the master, skipper or kaihautū of the vessel; and
- b. in the absence of a person in (a), the owner of the vessel that is on board or the person steering the vessel; and
- c. in the absence of a person in (a) or (b), the owner of the vessel.

Pleasure craft means a pleasure craft as defined in Part 1 of the Maritime Transport Act 1994.

Powered vessel means a power-driven vessel and is any vessel propelled by machinery.

Ramp means a sloping entrance to a body of water, designed for launching and retrieving a vessel.

Reserved area means an area reserved by the Council for a specified navigation safety purpose as set out in this Bylaw and identified as such in Part 4 and Schedules 1 (Coastal waters) and 2 (Inland waters).

~~**Seaworthy** in relation to any vessel, means being in all respects in a fit condition or readiness to undertake a sea voyage or used for the purpose for which the vessel was intended. Unseaworthy has the opposite meaning.~~

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

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Speed means speed through the water or 'proper speed'.

Speed Uplifted Area means an area of a waterway where the national speed limits have been uplifted under clause 26. A speed uplifted area may be declared for specific activities, persons, or for classes of vessel.

Explanatory note: National speed limits are 5 knots within 200m of shore or a structure, and within 50m of a person in the water. Activities could be such as navigation in general, water skiing or racing. Classes of vessel could be such as Personal Watercraft, jet boat, sailing vessels.

Structure means:

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

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

Unseaworthy means, in the opinion of the Harbourmaster either or both of the following:

- a. not being in a fit condition or readiness to safely navigate or remain on the water;
- b. not being in a fit condition or readiness to safely undertake a voyage within its design capabilities.

Vessel shall have the same meaning as in Maritime Rules Part 91 and for the sake of clarity shall include a sledge, surfboard, sailboard or any other object intended or used to carry or support a person in or on the water.

Waters/waterways means

- a. all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water's edge; and
- b. all inland waters of the Tasman District.

Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand (LINZ) website. Inland waters includes all rivers lakes and ponds regardless of whether or not they are accessible to the general public.

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

- 4.2. To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, Bylaws, and rules of law.
- 4.3. Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.
- 4.4. Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

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Part 2 General Matters

5. Maritime rules to form part of this Bylaw

- 5.1. The ~~most current~~ version of the Maritime Rules, in effect at present in particular Part 91 Navigation Safety and Part 22 Collision Prevention apply as if those requirements were requirements under this Bylaw. For the avoidance of doubt, in the event of a conflict between these Bylaws and the Maritime Transport Act 1994 and any Rules promulgated by the Minister of Transport under the Maritime Transport Act 1994, the Act and Rules shall prevail.

6. Controls and demarcations specified under this Bylaw

- 6.1. Any control exercised by the Harbourmaster in accordance with Sections 33M and Section 33F – Navigation Bylaws under this Bylaw may:
- (a) prohibit, restrict or control those matters specified in Sections 33M and F;
 - (b) apply to all activities specified in Sections 33M and F;
 - (c) apply to all the Tasman District or to a specified part of the Tasman District;
 - (d) apply at all times or at any specified time or period of time.

~~6.2. The Harbourmaster may in consultation with Maritime New Zealand and subject to the appropriate delegations from Maritime New Zealand demarcate the use of any waterway for a specified purpose pursuant to this Bylaw through the placement of buoys, posts or signs at the demarcated area.~~

~~6.3.6.2.~~ No person shall navigate a vessel in any waterway other than in accordance with any applicable control or demarcation.

Explanatory note: The controls made under the Tasman Navigation Safety Bylaw contain maps indicating areas of waterways regulated or reserved under those controls for specified purposes and use and demarcations for these areas should they be in place.

7. Personal flotation devices

Requirement to wear personal flotation devices

- 7.1. Every person in charge of a pleasure craft that is 6 metres or less in length shall ensure that:
- (a) while the vessel is underway, each person on board wears a properly secured personal flotation device of an appropriate size that securely fits each person; or
 - (b) while the vessel is not underway, sufficient personal flotation devices of an appropriate size to securely fit each person on board must remain in a readily accessible location.
- 7.2. If instructed to do so by the person in charge, every person on board a vessel greater than 6 metres in length shall wear a properly secured personal flotation device, of an appropriate size to securely fit each person.

Exceptions

- 7.3. Except when otherwise directed by the Harbourmaster or an Enforcement Officer, clauses 7.1 and 7.2 shall not apply to:

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- (a) persons exempted under the provisions of Maritime Rules Part 91 or by the Director of Maritime New Zealand from a requirement to carry or wear a personal flotation device; or
- (b) any sporting event, training activity, authorised customary activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity and carries on board the support vessel sufficient personal flotation devices or buoyancy aids of an appropriate size to fit each person involved in the activity.

8. Person in charge of the vessel

- 8.1. A person in charge of the vessel must be nominated prior to the commencement of a voyage.
- 8.2. The person in charge of a vessel is responsible for the safety and wellbeing of every person onboard and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons onboard the vessel, and anyone being towed.
- 8.3. The person in charge of the vessel must not cause or permit any act to be done in a manner which causes any unnecessary danger or risk to any other vessel or person in the water, irrespective of whether or not any injury or damage occurs.
- 8.4. ~~The person in charge must not be under the influence of alcohol or a drug, or both. No person shall operate a vessel while impaired; this could include (but not limited to) impairment by fatigue.~~

9. Vessels to be ~~maintained seaworthy~~

- 9.1. ~~No person shall navigate or keep or place on the water any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.~~
- 9.2. ~~No person shall navigate or keep or place on the water any vessel in circumstances where persons on board or in charge have been advised by the Harbourmaster or an Enforcement Officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or Enforcement Officer to proceed to a safe area.~~
- 9.3. ~~The person in charge of any vessel for which subclause 9.2 applies, shall on direction by the Harbourmaster or an Enforcement Officer, navigate the vessel immediately by the shortest and quickest route, to a safe area nominated by the Harbourmaster or Enforcement Officer.~~

~~4.1. The person in charge of every vessel anchored or moored in any waters in the region must always keep the vessel staunch, tight and sound and in a seaworthy condition, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a condition which is not staunch, tight and sound and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigation safety.~~

~~4.2. If any vessel is deemed (within the Harbourmaster's sole discretion) not to be staunch, tight and sound and in a seaworthy condition:~~

~~(c) the Harbourmaster may give a direction to the owner, operator or person in charge of that vessel to move the vessel to an alternative location or remove it from the waters of the region~~

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~~within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and~~

~~(d) where the owner, operator or person in charge of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster, the Harbourmaster may move that vessel to a position where it is no longer a hazard or remove it from the water and dispose of it.~~

~~(e) Costs incurred will be recovered from the owner, person in charge, berth, or mooring owner of the vessel as a debt due to Council. The owner, operator or person in charge of the vessel, and berth or mooring owner are jointly and severally responsible for ensuring the direction is complied with.~~

~~(f) No person may operate any vessel that is not staunch, tight and sound and in a seaworthy condition except to comply with the directions under this Bylaw of the Harbourmaster to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.~~

~~44.10. Aircraft~~

~~44.1.10.1. No person navigating a vessel may impede a seaplane in the process of landing or taking off.~~

~~44.2.10.2. Except in an emergency, no person shall take off, land, or attempt to take off or land any seaplane or other aircraft in any prohibited area identified in Schedules 1 (Coastal waters) and 2 (Inland waters) or in any other area, without the prior written permission of the Harbourmaster. Written notification must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.~~

Explanatory note: seaplanes are subject to the same rules as any other vessel when on the water.

~~42.11. Vessel must have appropriate navigational and communication equipment~~

~~42.4.11.1. The person in charge of a vessel must ensure appropriate equipment (including fuel where applicable) is on board for the duration of any intended voyage to:~~

- ~~(a) navigate safely; and~~
- ~~(b) communicate using two independent forms of communication at any time with a land-based person from any area where the vessel is intended to be operated; and~~
- ~~(c) in the case of a vessel under 6 metres in length, is able to be operated following submersion in sea water; and~~
- ~~(d) is adequate to provide communications for the duration of the voyage.~~

~~42.2.11.2. The equipment referred to in clause 11.1 must be in good working condition.~~

~~42.3.11.3. However, subclause 11.1 does not apply to a person participating in a sporting event or training activity if there is a support vessel present that complies with subclause 11.1.~~

~~42.4.11.4. Despite subclause 11.1, a person in charge of a non-powered vessel being operated within 200m from shore, must ensure that one waterproof means of communication is carried on board the vessel.~~

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Explanatory note: Examples include:

- A kayaker paddling near the shore may use their voice, whistle and a mobile phone in a floating dry case.
- Two people on a dinghy may each use a cell phone, so long as there is good mobile coverage.

~~13.12.~~ Swimming or diving around landing places

~~13.1.12.1.~~ No person shall jump, dive, swim or undertake related activities, ~~from:~~

- (a) ~~from, or~~ within 50 metres of a landing place; ~~or –~~
 - (i) ~~while it is in use for berthing and/or unberthing of vessels;~~
 - ~~(ii) when a vessel is approaching to berth, or manoeuvring alongside, or departing; or~~
- (b) within any designated large ship anchorage; or
- (c) within any marked navigation channel or any other navigational channel leading to a landing place; or
- (d) within the commercial port areas of Tarakohe or Motueka, without the prior written permission of the Council; or
- ~~(e) any such areas in the navigable waters of the region as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written permission of the Harbourmaster.~~

12.2. In subclause 12.1 “landing place” shall mean the berthing position along or at a landing place where the vessel will be or is berthed.

Explanatory note: For the sake of clarity, subclause 12.2 refers to such landing places as multi-berth wharves and jetties. The activity restriction applies only to that part of a landing place (ie: a berth) where actual vessel movement is taking place, not necessarily to the entire landing place structure.

~~14.13.~~ Navigation around commercial wharves

~~14.1.13.1.~~ No person shall navigate any vessel underneath any wharf in the commercial port areas of Tarakohe or Motueka without the prior written permission of the Council.

~~15.14.~~ Use of vessel engine around wharves and ramps

~~15.1.14.1.~~ No person shall 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 launching ramp, in such a way that it may injure any person or cause damage to the launching ramp or adjacent area. This clause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

~~15.2.14.2.~~ In addition to the requirements of subclause 14.1, the person in charge of a commercial vessel shall ensure that a crew member shall:

- (a) be stationed forward and aft on any vessel while that vessel is lying at any wharf and about to test, or testing the main engine system; and
- (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

~~16.15.~~ Sound and light signals

~~16.1.15.1.~~ No person shall use blue flashing lights and/or sirens other than Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.

~~17.16.~~ Overloading and stability

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~~17.4.16.1.~~ No person shall operate any recreational vessel that is fitted with a CPC compliance placard, or any equivalent alternative, in contravention of any specified or recommended maximum occupancy number, maximum weight or maximum engine power rating shown on that plate.

~~17.2.16.2.~~ No person shall continue to operate a recreational vessel after being advised by a Harbourmaster that in that officer's opinion the vessel is overloaded or any load is distributed to the detriment of stability, unless that officer is satisfied with actions taken to correct the situation.

Explanatory note: The CPC plate programme has been in place since 2004 and covers about 70% of power trailer boats 3.5m to 8.0m in length that are built in New Zealand in either fibreglass or aluminium. Each CPC plate is specific to an individual boat. Boats fitted with a CPC plate on or near the transom are also fitted with a safety sticker near the dashboard (helm) detailing recommended minimum safety requirements.

~~18.17.~~ Obstructions

~~18.4.17.1.~~ No person shall place, discharge, drop, or cause or allow to be placed, discharged or dropped into any waterway any cargo or any other thing from any vessel, wharf or from land that may constitute or could become a danger to maritime safety.

~~19.18.~~ Maintenance of maritime facilities

~~19.4.18.1.~~ The owner of any maritime facility or landing place, must at all times keep the maritime facility in good repair, such that it does not pose a danger to maritime safety.

~~19.2.18.2.~~ Where any landing place has fallen into disrepair and in the opinion of the Harbourmaster is a danger or potential danger to navigation, the owner shall in consultation with the Harbourmaster close it either generally or for specific purposes and:

- (a) demolish and remove it; or
 - (b) make such repairs as are considered necessary; or
 - (c) take such other action as is considered necessary;
- to remove the danger or potential danger.

~~20.19.~~ Structures

~~20.4.19.1.~~ In addition to the requirements of section 200 of the Maritime Transport Act 1994 and any conditions of a resource consent for a marine farm or other structure situated to seaward of mean high water spring tide, every marine farm or other structure situated to seaward of mean high water spring tide shall:

- (a) display such lights, radar reflectors and AIS Aid to Navigation (AtoN) as may be required by the Harbourmaster; and
- (b) ensure that any lights fitted as required by subclause 19.1(a) are operational at all times during the hours of darkness.

~~24.20.~~ Aids to navigation

~~24.4.20.1.~~ No person may tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of the Harbourmaster.

Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.

~~24.2.20.2.~~ No person may damage, remove, deface, or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster as an aid to navigation or warning.

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~~24.3-20.3.~~ No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written permission of the Harbourmaster.

~~22.21.~~ **Damage to submarine cables or pipes**

~~22.4-21.1.~~ Any person who causes damage to any submarine cable or pipe by acting in contravention of clause 25 (Prohibited anchorages) shall be liable for any repair and incidental costs incurred by the owner of the cable or pipe.

~~22.2-21.2.~~ Every person who believes they may have fouled a submarine cable or pipeline shall take all practicable steps to minimise damage, including slipping and buoying the anchor and notifying the Harbourmaster without delay.

Part 4 Reserved Areas and Restrictions

~~23-22.~~ **Reserved areas**

~~22.1.~~ Any area of a waterway may be reserved for a ~~maritime safety purpose in a control made under this Bylaw-specified maritime safety purpose, either~~

~~(a) in a control made under this Bylaw; or~~

~~(a)(b) for a specified period, by the Harbourmaster issuing a Temporary Reservation.~~

~~23.4-22.2.~~ The Harbourmaster may specify controls for the use of any reserved area(s). Specific conditions may be listed in Schedules 1 (Coastal waters) and 2 (Inland waters), in addition to the purpose or purposes of any reserved area.

Explanatory note: Temporary Reservations issued under subclause 22(1)(b) will be published on the Council's website

Exemptions for certain activities

~~23.2-22.3.~~ Restrictions on the use of Reserved Areas shall not apply to any persons carrying out the following:

- (a) for a local authority, government agency, or Fish and Game Council: enforcement services, or bird culls, or the rescue, protection, disposal of marine animals or other wildlife or animals, or scientific research;
- (b) for a local authority or government agency: water quality sampling, the control or clean-up of contaminants, or resource investigations or monitoring;
- (c) for a local authority, or government agency: track maintenance, pest control, or the removal of rubbish or beach cast material; or beach and beach facility maintenance;
- (d) for a local authority, government agency, the New Zealand Police, the New Zealand Fire Service, Surf Lifesaving New Zealand, or the New Zealand Coastguard: activities including training with respect to civil defence and emergency management or firefighting, or search and rescue operations;
- (e) where contracted or otherwise appropriately authorised by the owner or manager of the structure: navigate vessels and to dive for the purpose of management (inspection, maintenance or repair) of structures in the reserved area.

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~~23.3-22.4.~~ All persons undertaking activities under clause 22.3 shall keep a detailed record (log) of all such activities; the log to be available, upon request, to the Harbourmaster. The prior approval of the Harbourmaster is required for all training, monitoring and management activities carried out under clause 22.3 in a Reserved Area. The Harbourmaster may set any conditions on the activity considered necessary for navigation safety purposes including requirements for any vessel to be appropriately marked for identification purposes.

~~23.4-22.5.~~ Except as directed by the Harbourmaster or an Enforcement Officer, restrictions of Reserved Areas shall not apply to support vessels carrying out their function in support of persons or vessels using a Reserved Area for its specified purpose.

Reserved Areas for special events

~~23.5-22.6.~~ Any person intending to conduct a special event such as race, speed trial, competition, or other organised water activity in any area to which this Bylaw applies and where it is desirable to have exclusive use of that area to run the event, must apply to the Harbourmaster to:

- (a) temporarily suspend the application of clause 22.1 in part or in total in that area for the purposes for facilitating the event; and
- (b) temporarily reserve the area for the purpose of that activity.

Explanatory note: The special event application can be submitted to the Harbourmaster using the form on the Council's website: [Maritime events application form](#)

~~23.6-22.7.~~ Where the Harbourmaster is satisfied that the application may be granted without endangering the public, the Harbourmaster may grant the application accordingly, for a period not exceeding 10 days and on such conditions as the Harbourmaster may specify.

~~23.7-22.8.~~ No grant of application shall have effect unless, not less than seven days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and the details of the suspension or reserved area.

~~23.8-22.9.~~ The Council or Harbourmaster may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

~~24-23.~~ *Access lanes.*

~~24.1-23.1.~~ ~~24.1~~ An access lane shall be any area within 200 metres of the shore specified in this Bylaw; or ~~24.1~~ by the Harbourmaster.

~~24.2-23.2.~~ ~~24.2~~ An access lane may be specified or declared for vessels of any description.

~~25-24.~~ *Prohibited Areas*

~~25.1-24.1.~~ No person may undertake any specified prohibited activity within any prohibited zone, except in an emergency. A prohibited area is a reserved area and will be marked in the same manner as specified for a reserved area by Rule 91.12(2).

~~25.2-24.2.~~ The prohibited activities and areas to which clause 24.1 applies are those prescribed in schedules 1 (Coastal waters) and 2 (Inland waters).

~~25.3-24.3.~~ A prohibited area may be marked in the same manner as specified for a reserved area by Rule 91.12 (2).

~~26-25.~~ *Prohibited anchorages*

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~~26.4-25.1.~~ No person may anchor or moor any vessel in such a manner that the vessel or associated equipment are within any prohibited anchorage area as prescribed in Schedule 1 (Coastal waters).

~~26.2-25.2.~~ No person may anchor or moor a vessel within 25 metres of the nominal line between any pair of Type 5 submarine crossing signs, or where such crossings are shown on a nautical chart for that area, except in mooring areas.

~~26.3-25.3.~~ Anchoring is prohibited in all areas reserved for any other purpose by these Bylaws at all times, unless the vessel remains in a state of readiness for immediate departure should the authorised priority activity commence.

Explanatory note: in areas reserved for waterskiing, anchoring overnight (between sunset and sunrise) is permitted because waterskiing is prohibited during darkness.

Anchoring a vessel within or adjacent to a Mooring Area or close to an occupied Mooring

~~26.4-25.4.~~ No person shall anchor a vessel within a mooring area.

~~26.5-25.5.~~ No person shall anchor a vessel outside a mooring area within 50 metres of any mooring buoy or within 50 metres of a vessel on a mooring.

~~27-26.~~ **Speed uplifted areas**

~~27.1-26.1.~~ Speed uplifted areas refer to areas designated as such in Schedules 1 (Coastal waters) and 2 (Inland waters), where the Council has uplifted the 5 knot speed restrictions set out in clause 29 (Speed of vessels).

~~27.2-26.2.~~ Tasman District waters may also be subject to temporary speed limit upliftings, pursuant to clause 22.6 (Special events)

~~27.3-26.3.~~ A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner that does not endanger or unduly interfere with any other person who is:

- (a) on, in or using the water; or
- (b) fishing or undertaking recreational activity in the vicinity of the vessel.

Explanatory note: The expectation is that all vessels slow to the minimum speed that allows for safe navigation when passing other vessels or persons in a river, or pass at a distance in excess of 50m where channel width allows. River flow may mean that even a dead slow apparent speed results in a technical breach of the 5 knots proper speed limit; a clear reduction of speed to the minimum required for effective steerage is compliant with the intent of clause 29.

Speed limit uplifts for access lanes and reserved areas

~~27.4-26.4.~~ The access lanes within which the speed limit is uplifted within 200 metres of shore are those shown in Schedules 1 (Coastal waters) and 2 (Inland waters).

~~27.5-26.5.~~ The reserved areas within which the speed limit is uplifted within either or both of:

- (a) 50 metres from any vessel, raft or person in the water;
- (b) 200 metres of shore or a structure;

are those allowed for in clauses 22.2 or 22.6 and within which a speed limit uplifting is specified in the associated schedule or temporary authorisation.

~~28-27.~~ **River safety rules**

~~28.1-27.1.~~ A person in charge of a vessel on a river must not exceed a speed of 5 knots on any river unless in an area designated as a Speed Uplifted Area.

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Explanatory note: In a Speed Uplifted Area the 5 knot speed limit still applies for vessels which are towing a person or object except as allowed under subclause 27.1; or unless specifically uplifted; or in case of an emergency constituting "reasonable excuse" under Maritime Rules Part 91.6. No river in Tasman District is suitable for waterskiing.

~~28.2-27.2.~~ Clause 27.1 shall not apply to any paddle craft or raft, including when towing a vessel, person, or an object.

Explanatory note: A number of lengths of river across Tasman District are subject to permanent speed limit upliftings (subject to certain conditions), as set out in Schedule 2 (Inland waters).

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Part 5 Operating Requirements for all Vessels

~~29-28.~~ Minimum age for operating powered vessels

~~29-4-28.1.~~ 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 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.

~~29-2-28.2.~~ 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 navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.

Exemptions

~~29-3-28.3.~~ Clauses 28.1 and 28.2 do not apply in respect of any person who has a has a written exemption from the Harbourmaster issued in accordance with this Bylaw or by the Director under section 40AA of the Act.

~~29-4-28.4.~~ The Harbourmaster may issue an exemption that is valid for any specified place(s) to a person under the age of 15 for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person:

- (a) is competent to propel or navigate a power-driven vessel at a proper speed exceeding 10 knots; and
- (b) is aware of the relevant navigation safety rules and navigation Bylaws; and
- (c) will be under adequate supervision during the proposed activity or activities.

~~30-29.~~ Speed of vessels

~~30-4-29.1.~~ A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots within:

- (a) 50 metres of any other vessel, raft or person in the water; or
- (b) either 200 metres of the shore or any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
- (c) 200 metres of any vessel or structure that is displaying Flag A (diver's flag); or
- (d) any reserved area made under clause 22 (Reserved areas) that has a 5-knot speed limit; or
- (e) any mooring area.

~~30-2-29.2.~~ No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property.

~~30-3-29.3.~~ No person may propel or navigate a vessel (including a tender and including a vessel towing someone or some object) at a proper speed exceeding 3 knots in the anchorages or areas specified and during the periods specified for those anchorages or areas in Schedules 1 (Coastal waters) and 2 (Inland waters).

Explanatory note: the intention of subclause 29.3 is to create a 'no wake' zone. Vessels approaching these zones may need to come to a dead stop to dissipate following wake then increase speed to 3 knots (or whatever lesser speed results in the least possible wake) to achieve compliance with clause 29

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~~30.4-29.4.~~ The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

~~30.5-29.5.~~ These areas shall be referred to in the Schedules to this Bylaw as “go slow” zones.

Exceptions from speed limits

~~30.6-29.6.~~ Despite any speed limits imposed under Maritime Rules Part 91, or under this Bylaw, speed uplifts shall apply and a vessel may exceed 5 knots within:

- (a) 50 metres of any other vessel or person in the water;
 - (b) 200 metres of the shore or any structure;
- provided that such navigation in excess of 5 knots is conducted in a safe manner and is authorised under:
- (c) Maritime Rules Part 91.6(5) and (6); or
 - (d) a relevant control made pursuant to clause 22 (Reserved areas) of this Bylaw; or
 - (e) a temporary reservation or exemption approved by the Harbourmaster.

~~34-30.~~ *Vessels to be identified*

~~34.1-30.1.~~ No person shall navigate a vessel unless it displays an identifying name or number displayed above the waterline on each side of the vessel by the owner of the vessel:

- (a) consisting of letters of the Roman alphabet or numbers; and
- (b) that are not the vessel's brand, make or model; and
- (c) that is distinct to that vessel; and
- (d) unless complying with the requirements of an organisation listed in subclause 30.2(a), be a minimum height of 90 millimetres and be distinguishable to the naked eye by day from a distance of at least 50 metres.

~~34.2-30.2.~~ The identifying name or number referred to in subclause 30.1 shall be:

- (a) a registration or identification approved by and conforming to the requirements of:
 - Maritime New Zealand (MNZ) or an equivalent foreign authority (for example, a MNZ number or vessel's registered name); or
 - a sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
- (b) the vessel's radio call sign; or
- (c) for any trailer borne vessel without a registration or identification listed in subclauses 30.2(a) or (b), the registration number of its trailer; or
- (d) for non-trailer borne vessels not exempted by subclause 30.3, an identifying name or number otherwise complying with the requirements of subclause 30.1.

Explanatory note: For the sake of clarity, “trailer borne vessel” refers to a vessel transported on a road-going trailer that is, or is required to be, registered. This includes personal watercraft (for example, a jet ski). It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the “non-trailer borne vessel” category.

A tender vessel may display the name and identifying number of its parent vessel.

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~~34.3.30.3.~~ Subject to subclause 30.4, subclauses 30.1 and 30.2 do not apply to:

- (a) non-powered vessels of 6 metres or less in length;
- (b) paddle craft;
- (c) vessels powered solely by oars;
- (d) a vessel which is temporarily being operated on Tasman regional waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

~~34.4.30.4.~~ Vessels referred to in subclause 30.3 must be marked with the current owner's name and contact details somewhere on the vessel.

Visibility of paddle craft beyond sheltered waters

~~34.5.30.5.~~ A person or persons using a paddle craft (for example, kayak, stand up paddle board or waka) beyond 200 metres from the shore, must ensure the craft is clearly visible to any other water user (for example, by using high visibility personal flotation devices ~~and~~ ~~or~~ equipment, ~~flags,~~ or lights).

~~32.31.~~ *Vessels to be adequately secured*

~~32.4.31.1.~~ The person in charge of a vessel shall ensure that it is properly and effectively secured when at any landing place or at any swing mooring or at anchor.

~~32.2.31.2.~~ No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not intended for that purpose.

~~32.3.31.3.~~ No person shall ~~abandon-leave~~ any vessel or property on the banks or shore or in an intertidal area where it may re-float and create a navigation hazard or where it may interfere with the normal use of the waters by other persons.

~~32.4.31.4.~~ No person shall, without the permission of the Harbourmaster, cut, break, or destroy:

- (a) the mooring of any vessel; or
- (b) the fastening securing any vessel lying in a dock; or
- (c) at or near a wharf or landing place.

~~33.32.~~ *Limitation on anchoring or mooring*

~~33.4.32.1.~~ No person shall leave any vessel unattended at:

- (a) any landing place without permission of the owner; or
- (b) secured to or on the beach or foreshore except in an area specified for this purpose by the Harbourmaster.

~~33.2.32.2.~~ Subject to the requirements of subclause 31.3, subclause 32.1 shall not apply to small vessels that are left on any beach or foreshore for a period of 48 hours or less.

~~33.3.32.3.~~ If directed by the Harbourmaster the person in charge or the owner of a vessel shall:

- (a) not leave that vessel unattended; and
- (b) crew that vessel according to the Harbourmaster's directions.

Explanatory note: For the purposes of subclauses 32.2 and 32.3, "beach or foreshore" refers, in relation to the sea, to the area below MHWS (average highest spring tide) or a reasonably foreseeable storm event; and, in relation to any inland waterway (such as a river, stream, or lake) the area within the range of a reasonably foreseeable rise of river or lake level

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such as through fresh, flood, storm-driven waves or surge. These subclauses do not apply to vessels left above these limits.

Explanatory note: For the purpose of subclause 32.2 "small vessel" includes the likes of kayaks, dinghies and runabouts that would in the ordinary course of their active use be at times temporarily hauled up on to the beach or foreshore.

34-33. No obstruction of vessels in a Moving Prohibited Zone (MPZ)

34.1-33.1. No person shall navigate a vessel so as to be within the MPZ for any vessel within ~~Tasman regional waters three nautical miles of the coast between the Ports of Tarohe and Motueka.~~

34.2-33.2. Subclause 33.1 shall not apply to any person in charge of tugs or pilot vessels while they are carrying out towage or pilotage duties with those tugs or pilot vessels in relation to a vessel for which a MPZ applies.

34.3-33.3. Subclauses 33.1 and 33.2 shall not apply where the permission of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel ~~in the channel.~~

34.4-33.4. A specified MPZ may be declared by the Harbourmaster to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

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Part 6 Operating Requirements for Commercial and Large Vessels

~~35.34.~~ Anchoring

~~35.1.34.1.~~ The person in charge of any vessel 500 gross tonnage or greater or 40 metres LOA or greater (large vessel) shall not anchor in Tasman regional waters without permission from the Harbourmaster.

~~35.2.34.2.~~ The Harbourmaster may, within the Harbourmaster's sole discretion require a passage plan to be submitted before a large vessel is directed to an anchorage site or port within the Bylaw area.

~~35.3.34.3.~~ Anchoring sites will be put on the nautical charts in due time. Fees and charges apply to these sites as set out in Schedule 3 (Maritime fees and charges).

~~35.4.34.4.~~ In the event of an emergency when it is not practicable to make a designated anchorage, any vessel may anchor within the Tasman regional waters. The Harbourmaster must be made aware of the emergency as soon as practicable. ~~The Harbourmaster may, subject impose conditions on the vessel so anchored. Such conditions shall include (but not be limited to) imposing the requirement to have a support vessel in attendance, limited the period of time that the vessel can remain so anchored, or other conditions that in the Harbourmaster's reasonable assessment will meet the objectives of these Bylaws, including, but not limited to the preservation of the Tasman Bay environment.~~

Commercial vessels over 500 gross tonnage within Tasman regional waters

~~35.5.34.5.~~ The owner, operator and/or the person in charge of any commercial vessel 500 gross tonnage or greater or 40m LOA or greater within the Bylaw area that wishes to immobilise and/or test engines must seek permission from the Harbourmaster and comply with any conditions reasonably determined by the Harbourmaster. This includes maintenance on one or more of the main propulsion units and/or steering systems.

~~35.6.34.6.~~ The person in charge of any commercial vessel 500 gross tonnage or greater or 40m LOA or greater within the Bylaw area that wishes to conduct safety drills or exercises, including, but not limited to, lowering of lifeboats, shall, prior to commencing the drill or exercise inform the Harbourmaster of their intention and take heed of any advice given relating to the safe conclusion of the drill or exercise.

~~36.35.~~ Navigation aid levy

~~36.1.35.1.~~ All commercial vessel operators who through the course of normal operations operate along the coastline withing 1NM of the coast from Motueka to Tarakohe inclusive and on Lake Rotoiti are required to pay a navigation aid levy as set out in Schedule 3 (Maritime fees and charges).

~~36.2.35.2.~~ This levy is to be paid annually from 1 November or at commencement of this Bylaw.

Explanatory note: For clarity this levy replaces the old COV licensing and associated fee, the Council will only use these funds for the replacement and maintenance of navigation aids in this high-density traffic area. Vessels that only transit in to and out of Tarakohe via the leads are exempt from the levy as they do not operate along the coast. The annual fee applies for each multiple of either one power-driven vessel or up to a total of 15 kayaks, rafts, waka or similar vessels that are not power-driven with greater than 10hpw. Normal operation would not include vessels visiting less than 3 times a year regardless of if they are scheduled or not.

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37.36. Fuel changeover

37.1.36.1. Any vessel which is to change between fuel types used for its propulsion shall:

- (a) ~~when-if~~ entering ~~the Tasman region~~ Tasman regional waters, ~~complete-have completed~~ the fuel changeover and ~~been~~ running on the ~~desired-new~~ fuel ~~for~~ at least four hours prior to entering ~~regional-the region's~~ waters.;
- (b) ~~when-if~~ departing from ~~the Tasman region~~ Tasman regional waters, ~~commence-only undertake~~ the fuel changeover ~~once the vessel is outside of regional waters~~ ~~after having departed from the region's waters.~~

37.2.36.2. Fuel changeovers within regional waters is strictly prohibited.

37.3.36.3. Ship to ship transfers of oil within regional waters ~~are strictly prohibited, unless evidence of an MNZ audited SOP has been provided to the Harbourmaster. (with the exception of a transfer subject to Tier 1 site plan approval) are strictly prohibited.~~

Explanatory note: The SOP should include a Spill Response Plan with an available equipment list and be of a similar standard to a Tier 1 Site Response Plan.

38.37. Hot work operations

38.1.37.1. The person in charge of any vessel at any maritime facility or at anchor within Tasman regional waters, 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 notify the Harbourmaster, not less than two hours before commencing work in a form and manner approved by the Harbourmaster.

Explanatory note: The hot work notification can be submitted to the Harbourmaster using the form on the Council's website: Hot Work Notification Form

39.38. Carriage of AIS/Transmitting of Automatic Identification System (AIS) signal

39.1.38.1. With effect from 1 September 2025, the following categories of vessels operating within Tasman regional waters ~~is-shall be~~ required to ~~carry an AIS transmitter and to~~ transmit an accurate AIS signal;

- (a) All commercial vessels of 300 gross tons or more;
- (b) Tugs and barges together measuring 40 metres length overall (LOA) or greater;
- (c) Commercial vessels of over 18 metres LOA; ~~and~~
- (d) Commercial vessels licenced to carry 12 or more passengers; ~~and~~
- (e) Commercial vessels operating with passengers during the hours of darkness or in restricted visibility; and
- (f) Commercial vessels licenced as a commercial charter vessel to carry up to 12 passengers.

39.2.38.2. The owner or person in charge of every vessel required to transmit an AIS signal ~~carry AIS~~ under this Bylaw must ensure that:

- (a) The AIS transmits such information in accordance with the standards and requirements specified by the ~~Council~~ (Harbourmaster) and in accordance with the manufacturer's specifications; and
- (b) The AIS operates continuously when the vessel is navigating within Tasman regional waters.

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40.39. Trans-shipping of goods within regional waters

40.1.39.1. Where cargo, goods, fuel, merchandise or other material is trans-shipped in any location within the Tasman District other than alongside a wharf such trans-shipping shall be declared within 24 hours, or such other period that may be agreed between parties, to the Harbourmaster. A manifest of such cargo and documentation of safe operating procedures shall be provided upon request.

40.2.39.2. The approval of the Harbourmaster may be required before trans-shipping can commence.

40.3.39.3. Where cargo, goods, merchandise or other material is trans-shipped in any location within the district other than alongside a wharf, a trans-shipping charge shall be paid to the Council (Harbourmaster) on demand, by the person in charge of the vessel, agent or owner of the vessel discharging the cargo.

41.40. Commercial vessel and hire operations

40.1. ~~No person shall operate any commercial vessel for hire or reward or any vessel involved in a commercial operation or any vessel hire operation if, in the opinion of the Harbourmaster, such operation may be deficient in terms of safety or compliance with good practice for such an operation, and the Harbourmaster directs them to cease operating.~~

~~41.1. If, in the reasonable opinion of the Harbourmaster a person is operating any vessel for hire or reward the Harbourmaster may require the operator to produce their Maritime Transport Operator Certificate to determine if they are correctly licence to conduct the activity. Should they be unable to produce a permission under the Maritime Rules, the Harbourmaster may direct them to cease operating.~~

~~41.2. If in the reasonable opinion of the Harbourmaster, a properly licenced operation is conducting itself on the water in a manner which in the reasonable opinion of the Harbourmaster, presents a safety risk to persons, property or the environment and the Harbourmaster may direct them to cease operating and report them to Maritime New Zealand.~~

Part 7 Mooring Areas

42.41. Application

42.41.1. This Part applies to all Mooring Areas identified on the planning maps of the Tasman Resource Management Plan.

43.42. General requirements

Requirement for authorisation

43.42.1. No person may place or use a Mooring in a Mooring Area unless the Mooring is a permitted activity in the Tasman Resource Management Plan or they hold a coastal permit for that Mooring.

Requirement for a Mooring Licence

43.42.2. No person shall place a Mooring in a Mooring Area without holding a Mooring Licence issued by Council, unless the Mooring is authorised by a coastal permit.

43.42.3. Where an application for the renewal of a Mooring Licence has been accepted by Council for processing prior to the expiry of a Mooring Licence, the holder of the Mooring Licence can continue to use the Mooring until the renewal application has been determined.

43.42.4. Any person holding a Mooring Licence must comply with conditions imposed on that Mooring Licence.

Explanatory note: Within the identified Mooring Areas, Moorings are a permitted activity (subject to meeting the conditions 25.1.2.1 of the Tasman Resource Management Plan) and can be established without the coastal permit ordinarily required. The most important condition enabling a Mooring to be permitted is the requirement to hold a Mooring Licence issued by the Harbourmaster.

In some Mooring Areas there are pre-existing Moorings which have coastal permits issued under the Resource Management Act 1991 and these Moorings can remain in the Mooring Area until expiry of the coastal permit. Following expiry of the coastal permit or earlier, the Mooring owner will need to apply for a Mooring Licence from the Harbourmaster to continue Mooring at that location.

44.43. Mooring Licence application

Information to be provided with an application

44.43.1. The following information must be provided with any application for a Mooring Licence, unless advised by the Harbourmaster. The application may be placed on hold or returned if the required information is not provided.

- (a) Details of the vessel(s) intended to be moored, including overall length, draft, general description, any commercial registration number(s) and, where possible, a photograph of the vessel(s) for identification purposes.
- (b) The proposed position as latitude and longitude in WGS84 DDM or as easting and northing in NZTM format.
- (c) Depth reduced to chart datum.
- (d) Composition of the seabed.
- (e) Details of the proposed Mooring design, construction and installation, including specifications of components and a detailed sketch plan of the proposed Mooring.

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Explanatory note: The Council's current mooring guidance can be accessed on the Council's website: [Moorings](#)

- (f) Calculated swing radius to the stern of the longest vessel proposed for the proposed Mooring specifications and location at chart datum.
- (g) Information on how the Mooring is intended to be used, including whether for a commercial or recreational vessel, use by the applicant, use by another party and use for overnight occupation (also known as 'liveaboard').
- (h) In Torrent/Rākauroa or Boundary Bay Mooring Areas, proof of an interest in a land title in those Bays.

Granting of Mooring Licences

44.2.43.2. Applications for a Mooring Licence will be granted, subject to any conditions the Harbourmaster considers appropriate, except in the following circumstances:

44.2.1.43.2.1. The Harbourmaster has determined that the Mooring or its use is likely to:

- (a) reduce safety for other maritime activities in the vicinity;
- (b) give rise to congestion or undue difficulty for manoeuvring vessels with respect to access to existing authorised Moorings or any wharf, jetty, boat ramp or beach, or for transiting a narrow channel;
- (c) occupy an excessive proportion of the overall space of that Mooring Area, with regard to vessel size, or to swing radius, or to number of Mooring Licences already held (or applied for) by applicant where in the opinion of the Harbourmaster there is an issue of maritime safety;
- (d) not be fit for purpose
- (e) have any other adverse effects on maritime safety;

44.2.2.43.2.2. The Mooring or use of the Mooring will occupy a position at or within the swing circle of:

- (a) a Mooring authorised by a Mooring Licence; or
- (b) a Mooring authorised by coastal permit; or
- (c) a Mooring Licence that has expired within the last six months, unless the applicant holds the Mooring Licence or coastal permit for the Mooring occupying that site or the Harbourmaster has determined that any overlap in swing circles will not diminish maritime safety, including the safe use of other Moorings.

44.2.3.43.2.3. The Mooring site is within Kaiteriteri Mooring Area 2, unless:

- (a) the application is for a Mooring to be used by a commercial vessel with a commercial landing concession, which needs to be located in the Bay; or
- (b) the applicant is the owner of a Mooring within Kaiteriteri Mooring Area 2 and that Mooring was previously authorised by Schedule 25A(iv) of the Tasman Resource Management Plan; or
- (c) the application meets the terms of a Mooring Agreement approved by the Harbourmaster.

44.2.4.43.2.4. The Mooring site is within Kaiteriteri Mooring Area 1, unless the application is for a Mooring for public use.

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~~44.2.5.43.2.5.~~ There is a waitlist for the Mooring Area and the applicant is not the first person listed on that waitlist.

~~44.2.6.43.2.6.~~ Notwithstanding the provisions in 43.2.1 to 43.2.4, at the discretion of the Harbourmaster a Mooring Licence may be granted within the same Mooring Area, but for a location and size different than applied for.

Explanatory note: The holders of Mooring Licences can generally expect their Licences to be renewed (with or without a change in conditions) at the end of the term. Licence holders have up to six months after the expiry of their Licence to reapply before the space is offered to the first person on the waitlist for that Mooring Area.

The situation is slightly different at Kaiteriteri where recreational and commercial demand for Moorings is very high. As part of the overall management of the Bay two areas have been set aside for Moorings. The first area is Kaiteriteri Mooring Area 1, which provides high-density public Moorings and Kaiteriteri Mooring Area 2, which provides Mooring space for commercial boats. It is acknowledged that there is unlikely to be sufficient space to meet commercial demands in Kaiteriteri Mooring Area 2 using traditional swing Moorings and so this Bylaw enables a collaborative approach to be taken. A collaborative approach may be undertaken by the commercial operators or in conjunction with Council.

Land access continues to be provided by the boat ramp and anchoring space is available anywhere within the Bay in accordance with this Bylaw.

Applications for a Mooring Licence in the Torrent/Rākauroa or Boundary Bay Mooring Area can only be granted if the applicant has provided proof of an interest in a land title in that area. Under the provisions of the Tasman Resource Management Plan any other person wishing to own a Mooring in those areas is prevented by policy which restricts structures adjoining the Able Tasman National Park.

If a land title within Torrent/Rākauroa or Boundary Bay is sold, then any Mooring Licence associated with that title will need to be transferred to the new owner or to another person meeting the criteria.

Conditions of Mooring Licence

~~44.3.43.3.~~ Any Mooring Licence granted under clause 43.2 may be subject to any conditions the Harbourmaster considers appropriate, including but not limited to:

- (a) duration (with a Mooring Licence able to be granted for up to five years, and include a common expiry date for the Mooring Area);
- (b) seasonal Mooring commencement and cessation dates, if applicable;
- (c) location of Mooring;
- (d) design of Mooring system and specifications of Mooring components;
- (e) the characteristics of the type of vessel, including maximum vessel length, tonnage and draft;
- (f) lighting;
- (g) inspection and inspection report requirements;
- (h) markings and identification;
- (i) maintenance requirements;
- (j) nature of public use, if any;
- (k) fees payable;
- (l) terms of use for public moorings.

~~44.4.43.4.~~ Failure to comply with any condition of a Mooring Licence is a breach of this Bylaw.

~~44.5.43.5.~~ Neither the Council, nor the Harbourmaster shall be liable for any loss or damage (including consequential loss) suffered by the holder of a Mooring Licence, or the user of the Mooring, arising from any act or neglect on the part of the Council or the

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Harbourmaster in the issue of the Mooring Licence, or any consequent action or inaction by the Harbourmaster in regard to the Mooring.

~~44.6.43.6.~~ Neither the Council, nor the Harbourmaster shall be liable for any loss or damage (including consequential loss) suffered by the user of a Council owned Mooring.

~~44.7.43.7.~~ If a holder of a Mooring Licence fails to comply with any condition of a Mooring Licence the Harbourmaster may take one or more of the following actions:

- (a) Give a written warning;
- (b) Amend, suspend or cancel the Mooring Licence;
- (c) Take enforcement action or any other action in accordance with this Bylaw and/or the Maritime Transport Act 1994, regulations made under the Maritime Transport Act 1994 or Local Government Act 2002.

Costs

~~44.8.43.8.~~ Any costs incurred by a Mooring Licence holder in complying with the conditions of the Mooring Licence will be met by the Mooring Licence holder.

~~45.44.~~ *Mooring area management*

Review and variation of Mooring Licence by Harbourmaster

~~45.1.44.1.~~ The Harbourmaster may review and vary any condition on a Mooring Licence at any time, at the Harbourmaster's discretion.

~~45.2.44.2.~~ Prior to undertaking a review of any condition, the Harbourmaster shall give notice in writing to the holder(s) of the Mooring Licence of the intention to review, the reasons for the review, and then undertake consultation with the Mooring Licence holder(s) prior to varying any condition on a Mooring Licence.

Application for variation of conditions of Mooring Licence

~~45.3.44.3.~~ The holder of a Mooring Licence may apply to the Harbourmaster to vary any condition(s) on that Mooring Licence.

~~45.4.44.4.~~ When determining an application to vary the conditions of a Mooring Licence the Harbourmaster shall consider those matters set out at subclauses 43.2 and 43.3 of this Bylaw.

~~45.5.44.5.~~ The Harbourmaster may grant or decline an application to vary conditions of a Mooring Licence on any terms he or she sees fit.

Renewal of a Mooring Licence

~~45.6.44.6.~~ Prior to expiry of a Mooring Licence the holder of the Mooring Licence may apply for a new Mooring Licence under subclauses 43.1 and 43.2.

~~45.7.44.7.~~ If an application from a Mooring Licence holder under subclause 44.6 has not been received and accepted by the Harbourmaster within six months of the expiry of the Mooring Licence, the first person on the waitlist for that Mooring Area shall be invited to apply for a Mooring Licence to occupy that space.

Mooring Area User Groups

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~~45.8.44.8.~~ A Mooring Area User Group may establish itself at any time and may request the Harbourmaster to consider a collaborative approach to the management of that Mooring Area at any time.

~~45.9.44.9.~~ The Harbourmaster may accept or decline any such request prior to a licence being issued or, if accepted, will treat it as a request to vary conditions under subclause 44.3 of this Bylaw. The Harbourmaster may impose or change any conditions of the relevant mooring licences, to provide for the operation of the Mooring Area User Group.

~~45.10.44.10.~~ Despite subclause 43.8, where a Mooring Area User Group is established and approved by the Harbourmaster, the costs of meeting the Mooring Licence conditions may be shared or be apportioned by agreement of the Mooring Licence holders affected by the change in conditions.

Right to reconsideration

~~45.11.44.11.~~ Any Mooring Licence holder that is dissatisfied with any condition(s) imposed by the Harbourmaster under subclause 43.3 or subclause 44.3 of this Bylaw may request a reconsideration of that decision, by submitting a request in writing to the Council within 15 working days of the decision. The reconsideration will be considered by a Review Panel, with a decision to be given in writing within 20 working days of receiving the request.

Transfer of Mooring Licence

~~45.12.44.12.~~ Any Mooring Licence may be transferred to another person, on the same terms and conditions, after the Mooring Licence holder or the Licence holder's estate provides written notice to the Harbourmaster. Any such transfer becomes effective 10 working days after the receipt by the Mooring Licence holder or the Licence holder's estate of such notice, or earlier if agreed to in writing by the Harbourmaster.

~~45.13.44.13.~~ No fees shall be refunded by Council upon transfer of a Mooring Licence.

~~45.14.44.14.~~ Any notice to the Harbourmaster under subclause 44.12 must be accompanied by details of the type of vessel(s) to be used on the Mooring from time to time and a photo of the vessel(s) sufficient for identification purposes.

Removal of Moorings

~~45.15.44.15.~~ The Harbourmaster may cancel any Mooring Licence, and may remove or cause to be removed any Mooring and any vessel attached to such Mooring in the following circumstances:

- (a) The conditions of the Mooring Licence are breached including non or late payment of fees.
- (b) The Mooring has not been physically established or has not been used within a 12-month period without the written approval of the Harbourmaster.
- (c) The current holder of the Mooring Licence cannot be contacted after reasonable effort or has failed to keep contact details up to date with Council.
- (d) The Mooring is not maintained to a good condition or is not fit for purpose.

Explanatory note: Over time vessels are bought and sold and the needs of Mooring owners change. To enable the continued efficient and safe management of Mooring Areas, the conditions on Mooring Licences need to be reviewed at the time of Licence renewal, particularly those conditions relating to the size, type and location of the vessel. The review of conditions may occur individually, or in some Mooring Areas the conditions of all Licences may be reviewed at the same time through a common expiry date.

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The Bylaw also provides for Mooring Licence conditions to be reviewed, varied, and transferred and for Moorings to be removed in certain conditions. Where boats on Moorings have been abandoned or left to become derelict then the Harbourmaster under other legislation may direct the repair of the boat or removal.

46.45. Allocation of mooring licences

Initial allocation of space

46.1.45.1. The Council will not accept any application for a Mooring Licence before a date that is Publicly Notified for the Mooring Area.

46.2.45.2. Applications for Licences in Mooring Areas (excluding Kaiteriteri Mooring Area 2) will be received, considered and decided using the following preferential system of allocation:

46.2.1.45.2.1. Firstly, to the current owners of Moorings, the locations of which are-were previously identified in Schedule 25A(iii) Tasman Resource Management Plan as at the date this Bylaw is made 21 July 2022, or by coastal permit currently held, or in effect at 21 July 2022.

46.2.2.45.2.2. Secondly, for a Mooring for public use.

46.2.3.45.2.3. Thirdly, any other applicant whose application has been accepted for processing by the Harbourmaster on a first-in, first-served basis.

Explanatory note: Applications are subject to 43.2 and 43.3

46.3.45.3. Kaiteriteri Mooring Area 2

46.3.1.45.3.1. Any application for a Mooring Licence in Kaiteriteri Mooring Area 2 will only be accepted from:

- (a) an applicant that is the current owner of a Mooring within Kaiteriteri Mooring Area 2 and that Mooring was previously authorised in Schedule 25A(iv) of the Tasman Resource Management Plan; or
- (b) a commercial vessel operator, who needs to be located in the Mooring Area for commercial reasons and has in the opinion of the Harbourmaster, had a persistent history of anchoring or Mooring in the Bay for a number of years; or
- (c) Council or an applicant that meets the conditions of (a) or (b) and is permitted to apply in accordance with the terms of a Mooring Agreement that has been approved by the Harbourmaster.

46.3.2.45.3.2. Any application for a Mooring Licence will be received, considered and decided using the following preferential system of allocation:

- (a) Firstly, to current owner(s) of a Mooring in Kaiteriteri Mooring Area 2 previously authorised by Schedule 25A (iv) of the Tasman Resource Management Plan and secondly to applicants meeting the requirements of 45.3.1(b); or
- (b) In accordance with the terms of a Mooring Agreement that has been approved by the Harbourmaster.

Waitlist

46.4.45.4. The Harbourmaster shall maintain a waitlist.

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~~46.5-45.5.~~ Any person may contact the Harbourmaster and request in writing to be placed on the waitlist for any Mooring Area. The waitlist will be maintained and administered on a first-in, first-served basis.

~~46.6-45.6.~~ When sufficient space for a new Mooring is either identified or becomes available then the first person on the waitlist for that Mooring Area will be offered the opportunity to apply for a Mooring Licence under this Bylaw. The offer may contain restrictions on the location, vessel type or size that can be applied for and a timeframe within which to submit a complete application.

~~46.7-45.7.~~ Where a person offered the opportunity to apply for a Mooring Licence declines that opportunity; fails to do so within the timeframe available; or to submit a complete application within the timeframe; or the application is unsuccessful: then the space will be offered to the next person on the waitlist.

~~46.8-45.8.~~ Waitlisted applicants are required to advise the Harbourmaster of any changes to their contact details. Persons unable to be contacted may be removed from the waitlist.

Explanatory note: The locations within the Tasman District which provide for safe Mooring are limited. Consequently, Moorings tend to be clustered in distinct locations around the District. In the past, illegal, poorly located and maintained Moorings and overcrowding have affected safety and navigation in these areas. This Bylaw enables the type of boat, number and location of Moorings within a Mooring Area to be controlled to maximise use while maintaining maritime safety. As part of the transition to this new management system, the Council will initially need to allocate Mooring Licences where there are pre-existing authorised Moorings or demand is high.

The opportunity to apply for a Mooring Licence will be offered to existing Mooring owners first (authorised by the Tasman Resource Management Plan or by coastal permit), then public use groups, then individuals. This preferential system will enable the current (lawful) Mooring owners to remain in the Mooring Area and will encourage the establishment of public Moorings which enable the greatest number of people to safely moor within the area. All other individual applications will be processed once accepted on a first come, first-served basis, subject to the provisions in 43.2 and any limitations on available space.

Following the initial allocation of Mooring Licences in the Mooring Areas (except for Kaiteiteri 1&2), any person can apply for a Mooring Licence on a first-in, first-served basis (subject to there being sufficient space available) or can ask for their name to be added to the Mooring Area waitlist.

In Torrent/Rakauroa or Boundary Bay Mooring Areas Mooring Licences can only be held or transferred to a person with a proven interest in a land title for those Bays. Under the provisions of the Tasman Resource Management Plan any other person wishing to own a Mooring in those areas is prevented by policy which restricts ownership of structures in areas adjoining the Able Tasman National Park

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Part 8 Administrative Matters

~~48.47.~~ Liability of the Council

~~48.1.47.1.~~ The Council shall not be liable for:

- (a) any damage to vessels which have not been securely moored; or
- (b) any damage to a vessel(s) which results from any actions taken by the Harbourmaster to secure a vessel, in the event of a storm or other adverse event; or
- (c) any damage to a vessel which results from compliance with any directions or instructions given by the Harbourmaster in accordance with his powers under the Act or this Bylaw.

~~48.2.47.2.~~ The Council shall not be liable for any damage to a vessel secured to a mooring, whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause.

~~48.3.47.3.~~ The Council shall not be liable for any damage to a vessel or mooring caused by any action while enforcing this Bylaw.

~~48.4.47.4.~~ The Council shall not be liable for any damage to a vessel that the Harbourmaster secures or removes under this Bylaw.

~~49.48.~~ Notification of accidents, incidents or mishaps

~~49.1.48.1.~~ The person owning or having responsibility for, or in charge of, or having conduct of any vessel, other maritime facility, structure or object that:

- (a) has been involved in any accident, incident, or mishap involving a vessel; or
- (b) in any manner gives rise to an obstruction;

shall, as well as complying with any accident reporting requirements of Maritime Rules and the Maritime Transport Act 1994 and the Health and Safety at Work Act 2015, as soon as practicable report the occurrence to the Harbourmaster and provide the Harbourmaster with full details of the occurrence in writing.

Explanatory note: this includes for example damage to another vessel, a navigation aid or any structure; a vessel to capsize, be sunk or grounded; a vessel to become unseaworthy; or; or injury to any person.

~~49.2.48.2.~~ The full details provided to the Harbourmaster under clause 48.1 shall include a full description of how and when the incident occurred; and in a form and in a manner as required by the Harbourmaster.

Explanatory note: An incident, accident or mishap can be reported to the Harbourmaster using the form on the Council's website: [Report a maritime incident](#)

~~50.49.~~ Exemptions

Exception to compliance with Bylaw

~~50.1.49.1.~~ A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster or an Enforcement Officer.

~~50.2.49.2.~~ The master of a vessel is not in breach of this Bylaw if that person proves that the act or omission was done in the context of any of the reasons listed within section 19(2) Maritime Transport Act 1994.

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Temporary exemptions from Bylaw

~~50.3.49.3.~~ In the exercise of its power to regulate maritime activity the Council may exempt, by written approval, a person, vessel or class of vessels from specific requirements of this Bylaw.

~~50.4.49.4.~~ In recommending to the Council that an exemption be granting any exemption to any clause of this Bylaw the Harbourmaster must consider the effects of the exemption on public safety.

~~50.5.49.5.~~ The Harbourmaster may revoke any exemption at any time the Harbourmaster has reason to believe public safety has been, is being, or may be, adversely affected, or any terms of the exemption may have been, are being, or may be breached.

~~54.50.~~ *Applications for written approvals or exemptions*

~~54.1.50.1.~~ Any person may make an application to the Harbourmaster for written approval or an exemption as allowed for under this Bylaw. Applications must be in a form and manner prescribed by the Harbourmaster and accompanied by any required fee.

~~52.51.~~ *Documentation*

~~52.1.51.1.~~ Any licence, authorisation, written approval, permission or exemption required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster or an Enforcement Officer.

~~52.2.51.2.~~ No licence, authorisation, written approval, permission or exemption required by this Bylaw shall have effect until any fee required for it has been paid.

~~53.52.~~ *Correspondence and notification of current contact and vessel details*

~~53.1.52.1.~~ The holder of any exemption or other document issued under this Bylaw shall immediately notify the Harbourmaster in writing of any:

- (a) change of address or any other contact details;
- (b) change of details of any vessel to which the document relates;
- (c) change of details of any equipment or structure to which the document relates.

~~53.2.52.2.~~ Any written notice from the Harbourmaster under or pursuant to this Bylaw shall be considered served if sent to the postal address and/or email address last provided by the addressee.

~~54.53.~~ *Offences and penalties*

~~54.1.53.1.~~ Every person commits an offence against this Bylaw who contravenes or permits a contravention of this Bylaw.

~~54.2.53.2.~~ Every person who:

- (a) commits an offence against this Bylaw will be liable under the Act;
- (b) commits an infringement offence, set out in any applicable regulations created under the Act is liable to an infringement fee prescribed in the regulations made under the Act.

~~54.3.53.3.~~ If a person or vessel is observed committing an infringement offence by the Harbourmaster or an Enforcement Officer, or if the Harbourmaster or Enforcement Officer has reasonable cause to believe an infringement offence has been committed by that

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person or vessel, an infringement notice in respect of that offence may be served on that person, or the owner, or the operator, or the person in charge of that vessel.

~~55-54.~~ Inability to comply in extenuating circumstances

~~55-4-54.1.~~ If in the opinion of the Harbourmaster any person is not able to comply with any requirements of this Bylaw through bereavement, ill health or other extenuating circumstances the Harbourmaster may take any necessary action to ensure compliance with the Bylaw until such time as the person or their estate is able to comply with any requirements on their own behalf.

~~55-2-54.2.~~ Any costs incurred by the Harbourmaster in acting on behalf of any person under this clause shall be recoverable from that person or their estate.

~~56-55.~~ Intervention by the Harbourmaster

~~56-4-55.1.~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure, wharf or the environment, the Harbourmaster may prohibit or restrict the activity until the Harbourmaster is satisfied adequate precautions have been taken.

~~57-56.~~ Removal of vessel, material, thing, cargo or matter

~~57-4-56.1.~~ In addition to the powers conferred on the Harbourmaster under the Act or any other legislation, rules, or regulations, the Harbourmaster may:

- (a) remove or cause to be removed from any public place or any waterway, any vessel, material, thing, cargo or matter used or discharged in breach of this Bylaw; and
- (b) dispose of any vessel, material, thing, cargo or matter, if not claimed within a reasonable time; and
- (c) recover any costs associated with actions taken under clauses 56.1(a) or (b) of this Bylaw.

~~58-57.~~ Recovery of costs where not otherwise specified

~~58-4-57.1.~~ Except as required elsewhere in these Bylaws, any costs incurred by the Harbourmaster in connection with the removal, movement, inspection, securing, storage or disposal of any vessel, swing mooring, material, thing, cargo or matter, shall, as the circumstances of the case require, be recoverable from one or more of the following persons:

- (a) the person who committed the breach of this Bylaw;
- (b) the owner of the cargo or any other matter discharged into any waterway;
- (c) the owner of the vessel;

~~58-2-57.2.~~ If a person from whom costs are to be recovered under subclause 57.1 cannot be located, or fails to pay for any costs incurred in taking action authorised by this Bylaw, the Harbourmaster may recover costs from the person:

- (a) from the sale of the vessel, its swing mooring, its fittings, equipment and cargo, or of the removed or moved material, thing or matter; or
- (b) in any court of competent jurisdiction as a debt due to the Council.

~~59-58.~~ Fees and charges

~~59-4-58.1.~~ The current maritime fees and charges payable for activities within Tasman waters are set out in Schedule 3 (Maritime fees and charges) and may be changed from time to

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time. Any changes to these fees will be ~~publicly notified in~~ made through the Council's Annual Plan process.

Explanatory note: Review of fees and charges will occur through the Annual Plan process and will be included in the Schedule of Fees and Charges in the Annual Plan. The charges listed in Schedule 3 are correct at the time of publication.

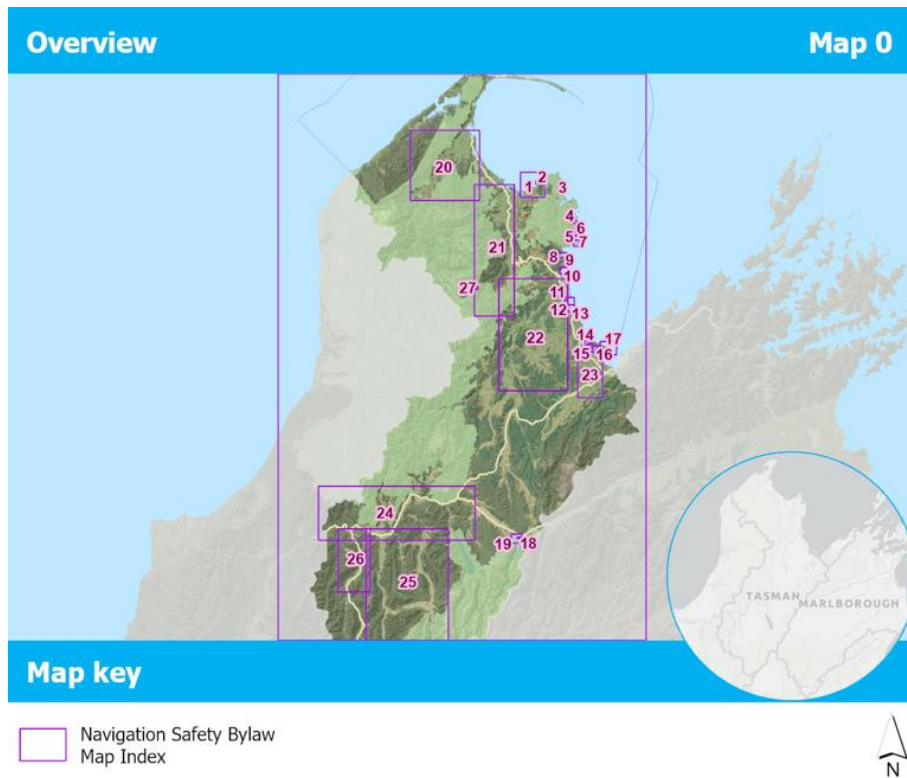
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Schedule 1:

Coastal waters – reserved and restricted areas



Readers' guide for schedule 1

Map 0 above shows the locations of area maps referred to in this Schedule.

Table 1 identifies those coastal areas, or parts thereof (from North to South) that the Council has reserved pursuant to clauses 22, 23, 24, 25 and 26 or where water users are advised to exercise caution when operating in their vicinity.

Schedule 1 contains two distinct area usage types:

- Access lanes, reserved areas and prohibited areas – relevant schedules include conditions of use, which are regulatory provisions pursuant to this Bylaw. Breaches of these conditions could result in enforcement action.

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- Cautionary areas – relevant schedules do not contain regulatory provisions but instead includes an advisory note. An advisory note is provided for information purposes only, offering best-practice advice and guidance to water users.

Note: the maps contained in this schedule are indicative only. Access lanes and reserved areas may be demarcated through the placement of markers. If there is any inconsistency between the markers and maps identifying areas, the location demarcated by markers prevail.

Table 1: Coastal areas reserved for navigation safety purposes

Type (purpose) of area	Location	Schedule
Access lane for water skiing Prohibited areas for anchoring and sea planes	Port Tarakohe	1.1
Access lane for water skiing	Tata Beach	1.2
Access lane for water skiing	Totaranui	1.3
Access lane for coastal access points	Bark Bay	1.4
Reserved area for water skiing Go slow zone	Torrent Bay	1.5
Access lane for coastal access points Reserved area for water skiing Go slow zone Cautionary area	The Anchorage (Browns Bay)	1.6
Access lane for water skiing Reserved area for water skiing Go slow zone	Adele Island	1.7
Prohibited area for certain power craft and kite boarding Prohibited area in infrastructure corridor for anchoring	Marahau	1.8
Reserved areas for waterskiing, swimmers, paddlecraft and similar passive activities Prohibited areas in Kaiteriteri lagoon for vessels and in Kaiteriteri Bay for some vessels and for anchoring Cautionary area	Kaiteriteri	1.9
Prohibited area in infrastructure corridor for anchoring	Stephens and Tapu Bays	1.10

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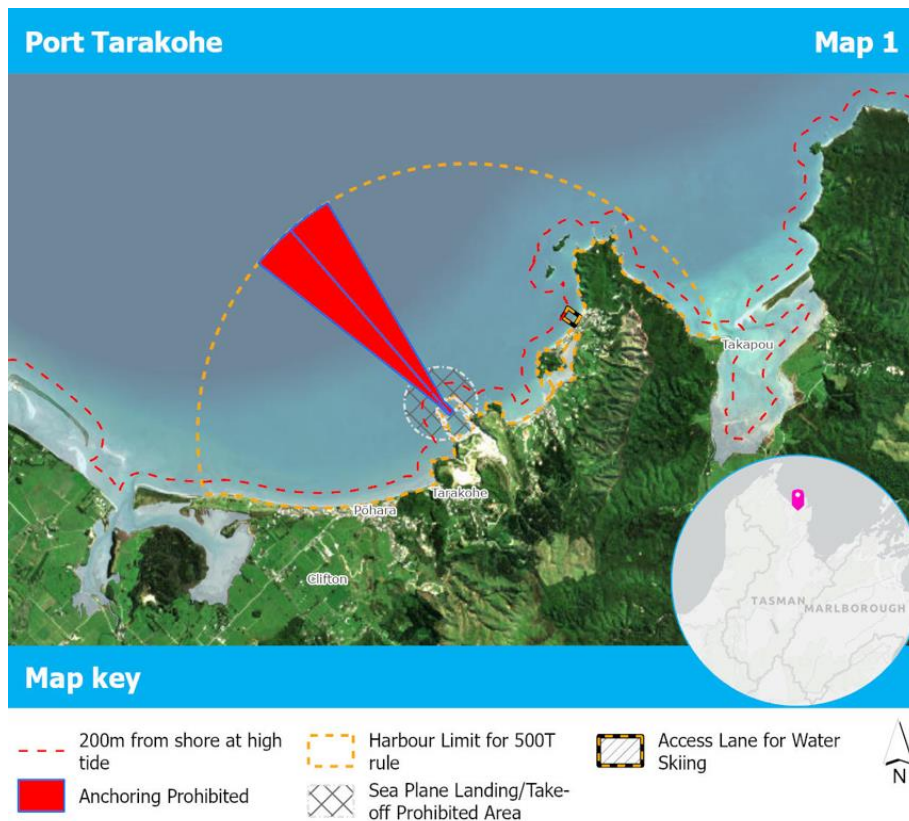
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Access lane Prohibited areas for anchoring and seaplanes Go slow zone	Port Motueka	1.11
Access lane Prohibited areas for anchoring and seaplanes Reserved area for water skiing Go slow zone	Jackett Island (Motueka approaches)	1.12
Reserved area for water skiing	Kina Peninsula	1.13
Access lane Prohibited areas for anchoring and seaplanes	Mapua Channel	1.14
Access lane Reserved areas for water skiing and shared use Prohibited area for seaplanes Cautionary area	Hunter Brown	1.15
Reserved area for shared use Prohibited area for seaplanes Cautionary area	Traverse	1.16
Reserved areas for waterskiing, shared use and other activities as specified Prohibited areas for anchoring and for certain power craft and kite boarding Speed uplifted area Cautionary areas	Rabbit Island	1.17

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Port Tarakohe

Schedule 1.1



Conditions of use

The Tarakohe Harbour limit, relating to Maritime Rule 91.16 regarding the 500T rule, is within an arc of 2NM radius from the front of Tarakohe Harbour leading light structure, K4198, at 40°49.6'S 172°53.9'E

Access Lane

The area designated as an Access Lane on Map 1 at Tata Beach is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5

The Access Lane can be identified by:

- Transit posts mark year-round use
- Buoys may be provided between about Labour Weekend through to about the end of daylight savings the following year.

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Prohibited Areas

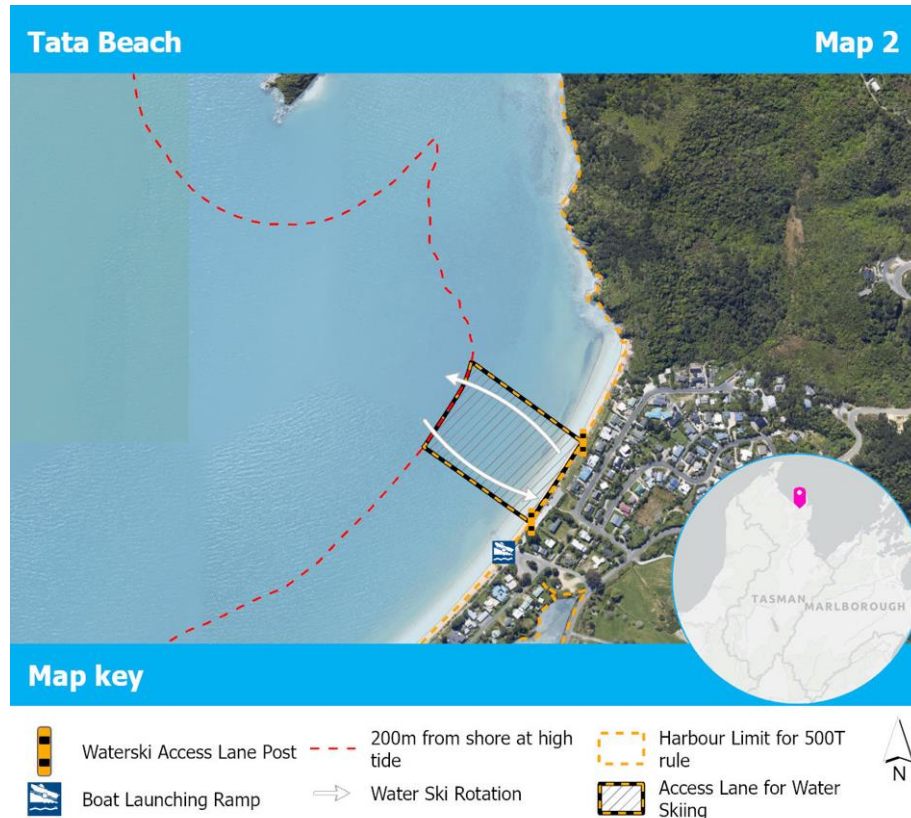
Anchoring is prohibited in the area marked on Map 1 pursuant to clause 25.1.

Seaplane landing or take off is prohibited pursuant to clause 10.2 within a 500m radius of the centre point of the nominal line formed between the outer breakwater mole tips at Tarakohe Harbour.

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Tata Beach**Schedule 1.2****Conditions of use***Access Lane*

The area designated as an Access Lane on Map 2 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

- Transit posts mark year-round use
- Buoys may be provided between Labour Weekend through to the end of daylight savings the following year.

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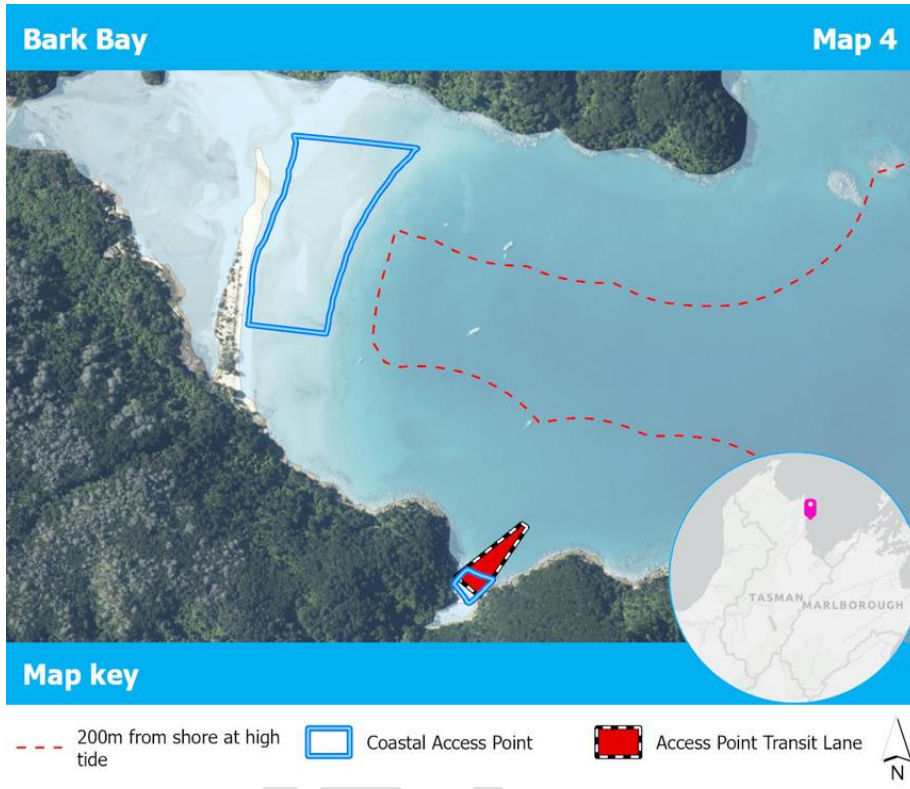
Bark Bay

Schedule 1.4

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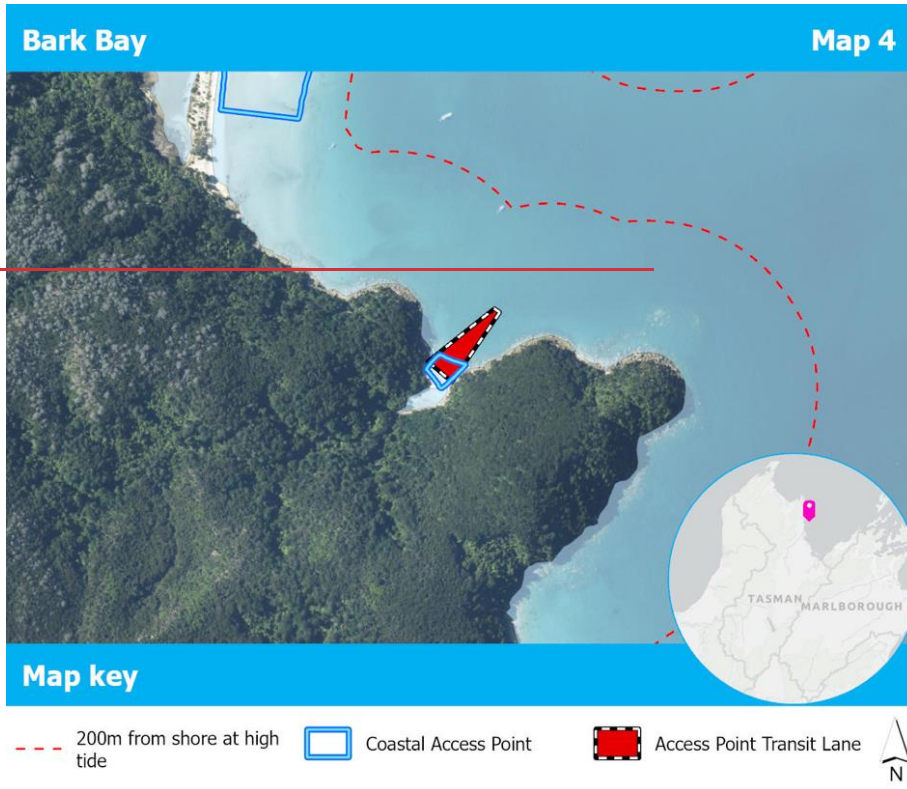
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Conditions of use

Access Lane

The area reserved at Medlands Bay as an Access Lane on Map 4 pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

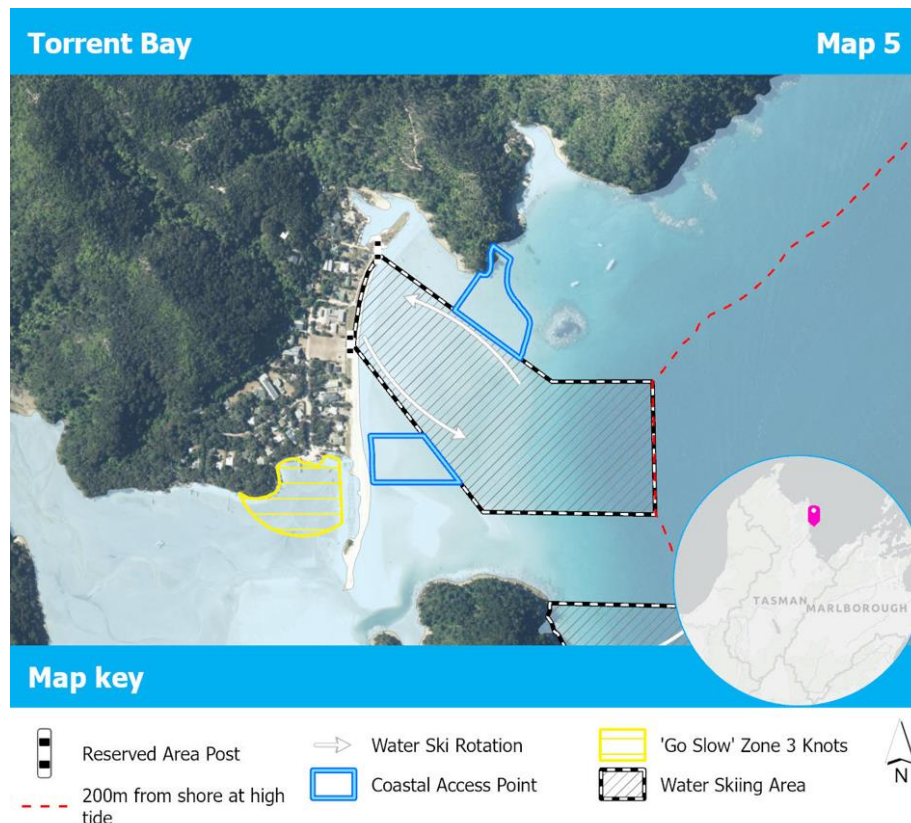
This is available for year-round use and applies between 0700 hours and 1800 hours local daily time. It is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

Coastal Access Point

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

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Torrent Bay**Schedule 1.5****Conditions of use***Water Skiing Area*

The reserved area for water skiing pursuant to clause 22 and shown in Map 5 is reserved for priority use by waterskiers during the two hour period between one hour before high tide until one hour after high tide (as published in the NZ Nautical Almanac for Port Nelson) and only when marked with black posts with white bands. The period of marking may extend from about Labour Weekend through to the end of daylight savings the following year. Buoys may also be provided.

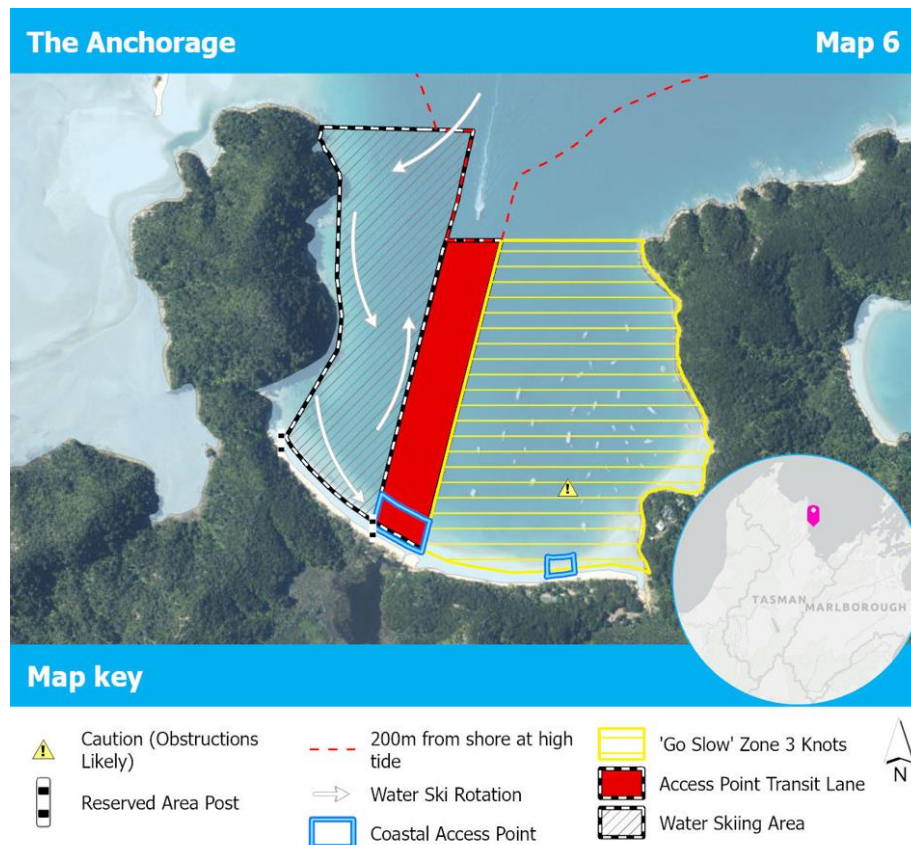
Other conditions

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 5 is a 3 knot zone within a 100 metre radius arc of the centre point of the outer edge of the public jetty and applies at all times.

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The Anchorage (Browns Bay) Schedule 1.6



Conditions of use

Water Skiing Area

The area reserved for water skiing pursuant to clause 22 and shown in Map 6 is reserved for priority use by waterskiers and is available for use when marked with black posts with white bands and buoys for a period which may extend from Labour Weekend through to the end of daylight savings the following year.

Access Lane

The area reserved as an Access Lane on Map 4 pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

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This is available for year-round use and applies between 0700 hours and 1800 hours local daily time. It is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

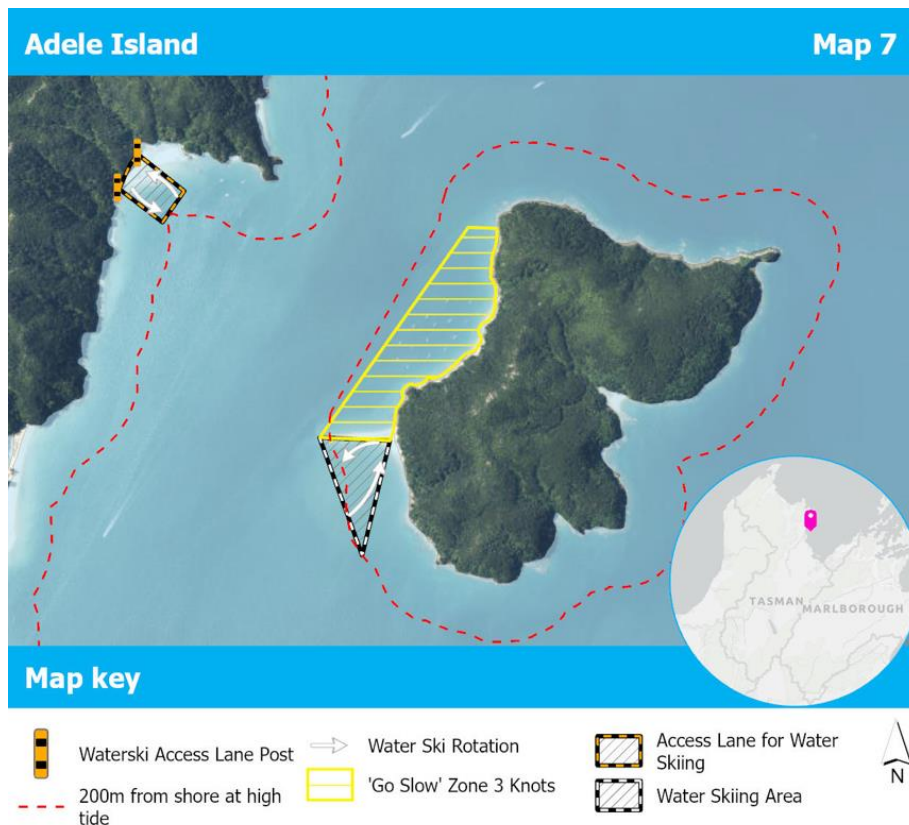
Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, at all times.

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 6 is a 3 knot zone and may be marked with yellow buoys from a period which may extend from about Labour Weekend through to the end of daylight savings the following year. This 3 knot slow speed limit applies at all times whether or not it is marked by buoys, except during any period when the buoys described above are not in place and if no vessel is anchored or moored within the zone.

In the Cautionary Area there is a charted rock within the Access Lane. It is seasonally marked with a north cardinal buoy.

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Adele Island**Schedule 1.7****Conditions of use***Water Skiing Area*

The reserved area for water skiing pursuant to clause 22 and shown in Map 7 is reserved for priority use by waterskiers and is available for use when marked with a black post or posts with white bands for a period which may extend from Labour Weekend through to the end of daylight savings the following year. Buoys may also be provided.

Access Lane

The area designated as an Access Lane in Map 7 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by transit posts and buoys and is marked for a period which may extend from Labour Weekend through to the end of daylight savings the following year

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Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, at all times.

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 7 is a 3 knot zone and may be marked with yellow buoys from a period which may extend from about Labour Weekend through to the end of daylight savings the following year. This 3 knot slow speed limit applies at all times whether or not it is marked by buoys, except during any period when the buoys described above are not in place and if no vessel is anchored or moored within the zone.

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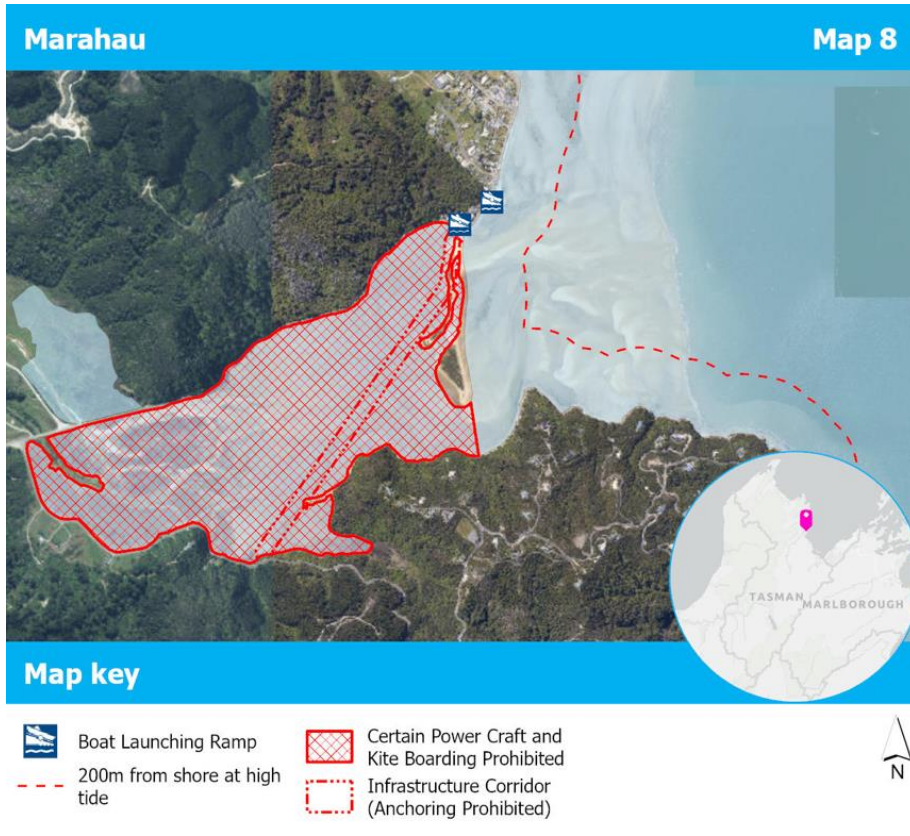
Marahau

Schedule 1.8

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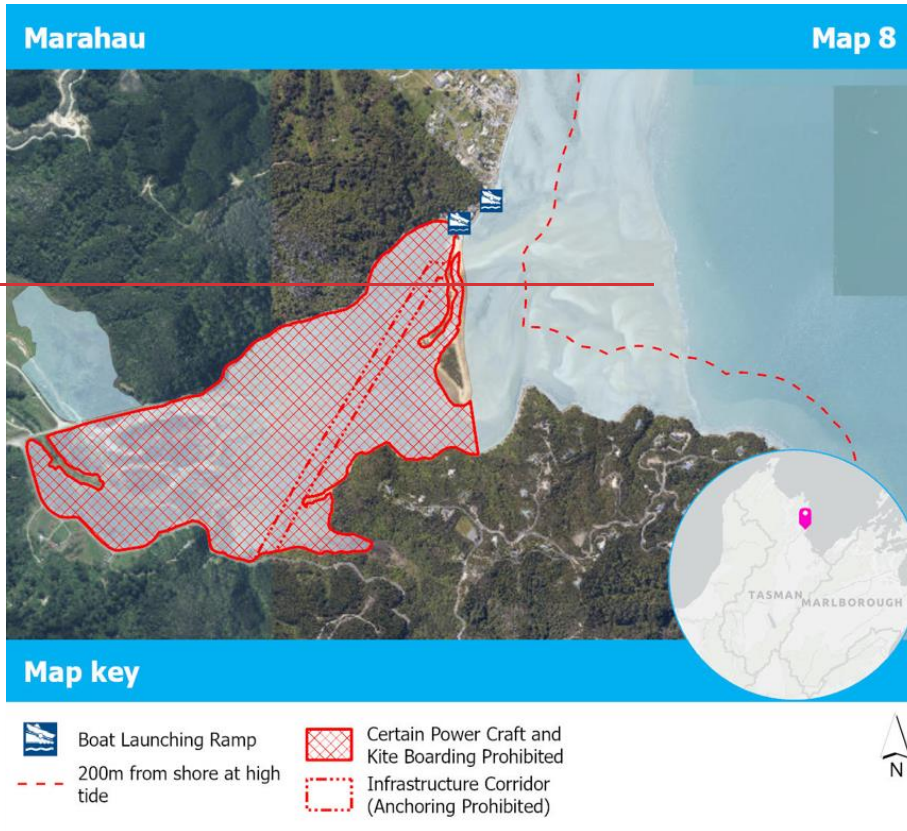
POST-CONSULTATION CHANGES - TDC Nav Safety Bylaw TRACKED

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Commented [AS2]: Replace with map with updated infrastructure corridor location

Conditions of use

Prohibited Areas

In the Prohibited Areas at Marahau shown on Map 8 the following conditions apply:

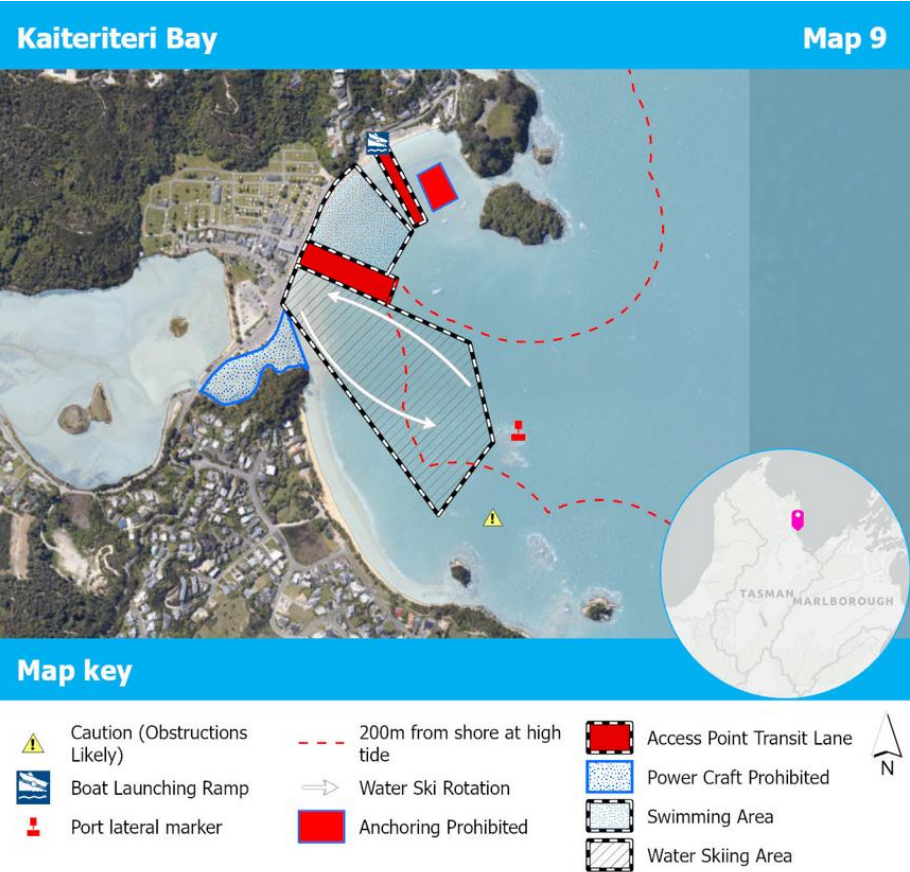
- anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on the above map.
- specified activities are prohibited pursuant to clause 24 as follows:
 - Personal watercraft, WIG craft, hovercraft and kite-propelled vessels are prohibited at all times.
 - Other power-driven vessels are prohibited except when transiting at a maximum speed of 5 knots between the open sea and the launching ramp, or a mooring, or an anchoring position.

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Kaiteriteri

Schedule 1.9



Conditions of use

Swimming Area

The reserved area for swimming and other passive activities pursuant to clause 23 and shown on Map 9 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots. Power-driven vessels are prohibited at all times from this area.

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 9 is reserved for priority use by waterskiers during the four hour period between two hours before high tide until two hour after high tide (as published in the NZ Nautical Almanac for Port Nelson) and only when marked with black posts with white bands,

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The period of marking may extend from about Labour Weekend through to about the end of daylight savings the following year. Buoys may also be provided.

Access Lane

The area reserved as an Access Lane shown on Map 9 and pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

This is available for year-round use and applies as follows:

- At the ramp, at all times; and
- At the main beach, the maximum occupation time per vessel per occasion is 30 minutes (from arrival) when daylight savings time is in force and two or more vessels are using the reserved area at any given time.

The area is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

Prohibited Areas

In the prohibited areas at Kaiteriteri shown on Map 9 and pursuant to clause 24, specific activities are prohibited as follows:

- All power-driven vessels are prohibited from operating at all times except in an emergency, in the following locations:
 - Kaiteriteri lagoon outlet; and
 - Kaiteriteri swimming areas, while the area is marked with buoys.
- ~~Personal watercraft, WIG craft and hovercraft are prohibited from operating in Kaiteriteri Bay except when transiting to and from the boat ramp (in accordance with Part 91). This is not shown on Map 9. To avoid confusion Kaiteriteri Bay is all areas shoreward from a notional line formed between the outer edges of Torlesse Rock and Kaka Island.~~

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, for swimming or in which powered vessels are prohibited, at all times.

In the Cautionary Area there are multiple submerged rocks both inshore and offshore in this general area.

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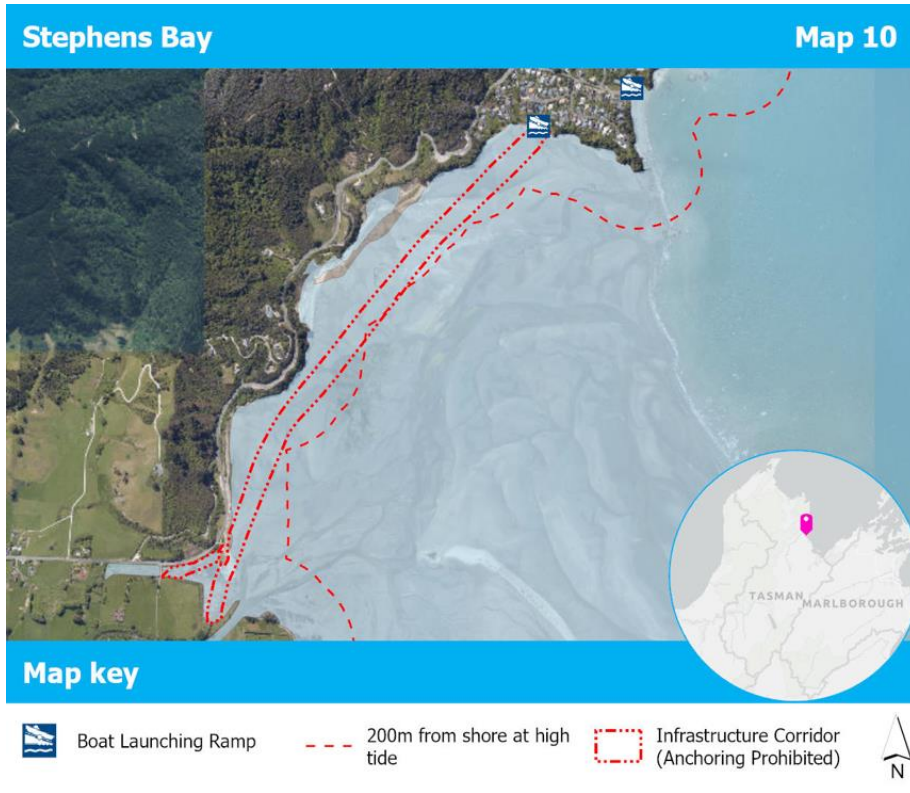
Stephens and Tapu Bays

Schedule 1.10

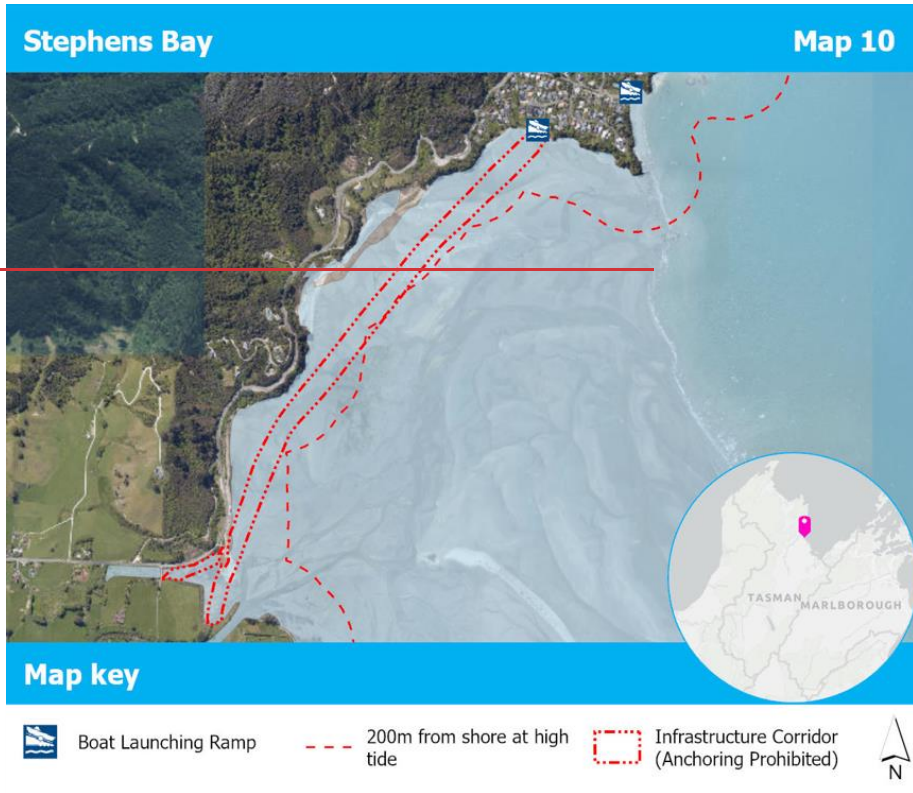
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Commented [AS3]: Replace map to show updated infrastructure corridor

Conditions of use

Prohibited Area

Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 10.

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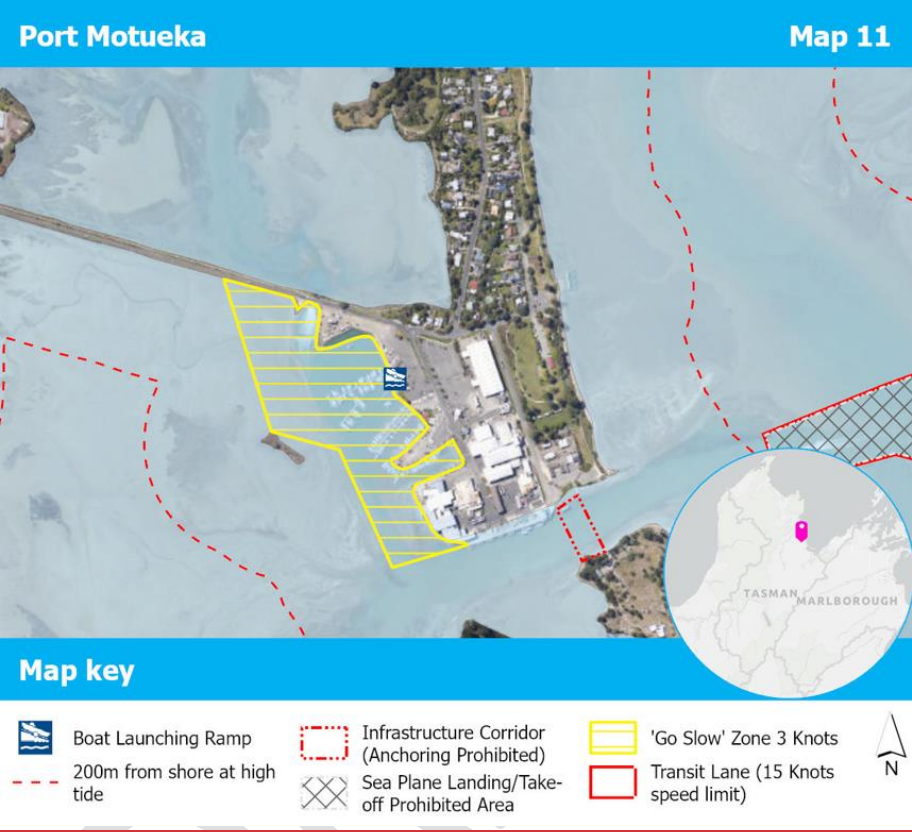
Port Motueka

Schedule 1.11

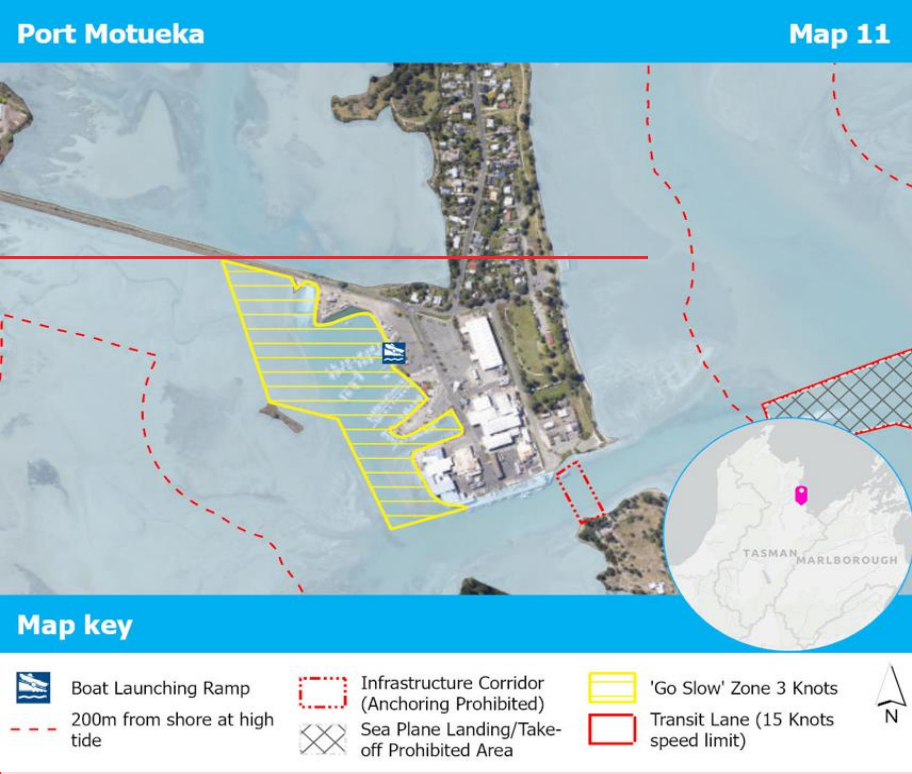
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POST-CONSULTATION CHANGES - TDC Nav. Safety Bylaw TRACKED



Commented [AS4]: Map may need to be replaced to updated location of infrastructure corridor

Conditions of use

Prohibited Areas

Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 11.

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels and in the marina or channel, at all times.

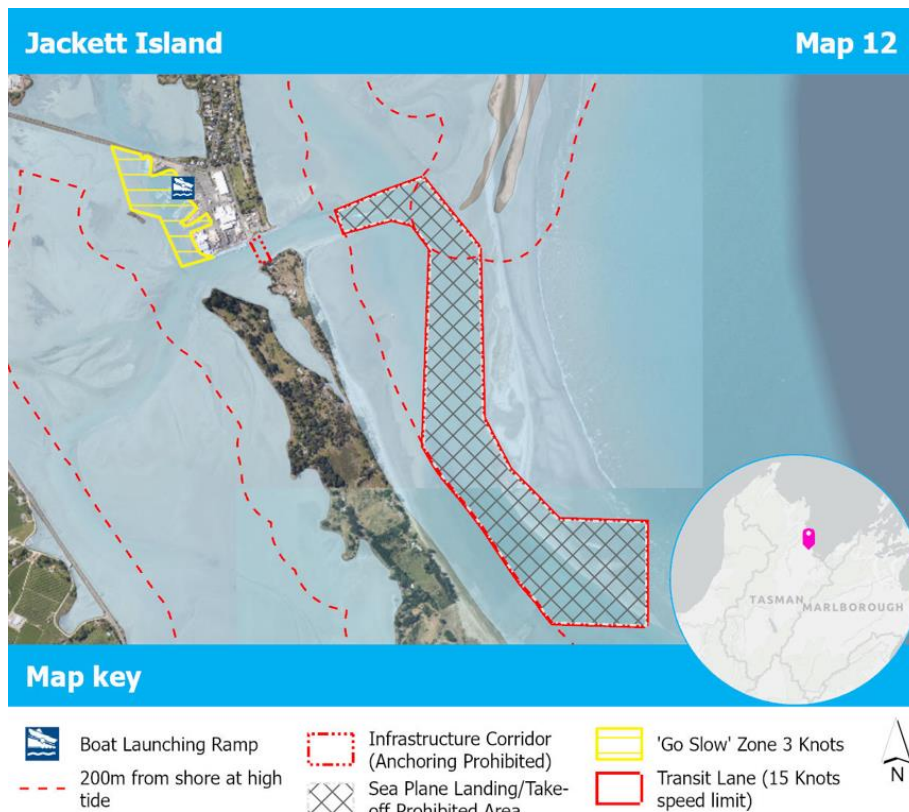
Other Conditions

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 11 is a 3 knot zone that applies at all times in the marked area adjacent to and including the Motueka marina precinct.

The area reserved as a Access Lane at the Motueka approaches shown on Map 11 and pursuant to clause 22 provides a reserved area for vessels travelling between the Motueka bar crossing, wherever that may be at any given time. Conditions of use are detailed in Schedule 1.12 (Jackett Island).

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Jackett Island (Motueka approaches) Schedule 1.12



Conditions of use

Access Lane

The area reserved as a Access Lane at the Motueka approaches shown on Map 12 and pursuant to clause 22 provides a reserved area for vessels travelling between the Motueka bar crossing (wherever that may be at any given time) and is bounded by the inside of the Motueka sandspit and not less than 200m from the shore of Jackett Is at MHWS and the starboard lateral pile closest to Motueka wharf.

While in this Access Lane, vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Motueka approaches.

Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as an Access Lane. The speed limit within 50m of any other vessel underway or

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a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed

Provisions relating to the control of nuisance from a vessel's wake apply. Beware of shifting shallow banks.

PLEASE NOTE THAT CHANNEL MARKER BUOYS PLACED IN THE MOTUEKA APPROACHES ARE PRONE TO SHIFTING OR BEING DISPLACED BY TIDE AND WEATHER EVENTS. ALL NAVIGATION IN AND OUT OF MOTUEKA IS THE RESPONSIBILITY OF THE MASTER OR PERSON IN CHARGE OF THE VESSEL. NAVIGATION IN AND OUT OF MOTUEKA HARBOUR IS UNDERTAKEN STRICTLY AT OWN RISK AND NEITHER THE COUNCIL NOR THE HARBOURMASTER SHALL BE LIABLE FOR ANY LOSS OR DAMAGE OF WHATEVER NATURE, THAT MAY ARISE SHOULD VESSELS COME TO HARM AS A CONSEQUENCE OF THE MOVEMENT OF CHANNEL MARKER BUOYS.

Prohibited Areas

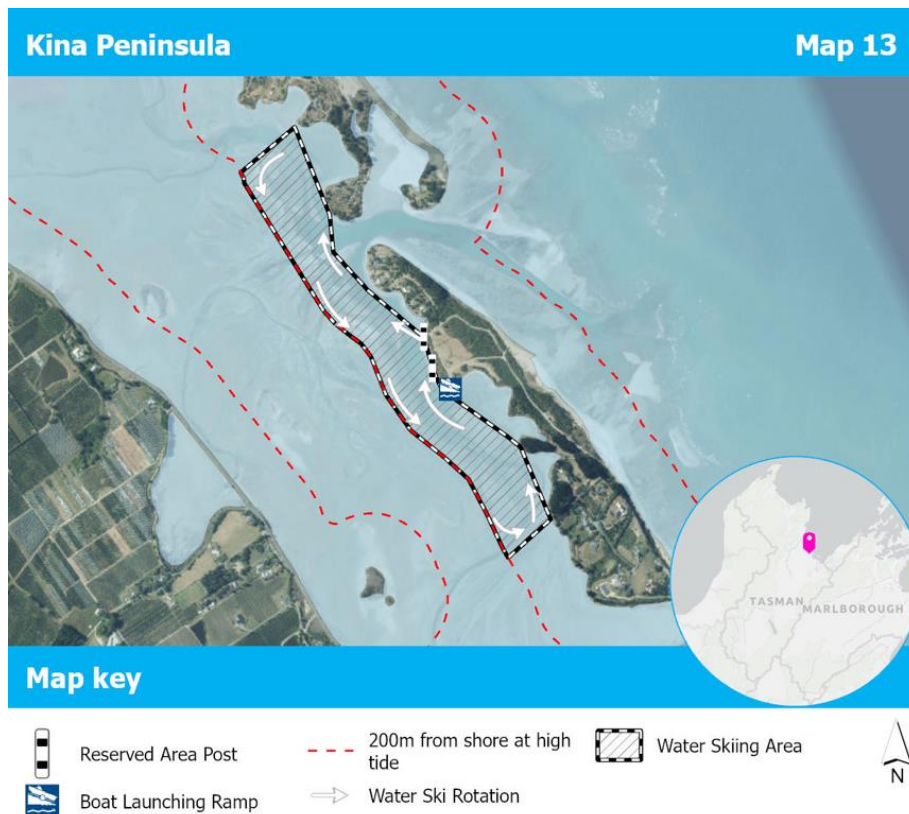
Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 12.

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels and in the Motueka approaches and channel, at all times.

Other conditions

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 12 is a 3 knot zone that applies at all times in the marked area adjacent to and including the Motueka marina precinct.

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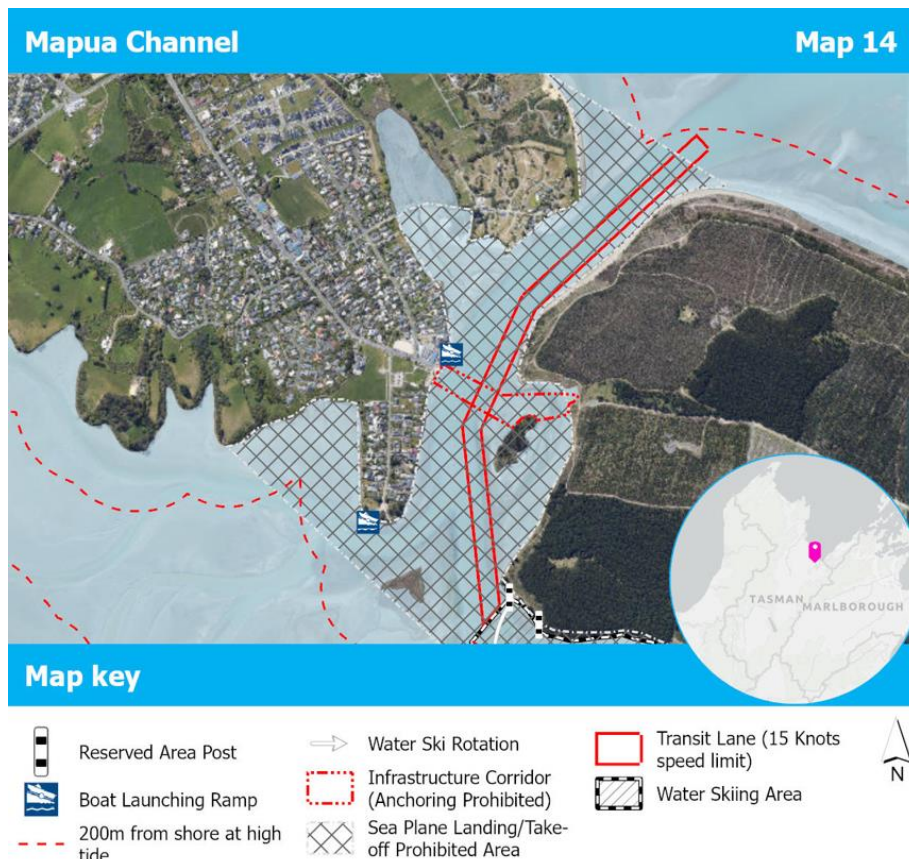
Kina Peninsula**Schedule 1.13****Conditions of use***Water Skiing Area*

The reserved area for water skiing pursuant to clause 22 and shown in Map 13 is reserved for priority use by waterskiers and is available all year round. Other vessels intending to transit between the open sea and the ramp when waterskiing is in progress may do so at any safe speed so long as they do not obstruct or endanger any vessel or person engaged in waterskiing. A suitable landing and take-off area is bounded by a pair of black posts with white bands and may be partially marked with buoys.

Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing. Unsuitable for skiing during lower tides.

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Mapua Channel**Schedule 1.14****Conditions of use***Access Lane*

The area reserved as an Access Lane shown on Map 14 and pursuant to clause 22 provides a reserved area for vessels travelling between Grossi Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel.

While in this Access Lane vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Mapua Channel. Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as an Access Lane. The speed limit within 50m of any other vessel underway or a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed.

Provisions relating to the control of nuisance from a vessel's wake apply.

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Prohibited Areas

Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 14.

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

Water Skiing Area

The reserved area for water skiing shown on Map 14 and pursuant to clause 22 is reserved for priority use by waterskiers and is available all year round. Conditions of use are set out in Schedule 1.15 (Hunter Brown).

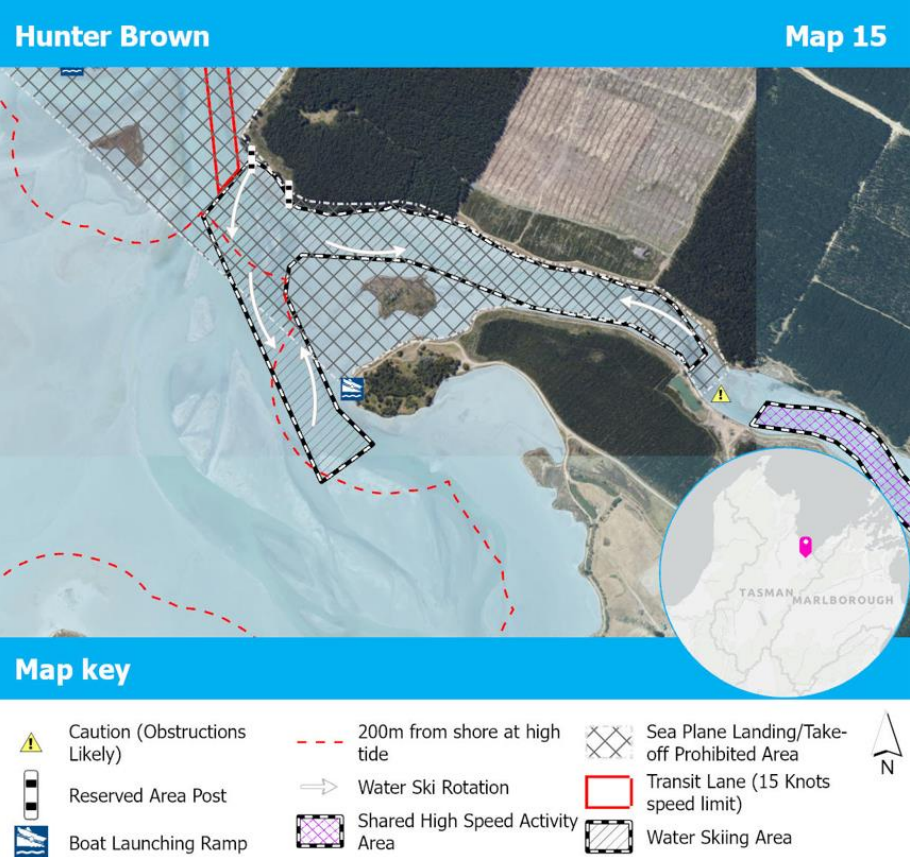
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Hunter Brown

Schedule 1.15



Conditions of use

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 15 is reserved for priority use by waterskiers and is available all year round. A suitable landing and take-off area is bounded by a pair of white posts with black bands. The area boundaries may be otherwise marked with transit posts.

Beware of submerged banks, logs and other obstructions. Reconnaissance is recommend prior to skiing.

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Shared High Speed Activity Area

The reserved area for shared high speed activity shown on Map 15 and pursuant to clause 22 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. Conditions of use are detailed in Schedule 1.16 (Traverse).

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

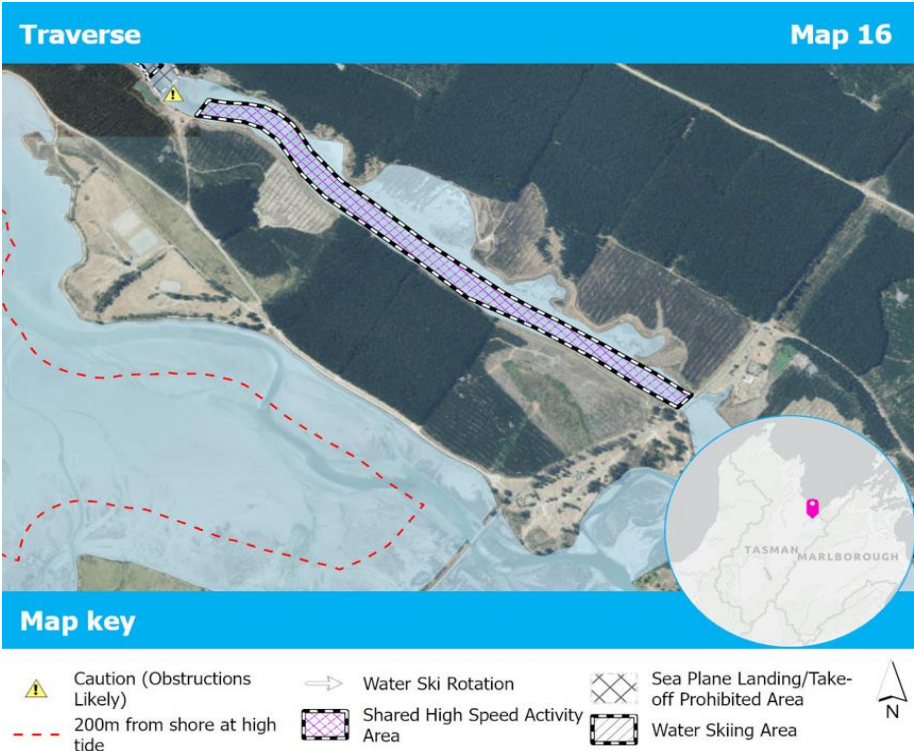
The area reserved as an Access Lane shown on Map 15 and pursuant to clause 22 provides a reserved area for vessels travelling between Grossi Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel. Conditions of use are set out in Schedule 1.14 (Mapua Channel).

Cautionary area – extremely shallow where the causeway formerly crossed this channel, even near high tide

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Traverse

Schedule 1.16



Conditions of use

Shared High Speed Activity Area

The reserved area for shared high speed activity shown on Map 16 and pursuant to clause 22 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. No more than one vessel to be making way within the slalom course at any given time, except in an emergency.

The speed limit within 200 metres of shore is uplifted, when in use for a priority activity. This area is available for year-round use and is not marked with transit posts. Unsuitable at lower tides.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

The Cautionary Area is extremely shallow where the causeway formerly crossed this channel, even near high tide.

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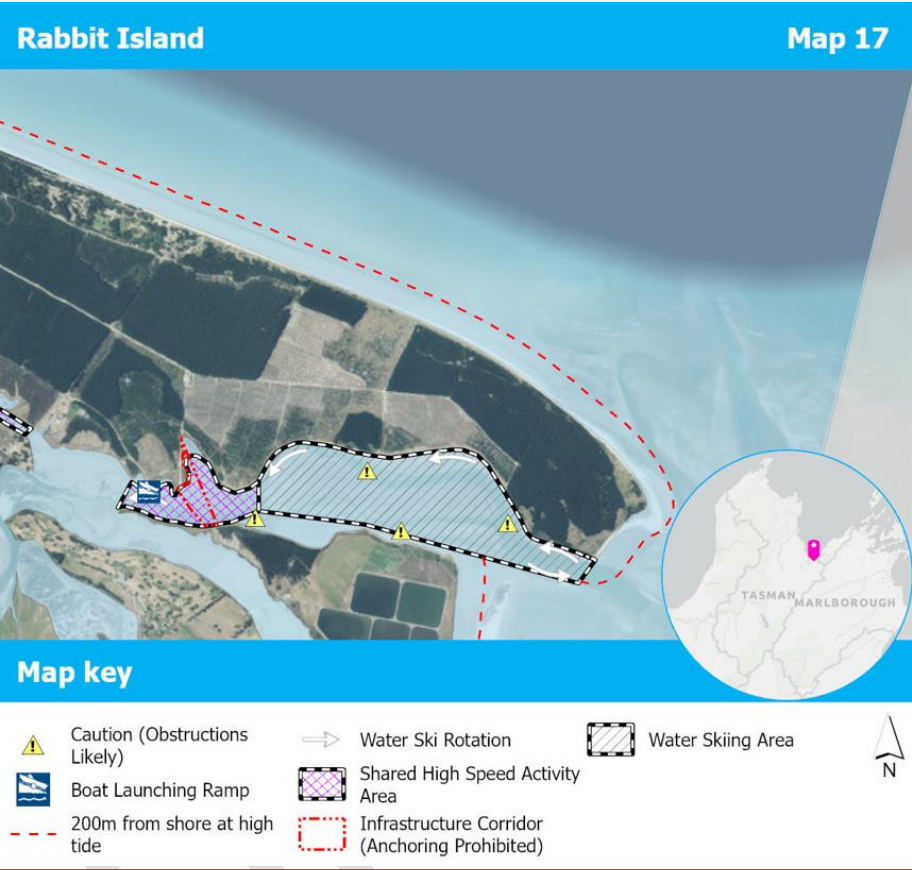
Rabbit Island

Schedule 1.17

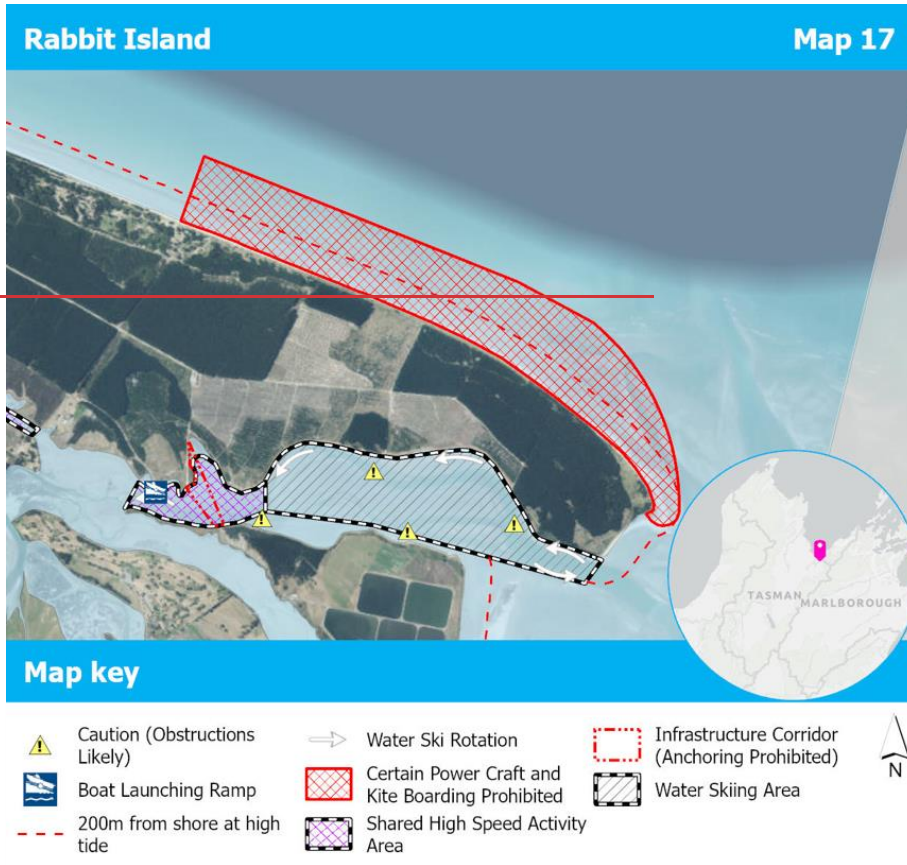
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Commented [AS5]: Map to be replaced to remove the craft prohibition

Conditions of use

The reserved area at the boat ramp pursuant to clause 22 and shown in Map 17 is reserved for use by the following classes of vessel in descending priority:

- (1) Personal watercraft
- (2) Hovercraft, WIG craft and novel craft
- (3) Vessels engaged in waterskiing
- (4) Other vessels undertaking trials in excess of 5 knots.

The speed limit within 200 metres of shore or any structure, and within 50 metres of any other vessel, is uplifted, when in use for a priority activity. Vessels of a lower priority must keep clear if vessels of a higher priority are using the area.

If the adjacent waterskiing area (to the east) is not in use for waterskiing, priority users of this area may also operate in that area, however should note that the speed limit within 50m of any other vessel applies there.

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Vessels using this area for a priority purpose must not unreasonably obstruct or delay other users from using the ramp or transiting between the ramp and other waters.

This area is available for year round use and may be marked with transit posts. Unsuitable at lower tides for some vessels.

Water Skiing Area

The reserved area to the east of the ramp pursuant to clause 22 and shown on Map 17 is reserved for priority use by water skiers. If not in use by water-skiers, other vessels may use this area at any safe speed. This area is available for year round use and may be marked with transit posts.

A suitable take-off and landing area for water-skiers exists near the eastern end of this area. Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing.

Shared High Speed Activity Area

The reserved area at the Traverse pursuant to clause 22 and shown in Map 17 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. Conditions of use are set out in Schedule 1.16 (Traverse).

Prohibited Areas

~~In the prohibited area at the south eastern half of the beach, shown on Map 17 and pursuant to clause 24, specific activities are prohibited as follows:~~

- ~~• all personal watercraft, WIG craft, hovercraft and kite propelled vessels are prohibited at all times~~
- ~~• other vessels must avoid creating a nuisance that may spook horses. 5 knots maximum speed within 200 metres of shore.~~

Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 17

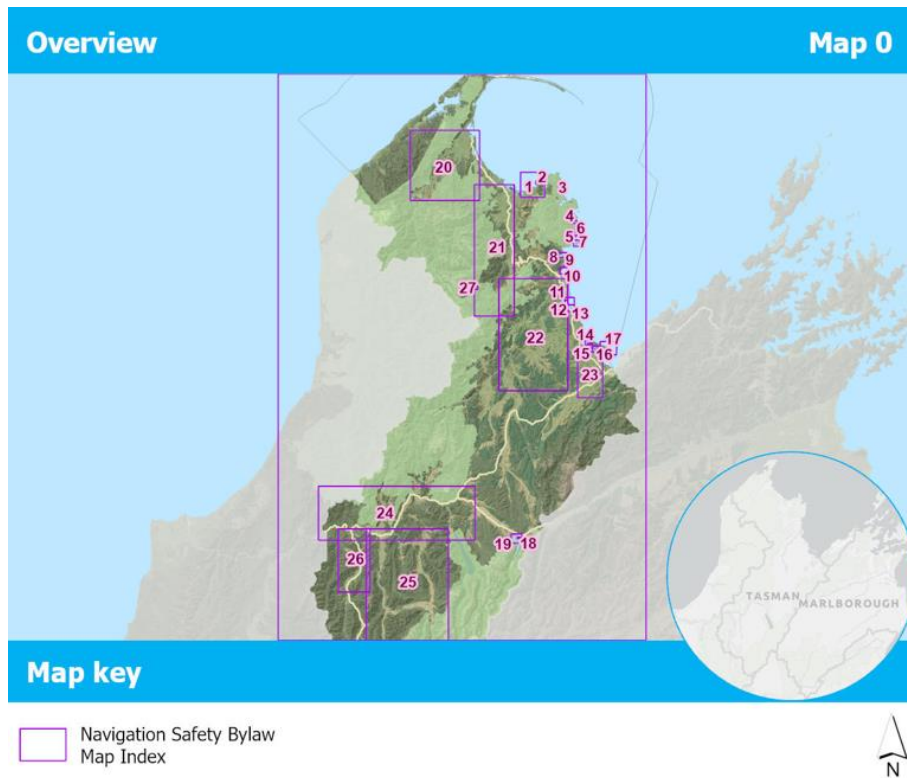
Other conditions

Cautionary Area: logs, oyster and mussel banks occur throughout the Rabbit Island water ski area. The most prominent at the time these Bylaws were made are approximately marked by the caution symbol on the above Map 17.

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Schedule 2:

Inland waters – reserved and restricted use areas



Readers' guide for Schedule 2

Map 0 above shows the locations of area maps referred to in this Schedule.

Table 2 identifies those rivers and lakes areas, or parts thereof (from North to South) that the Council has reserved pursuant to clauses 22, 23 and 24 or for which speed restrictions have been uplifted under clause 26.

For speed uplifted areas and reserved areas, this schedule contains location-specific conditions of use. Any clauses contained in these schedules must be read in conjunction with all other clauses in these Bylaws.

Note: the maps contained in this schedule are indicative only. Areas identified in the schedule may be demarcated through the placement of markers. If there is any inconsistency between the markers and maps identifying areas, the location demarcated by markers prevail.

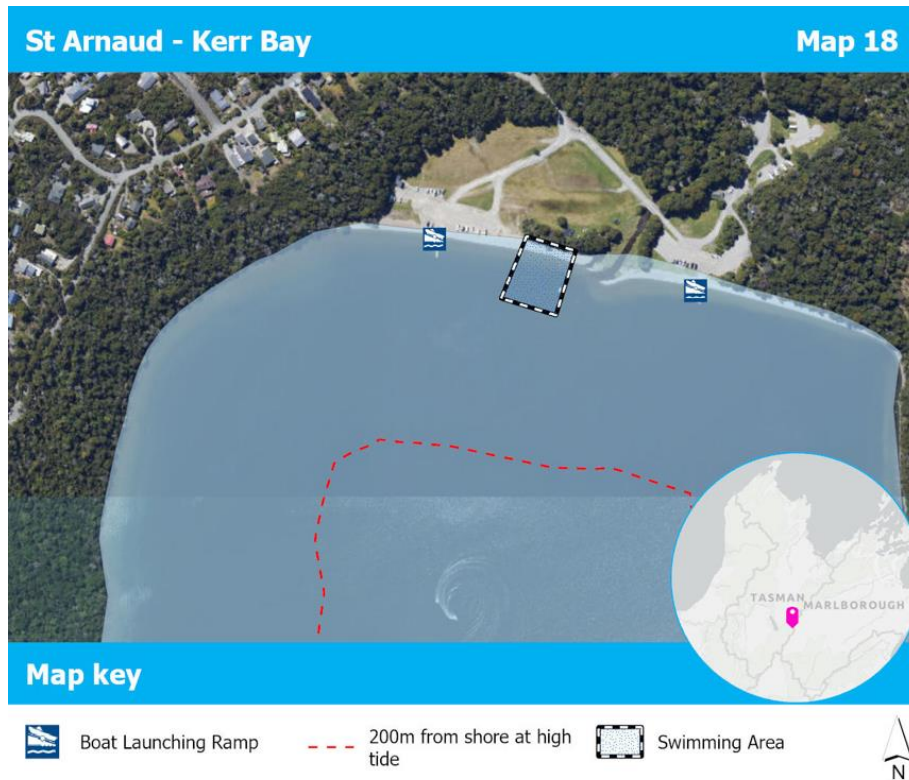
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Table 2: River and lake reserved areas and speed uplifted areas

Type (purpose) of area	Location	Schedule
Reserved area for swimmers	St Arnaud – Kerr Bay	2.1
Access lane Reserved areas for waterskiing and swimmers, paddlecraft and similar passive activities	Lake Rotoiti	2.2
Speed uplifted area	Aorere River	2.3
Speed uplifted area	Takaka River	2.4
Speed uplifted area	Motueka River	2.5
Speed uplifted area	Waimea and Wairoa Rivers	2.6
Speed uplifted area	Buller River and tributaries	2.7
Speed uplifted area	Matakitaki River (Buller tributary)	2.8
Speed uplifted area	Maruia River (Buller tributary)	2.9
Prohibited area for all persons and vessels	Cobb Reservoir	2.10

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St Arnaud – Kerr Bay**Schedule 2.1****Conditions of use***Swimming Area*

The reserved area for swimming and other passive activities pursuant to clause 22 and shown in Map 18 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots.

This seasonal reservation applies when the black posts with white bands that mark the area are fitted with signage from the beginning of December each year until the end of daylight savings the following year. Buoys may also be provided.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved in these Bylaws for swimming, at all times.

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Note the 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay.

Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.

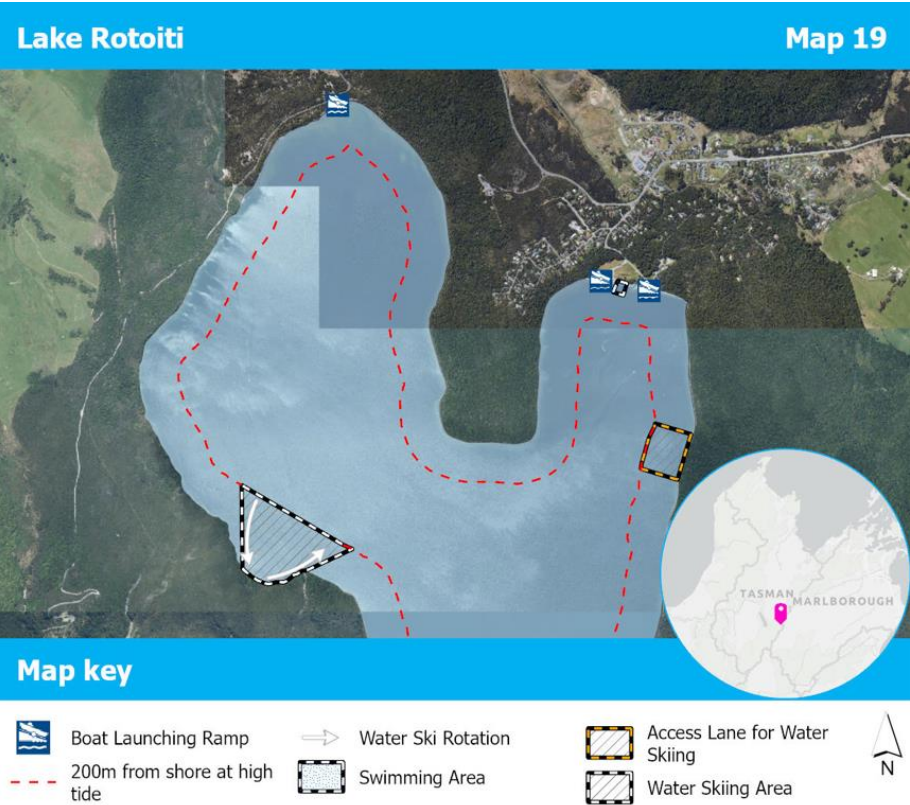
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Lake Rotoiti

Schedule 2.2



Conditions of use

Swimming Area

The area reserved area in Kerr Bay for swimming and other passive activities pursuant to clause 22 and shown in Map 18 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots.

This seasonal reservation applies when the black posts with white bands that mark the area are fitted with signage from the beginning of December each year until the end of daylight savings the following year. Buoys may also be provided.

Water Skiing Area

The area reserved in West Bay pursuant to clause 22 and shown in Map 19 for waterskiing is available for year-round use for waterskiing and is marked with transit posts. Buoys may be provided during summer months.

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Access Lane

The area designated as an Access Lane in Map 20 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

- Transit posts mark year-round use.
- Buoys may be provided between the beginning of December through to the end of daylight savings the following year.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved in these Bylaws for swimming, at all times.

Note the 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay.

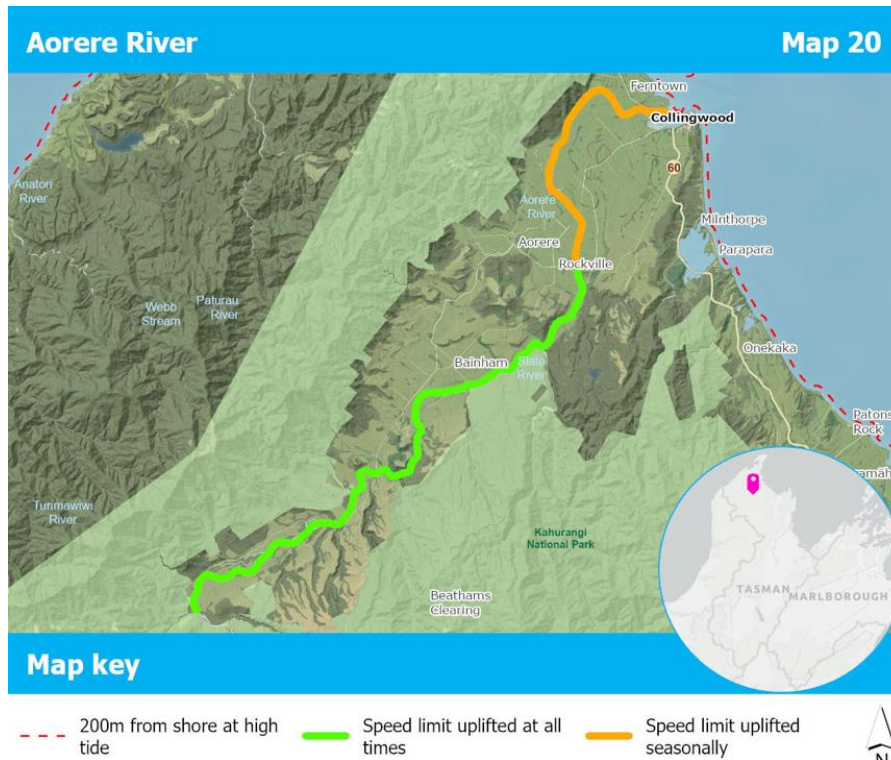
Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.

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Aorere River

Schedule 2.3



Conditions of use

Speed Uplifted Areas

The speed uplifted areas for the Aorere River are shown on Map 20 and pursuant to clause 26.

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

For the area where the speed limit is uplifted permanently, speed can exceed 5 knots within 200 metres of shore of structure.

For the area where the speed limit is uplifted seasonally, the following conditions apply:

- Between 15 August and 30 November, the speed limit is uplifted only from Brown River confluence to Rockville bridge.
- Between 1 December and 14 August, the speed limit is uplifted only from Brown River confluence to the sea. For the purposes of this clause, the seaward boundary is deemed to

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be a nominal line across the river at the tip of the training wall at Collingwood (at 40°40.57'S; 172°40.44'E), perpendicular to the general river flow.

- All tributaries are excluded.

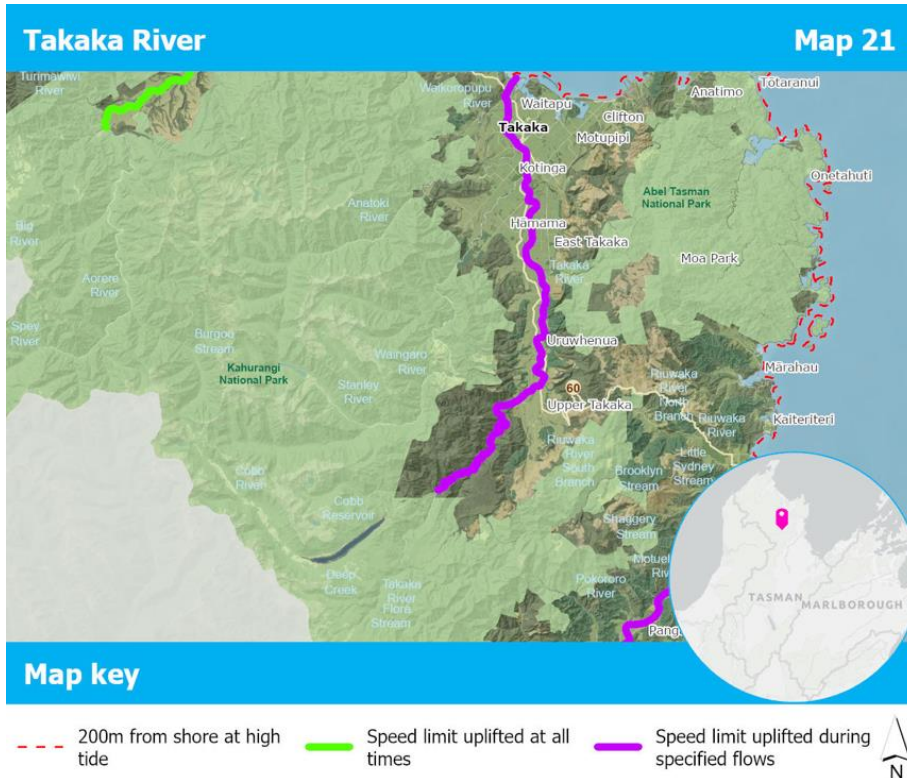
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Takaka River

Schedule 2.4



Conditions of use

Speed Uplifted Area

The speed uplifted area for the Takaka River is shown on Map 21 and pursuant to clause 26.1 and applies during specified flows as follows:

- The speed limit is uplifted only in the main branch between the powerhouse at the Cobb Reservoir at Drummond flat and the sea, when the flow at Kotinga exceeds 20 cumecs.
- All tributaries are excluded.

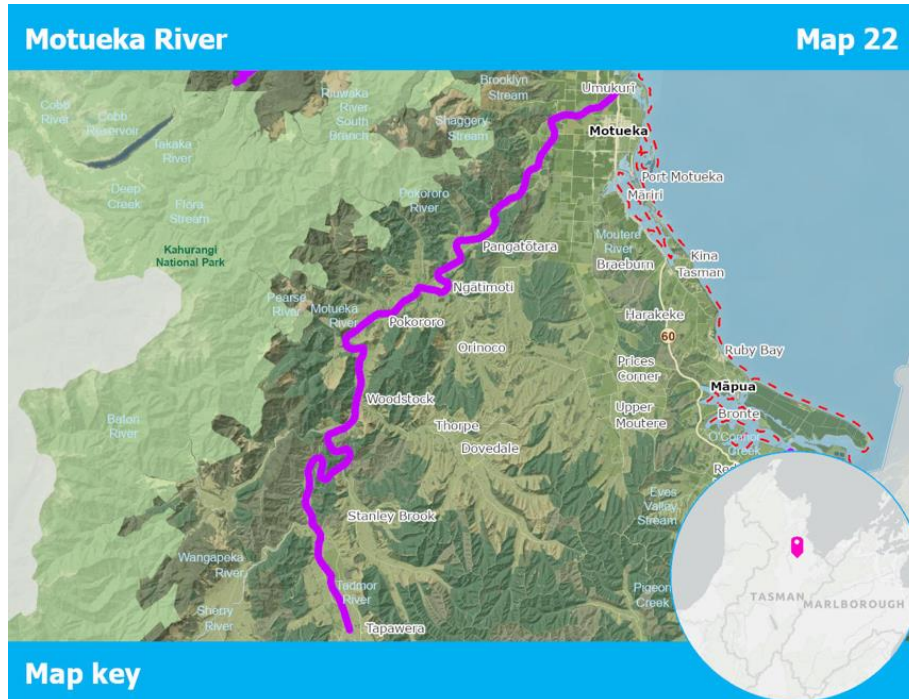
River flow levels can be determined by checking the Council's website: [River flow](#)

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

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Motueka River

Schedule 2.5



Conditions of use

Speed Uplifted Area

The speed uplifted area for the Motueka River is shown on Map 22 and pursuant to clause 26.1 and applies during specified flows as follows:

- The speed limit is uplifted only in the main branch between the Tapawera Bridge and the State Highway bridge at Motueka, when the flow at Woodmans Bend exceeds 50 cumecs.
- All tributaries are excluded.

As a guideline, local kayak and canoe clubs consider 100 cumecs to be the upper flow limit in the Motueka River (as measured at Woodstock) for acceptable paddling risk by the majority of users.

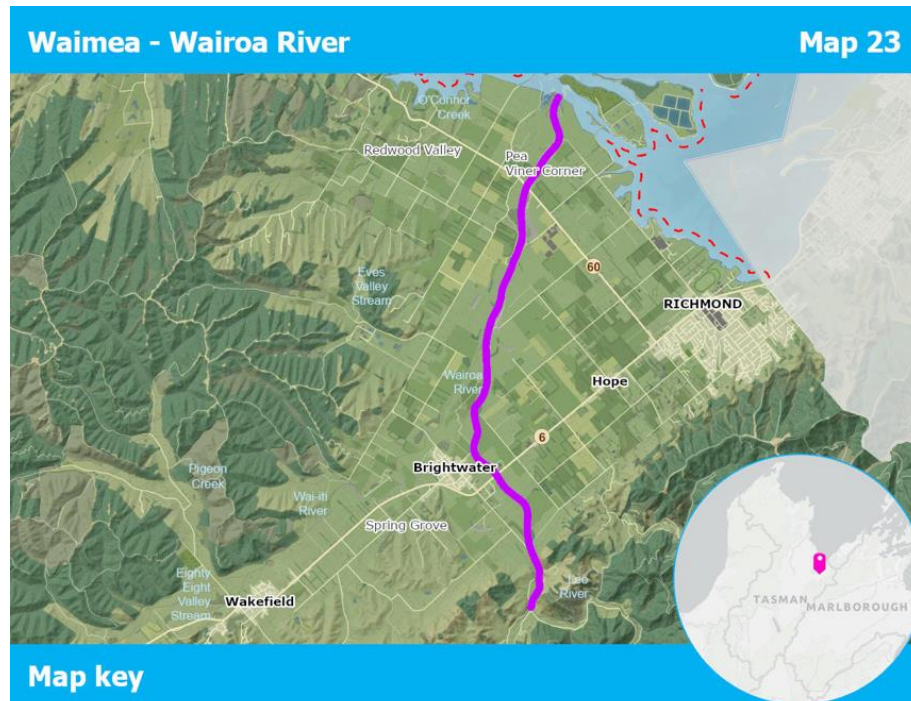
River flow levels can be determined by checking the Council's website: [River flow](#)

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

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Waimea and Wairoa Rivers

Schedule 2.6



Conditions of use

Speed Uplifted Area

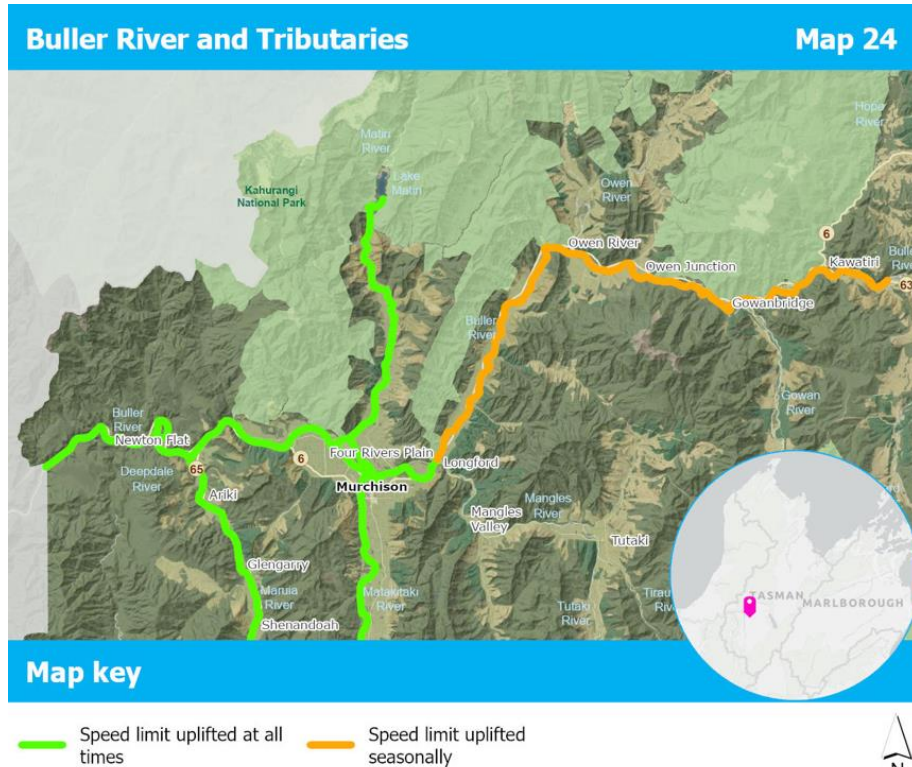
The speed uplifted area for the Waimea and Wairoa Rivers is shown on Map 23 and pursuant to clause 26.1 and applies during specified flows as follows:

- the speed limit is uplifted only from the confluence of the Lee River to the sea when the flow at Wairoa at Irvines exceeds 20 cumecs.
- all tributaries are excluded

River flow levels can be determined by checking the Council's website: [River flow](#)

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

POST-CONSULTATION CHANGES - TDC Nav Safety Bylaw TRACKED

Buller River and tributaries**Schedule 2.7****Conditions of use***Speed Uplifted Areas*

The speed uplifted areas for the Buller River and tributaries are shown on Map 24 and pursuant to clause 26.1.

For the areas where the speed limit is uplifted permanently, speed can exceed 5 knots within 200 metres of shore or structure as follows:

- only the main tributaries are shown on Map 24, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from the boat ramp at Riverside Campground downstream to the boundary of the district.

For the area where the speed limit is uplifted seasonally, the following conditions including specified flow rates apply:

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- Between 1 May and 30 September, the speed limit is uplifted for the waters of the main branch (excluding tributaries) from the Harleys Rock Road Bridge to the Mangles confluence when the flow at Longford exceeds 60 cumecs.

River flow levels can be determined by checking the Council's website: [River flow](#)

As a guideline, the Buller River upstream of Murchison is unlikely to be navigable by jet boats at flows of less than 65 cumecs as measured at Longford.

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

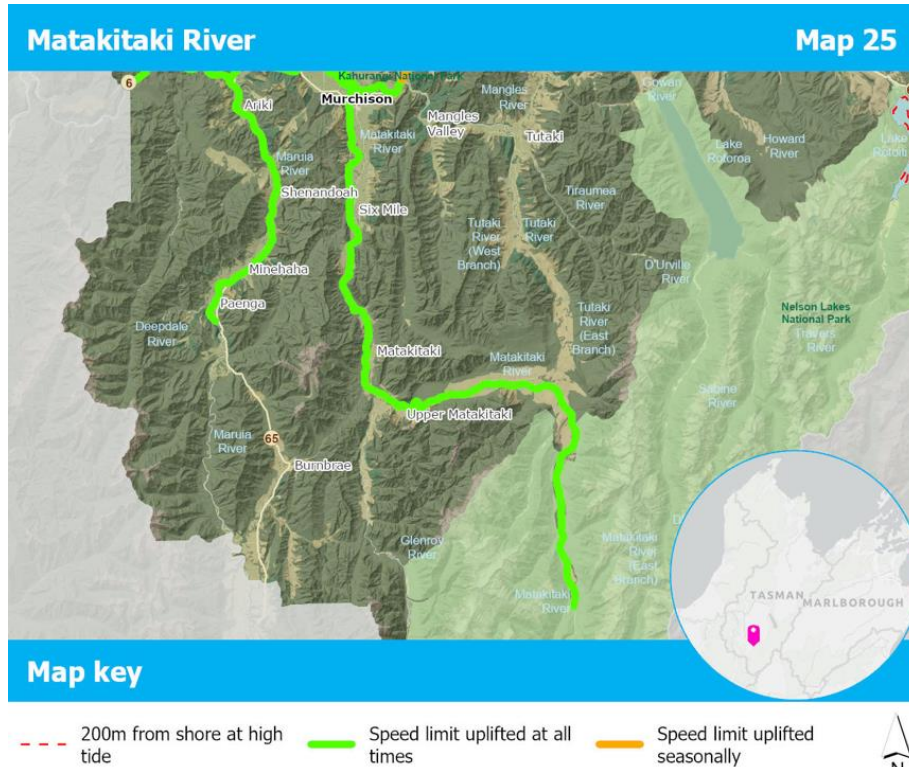
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Matakitaki River (Buller tributary)

Schedule 2.8



Conditions of use

Speed Uplifted Area

The speed uplifted area for the Matakitaki River (Buller tributary) are shown on Map 25 and pursuant to clause 26.1. Speed can exceed 5 knots within 200 metres of shore or structure.

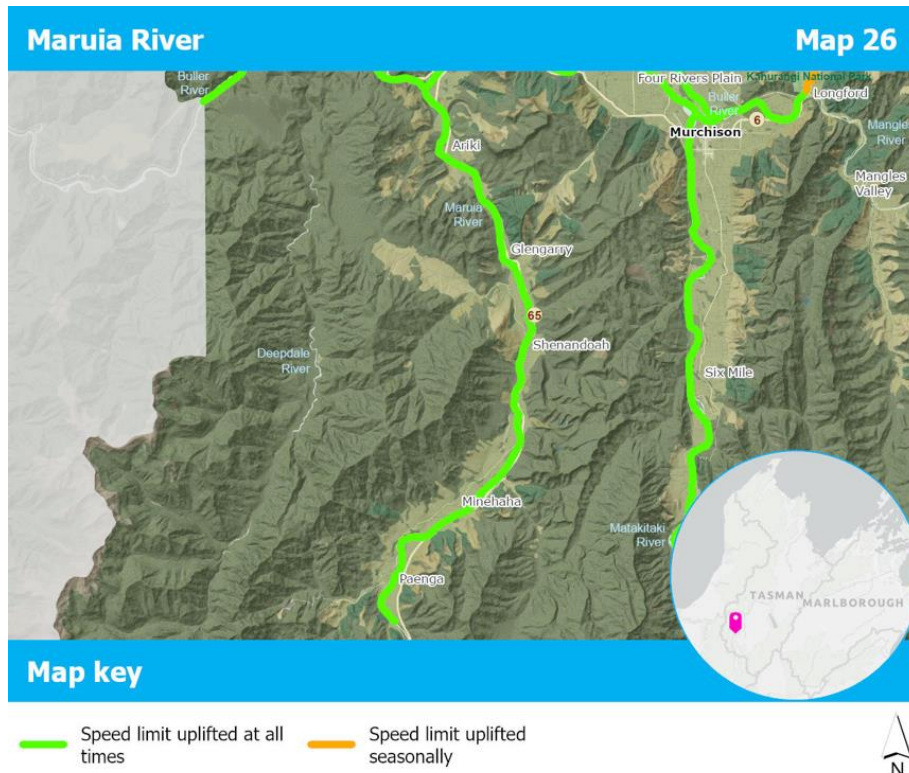
Note that only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

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Maruia River (Buller tributary)

Schedule 2.9



Conditions of use

Speed Uplifted Area

The speed uplifted area for the Maruia River (Buller tributary) is shown on Map 26 and pursuant to clause 26.1. Speed can exceed 5 knots within 200 metres of shore or structure.

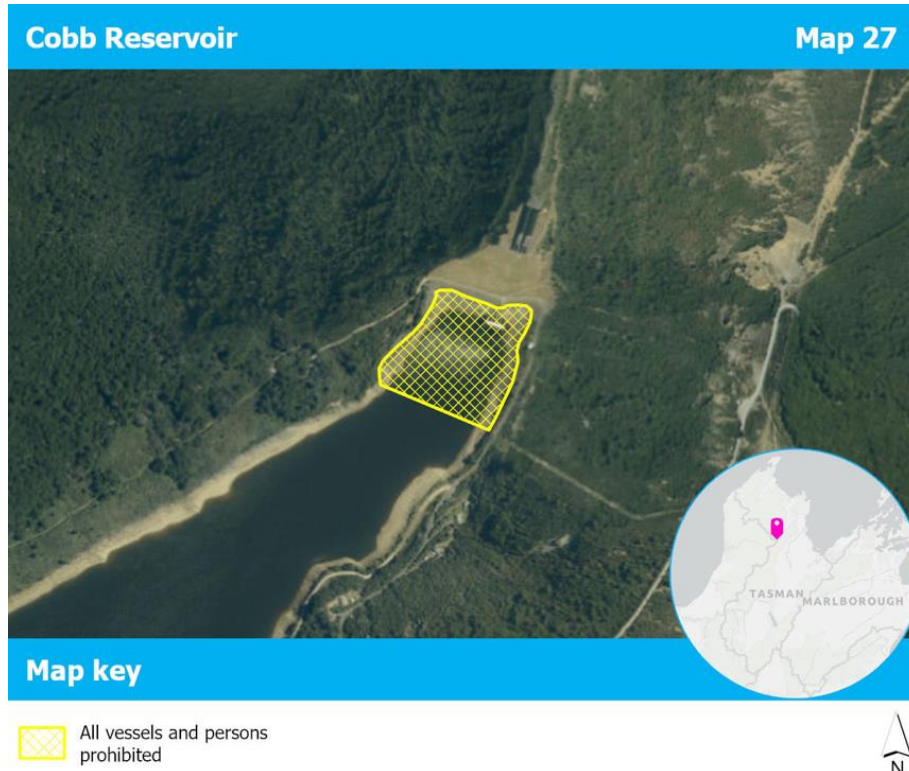
Only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.

~~The expectation is that all vessels slow to the minimum speeds that allows for safe navigation when passing other vessels or persons in the river.~~

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Cobb Reservoir

Schedule 2.10



Conditions of use

Prohibited Area

In the prohibited area at the Cobb Dam shown on Map 27 and pursuant to clause 24, specific activities are prohibited as follows:

- All vessels and persons other than those authorised by the operators of the dam for the purpose of maintenance or monitoring are prohibited (for all purposes including but not limited to navigation, anchoring, swimming, wading and diving) closer to the dam than the line formed between a pair of white posts with black bands on either shore (approximately 200m from the dam face), unless authorised in writing by the Harbourmaster. The exclusion boundary may also be marked with black buoys with a white stripe.

Note: The power scheme intake is submerged and situated approximately 100m away from the dam face. At low lake levels a marker buoy for it may emerge to the surface. This intake is extremely hazardous, with an intake flow of up to 7 cumecs and 300mm wide slots on the grille. Keep well clear.

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Schedule 3:

Maritime fees and charges

The charges listed in this Schedule are correct at the time of publication. Tasman District Council may change these from time to time. Any such changes will be ~~publicly notified in~~made through the Council's Annual Plan process.

Mooring licence fees and charges

The Council may charge a fee in respect of every application for a Mooring Licence, variation of any conditions on a Mooring Licence, review of conditions on Mooring Licence and application to be placed on a Waitlist.

Any Mooring Licence shall be subject to payment of an annual monitoring and administration fee due by 1 July each year, or earlier if a shorter term is specified on the Licence. If the fee is not paid within 28 days, the Licence may be cancelled.

If a renewal application and fee is received after the expiry date on the Licence, Council may treat that renewal as a new application or charge a late payment fee.

Council shall be entitled to recover reasonable costs incurred in monitoring any particular Mooring Licence, where that Licence has required specific monitoring attention in excess of one hour of staff time in any given 12-month period.

On receipt of an application in writing and at the Chief Executive's discretion, Council may waive application and administration fees.

Maritime category	2024 Charges
<i>Fees and charges set under S33R MTA or S12 LGA</i>	
Mooring licence	
Application and renewal of existing mooring licence. For new applications or renewal of expiring mooring licences with substantial changes or lack of inspection report	\$372.00
Annual monitoring and administration fee	\$206.00
Renewal of existing mooring licence. A renewal application where there are no substantial changes required to the mooring licence conditions and with all inspection reports	\$125.00
Late payment fee (for annual renewal)	Additional 20%
Additional costs. Reimbursement of any reasonable and necessary additional costs incurred by Council in assessing an application or enforcing compliance	\$206.00/hr
Waitlist administration cost	\$63
<i>Fees and charges set under S33R MTA</i>	
Anchoring	

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The following navigation safety levies will be applied to all vessels 500 gross tonnage or greater, or 40 metres LOA or greater, that anchor within regional waters with the exemption of any vessel berthing at Port Nelson facilities within 48 hours of anchoring off the Nelson anchoring sites : for the costs of chart updates, operation and maintenance of navigation aids, and operation and maintenance of Safety Management Systems, per vessel call based on gross tonnage or length overall	
Anchoring off the Abel Tasman coastal anchoring sites (charge per metre of vessel per visit)	\$20.00
Anchoring off Nelson anchoring sites (charge per gross tonnage per visit)	\$0.15
Extended anchoring (in addition to the appropriate per visit charge, charge is per gross tonnage per week or part thereof)	\$0.10
Navigation aid levy	
Port Motueka only (annual charge per vessel)	\$150.00
Kaiteriteri to Tarakohe inclusive (annual charge per vessel)	\$400.00
Motueka to Tarakohe inclusive (annual charge per vessel)	\$500.00
Separation Point to Tarakohe inclusive (annual charge per vessel)	\$100.00
Lake Rotoiti (charge based on contractor fee and number of operators)	At cost
Late payment fee	Additional 20%
Miscellaneous	
Trans-shipping (per tonne trans-shipped). For compliance monitoring and increased navigation safety.	\$1
Application fee	\$250.00
Harbourmasters Navigation Lights (charge per light, per week or part thereof)	\$100.00
Harbourmaster Navigation Buoy (charge per buoy, per week or part thereof)	\$150.00
Vessel time (per hour, or part thereof)	
Sentinel or other large Harbourmaster vessel (includes two crew)	\$450.00
Hydro or other smaller Harbourmaster vessel (includes one operator)	\$300.00
Staff time (per hour, or part thereof)	
Harbourmaster	\$235.00
Deputy Harbourmaster	\$150.00
Maritime Officer	\$130.00
Administrator/Coordinator	\$130.00

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Regional On-Scene Commander Service	
Review or approval of an operator's Tier 1 Marine Oil Spill Response Plan, including initial audit (charge per review)	\$1800.00
Attendance at Tier 1 Plan site visit, exercise or audit (charge per hour)	\$236.00

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