

*Southland Regional Council*

# **Navigation Safety Bylaws**

## **2009 (revised 2015)**



environment  
**SOUTHLAND**  
*Te Taiao Tonga*

# Southland Regional Council Navigation Safety Bylaws

**Purpose:** These Bylaws are made for the purpose of navigation and safety and may be cited as the Southland Regional Council Navigation Safety Bylaws 2009.

**Statutory Authority:** The Southland Regional Council (the Council) resolved at its meeting on 27 May 2009, and confirmed at a subsequent meeting of the Council on 10 June 2009 to adopt these Bylaws and that they come into force on 1 July 2009.

The Bylaws have been reviewed and amended under s.158 of the Local Government Act 2002 and confirmed by resolution of the Council dated 16 December 2015.

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# 1 Preliminary Provisions

## 1.1 Title and commencement

- 1 These bylaws are the Southland Regional Council Navigation Safety Bylaws 2009.
- 2 These bylaws come into force on 1 July 2009 and were updated on 16 December 2015.
- 3 It is an offence not to comply with the clauses of these bylaws.
- 4 Every person commits an offence against these bylaws who, being required by a harbourmaster, enforcement officer or honorary enforcement officer to take action, fails to comply with that requirement as soon as is reasonably possible.
- 5 In addition to complying with these bylaws, any person navigating or using the waters of the region must also comply with the provisions of other related legislation including in particular: the Maritime Transport Act 1994, the provisions of the Resource Management Act 1991 (including the Regional Coastal Plan for Southland), and the Hazardous Substances and New Organisms Act 1996.

## 1.2 Areas within which these Bylaws apply

These bylaws apply to all navigable waters within the Southland region.

## 1.3 Definition of terms

In these bylaws, unless the context otherwise requires:

**access lane** means an area designated as an access lane in Schedule 3 of these bylaws;

**accident** means an occurrence that involves a vessel and in which

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

- (e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels; or
- (f) there is a loss or escape of any substance or thing that-
  - (i) may result or has resulted, in serious harm to any person; or
  - (ii) may pose a risk, or has resulted in damage to the vessel or other vessels; or
  - (iii) may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel); or
- (g) a person is lost overboard (whether or not subsequently found) or is missing; or
- (h) the vessel is foundering, capsizing, being abandoned, stranded, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has a major fire on board;

<b>Act</b>	means the Maritime Transport Act 1994;
<b>aid to navigation</b>	includes: <ul style="list-style-type: none"> <li>(a) any lightship and any floating or other light exhibited for the guidance of ships;</li> <li>(b) any description of fog signal not carried on a vessel;</li> <li>(c) all marks and signs in aid of marine navigation;</li> <li>(d) any electronic, radio or other aid of marine navigation not carried on board any ship;</li> </ul>
<b>aircraft</b>	has the same meaning as in the Civil Aviation Act 1990;
<b>anchorage</b>	in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the Council or not;
<b>anchoring</b>	means the temporary securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the site or anchorage;
<b>beacon</b>	means a light or mark set up in a prominent position as a navigation mark or a warning to vessels;
<b>buoy</b>	means a float secured to the seabed serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring;
<b>buoyancy aid</b>	means: <ul style="list-style-type: none"> <li>(a) a buoyancy aid as defined in NZ standard 5823:1989 or NZ standard 5823:2001 or NZ standard 5823:2005 or any subsequent NZ standard, or</li> <li>(b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in subclause (a) above and that provides a minimum of 53 newtons buoyancy;</li> </ul>
<b>class 3 packing group I oil products</b>	means oil having an initial boiling point less than or equal to 35 degrees Celsius;
<b>class 3 packing group II oil products</b>	means oil having a flashpoint of less than 23 degrees centigrade and an initial boiling point greater than 35 degrees Celsius;
<b>class 3 packing group III oil products</b>	means oil having a flashpoint equal to or greater than 23 degrees centigrade up to and including 61 degrees centigrade and an initial boiling point greater than 35 degrees Celsius;

<b>coastal marine area</b>	means the foreshore, seabed, and coastal water, and the airspace above the water: (a) of which the seaward boundary is the outer limits of the territorial sea; (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of: (i) one kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of river mouth by 5;
<b>commercial raft:</b>	means a raft that is not a pleasure craft:
<b>commercial vessel</b>	means a vessel that is not: (a) a pleasure craft; or (b) solely powered manually: or (c) solely powered by sail;
<b>council</b>	means the Southland Regional Council;
<b>craft</b>	has the same meaning as ship or vessel;
<b>crew</b>	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port;
<b>dangerous goods</b>	means: (a) substances, materials or articles, in packaged form or bulk, that are listed in Part 3 of the International Maritime Dangerous Goods Code; or (b) substance, materials or articles, in packaged form or in bulk, that are assigned in Part 2 of the IMDG Code to one of the classes 1-9 according to the hazard they present; or (c) empty receptacles that have been used to contain dangerous goods in (a) and (b) above unless the receptacles contain no residue and are clean, dry and gas free.  Dangerous goods do not include substance, materials, articles or receptacles in (a), (b) and (c) above that form part of the equipment or stores of a ship.
<b>director</b>	means the person who is appointed the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994;
<b>emergency response craft</b>	any vessel approved by the Harbourmaster for use in emergency response and includes Police, Customs, Harbourmaster, Naval and port company vessels;
<b>enforcement officer</b>	means a person appointed by the Council as an enforcement officer under Section 33G of the Act;
<b>explosive</b>	means a substance capable of sudden expansion owing to the release of internal energy and includes any substance with the capacity to generate deflagration or pyrotechnic effects
<b>fishing vessel</b>	Means a ship used for catching fish, whales, seals, or other living resources of the sea for profit; and includes a ship that is recognised by the Director as being engaged in fisheries research;
<b>flag A</b>	means Flag A of the International Code of Signals (the divers flag), being



a swallow-tailed flag, or a rigid equivalent, coloured in white and blue, with white to the mast, of not less than 600 mm by 600 mm;

<b>flag B</b>	means flag B of the International Code of Signals, being a swallow-tailed flag, or a rigid equivalent, coloured in red, of not less than 600 mm by 600 mm;
<b>flagged area</b>	means that area of beach which may be marked from time to time, by red and yellow flags and extending to 200 metres from the actual water's edge, for the purposes of swimming;
<b>foreshore</b>	means any land covered and uncovered by the flow and ebb of the tide at mean springs and, in relation to any such land that forms part of the bed of a river, but does not include any area that is not part of the coastal marine area;
<b>gross tonnage</b>	means the volume of all the vessels enclosed spaces (from keel to funnel) measured to the outside of the hull framing;
<b>Harbourmaster</b>	is the person(s) appointed by the Council as Harbourmaster and includes any deputy of a Harbourmaster;
<b>honorary enforcement officer</b>	means a person appointed by the Council as an Honorary Enforcement Officer under Section 33G of the Maritime Transport Act;
<b>impede the passage</b>	means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to do so when she would have otherwise not done so;
<b>incident</b>	means any occurrence, other than an accident that is associated with the operation of a vessel and affects or could affect the safety of the operation;
<b>kiteboarding</b>	(also known as kite surfing) means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard;
<b>length</b>	means the distance measured from the foremost part of the stem, not including any bow sprit or similar fitting, to the aftermost part of the transom;
<b>Maritime Rules</b>	means Maritime Rules made under Section 36 of the Maritime Transport Act 1994;
<b>master</b>	means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel;
<b>moor</b>	means: (a) the securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes; (b) the securing of any vessel to a mooring or anchor;
<b>mooring</b>	means: (a) any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and (b) includes any wire, rope, chain, buoy, or other device attached or connected to the weight; (c) but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or

	anchorage;
<b>mooring area</b>	means the area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage;
<b>nautical chart</b>	a map of a sea area showing on it any coastlines, rocks and dangers to vessels etc within the area covered and also showing the positions of aids to navigation and other prominent features;
<b>navigable waters</b>	means any waters whether coastal or inland which are able to be navigated; and includes harbours;
<b>navigate</b>	means the act or process of managing or directing the course of a vessel on, through, over, or under the water;
<b>obstruction</b>	means an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel;
<b>oil</b>	means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of Section 222 of the Maritime Transport Act 1994);
<b>owner</b>	<ul style="list-style-type: none"> <li>(a) in relation to a vessel registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the vessel;</li> <li>(b) in relation to a vessel registered in any place outside New Zealand, means the registered owner of the vessel;</li> <li>(c) in relation to a fishing vessel; other than one to which paragraph (a) or (b) of this definition applies, means the person registered as owner under Section 103 of the Fisheries Act 1996;</li> <li>(d) in relation to a vessel to which paragraph (a) or paragraph (b) or paragraph (c) of this definition applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible; or</li> <li>(e) in relation to an unregistered vessel or a registered vessel that does not have a registered owner, means the person who is for the time being responsible for the management of the vessel;</li> </ul>
<b>paddle craft</b>	means a vessel powered only by use of a single or double bladed paddle as a means of propulsion without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements. A paddle craft includes a kayak, canoe, stand up paddle board, waka, dragon boat and other such crafts.
<b>personal flotation device</b>	<p>means any buoyancy aid that is designed to be worn on the body that meets:</p> <ul style="list-style-type: none"> <li>(a) a standard in NZS 5823:2005 <i>Specification for buoyancy aids and marine safety harnesses and lines</i> applicable to such buoyancy aids;</li> <li>(b) a national or international standard that the director is satisfied substantially complies with a standard in NZS 5823:2005 <i>Specification for buoyancy aids and marine safety harnesses and lines</i> applicable to such buoyancy aids.</li> </ul>
<b>personal water craft</b>	<p>means a power driven vessel that:</p> <ul style="list-style-type: none"> <li>(a) has a fully enclosed hull; and</li> <li>(b) does not take on water if capsized;</li> <li>(c) is designed to be operated by a person standing, sitting astride, or kneeling on it but not seated in it;</li> </ul>

<b>pilot</b>	in relation to any vessel, means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel;
<b>pleasure craft</b>	means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include: <ul style="list-style-type: none"> <li>(a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment or other establishment or business; or</li> <li>(b) a vessel that is used on any voyage of pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; or</li> <li>(c) a vessel that is operated or provided by any club, incorporated society, trust or business.</li> </ul>
<b>power driven vessel</b>	means any vessel propelled by machinery;
<b>proper speed</b>	means speed through the water;
<b>public notice</b>	means a notice in a newspaper circulating in the region or in the area to which the subject matter of the notice relates;
<b>raft</b>	<ul style="list-style-type: none"> <li>(a) means an inflatable craft manoeuvred by— <ul style="list-style-type: none"> <li>(i) oars or paddles; or</li> <li>(ii) a combination of oars and paddles; but</li> </ul> </li> <li>(b) does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing;</li> </ul>
<b>recreational craft</b>	means a vessel that is- <ul style="list-style-type: none"> <li>(a) a pleasure craft; or</li> <li>(b) solely powered manually; or</li> <li>(c) solely powered by sail.</li> </ul>
<b>region</b>	means the Southland Region
<b>reserved area</b>	means an area reserved for a specified navigation safety purpose: <ul style="list-style-type: none"> <li>(a) under Maritime Rules Part 91.22(2); or</li> <li>(b) by the council by navigation by-law; or</li> <li>(c) by the Director under Maritime Rules Part 91.12.;</li> </ul>
<b>reward</b>	includes the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members;
<b>river</b>	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides;
<b>sailboard</b>	means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board;
<b>seaplane</b>	means a flying boat and any other aircraft designed to manoeuvre on the water, and under Maritime Rule 22 is deemed to be a vessel when operating on the water;
<b>seaworthy</b>	in relation to any vessel means being in a fit condition of readiness to safely undertake a voyage within its designed capabilities;

<b>ship</b>	means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: (a) a barge, lighter, or other like vessel; (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; (c) a submarine or other submersible; (d) a seaplane while it is on the surface of the water;
<b>shore</b>	when referring to distance from shore, means distance from the water's edge;
<b>structure</b>	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, rafts, 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;
<b>sunrise</b>	means the time of sunrise as stated in the New Zealand nautical Almanac NZ204;
<b>sunset</b>	means the time of sunset as stated in the New Zealand nautical Almanac NZ204;
<b>support vessel</b>	means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions;
<b>surfboard</b>	means any type of board that is designed to be used for surf riding;
<b>tanker</b>	means any vessel which: (a) is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and (b) either: (i) has on board or is about to take on board a cargo the whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or (ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartment of which have not been rendered or certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances other than oil; (iii) includes any tanker designed for carriage of bulk liquid harmful substances other than oil;
<b>underway</b>	means that a vessel is not at anchor, or made fast to the shore, or aground;
<b>vessel</b>	has the same meaning as ship;
<b>waterskiing</b>	means being towed barefoot or on an object of any kind other than a vessel;
<b>waterway</b>	means any navigable body of water;
<b>windsurfing</b>	means using a board with a sail or sails designed to be operated by a person standing upright on the board.

## 2 General Matters

### 2.1 Personal flotation devices

- 1 No person in charge of a recreational craft may use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size and in a good operative condition, for each person on board
- 2 Clause 2.1.1 and 2.1.6 shall not apply to:
  - (a) any surfboard or similar unpowered craft; and
  - (b) any sailboarder, kiteboarder or windsurfer, if a wetsuit is worn at all times; and
  - (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body dive suit is worn at all times; and
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster under these bylaws, or the Director under Maritime Rule 91.4(3); and
  - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
  - (f) a person in charge of a stand up paddle board provided that the stand up paddleboarder is physically involved in riding breaking waves and attached to the board by means of a leg rope; and
  - (g) a commercial raft.
- 3
  - (a) Revoked
  - (b) Revoked
- 4 Subject to clause 2.1.5 clause 2.1.1 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.
- 5 Clauses 2.1.1 and 2.1.6 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbourmaster has given approval in writing for the craft involved to be operated contrary to rules 91.4(1) and (6). The Harbourmaster may only give approval for a specified period, and only if the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 6 Every person on board a craft –
  - (a) That is 6 metres or less in length must wear a properly secured personal flotation device;
  - (b) Despite Clause 2.1.4 no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board,

unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.

- 7 No person in charge of a vessel shall use it to tow any person and no person shall cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.
- 8 Clause 2.1.7 shall not apply to a person:
- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule 91.4(3); or
  - (b) participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3.
  - (c) towing at a speed of less than 5 knots.
- 9 For the purposes of subclauses (1) and (6), in the case of a paddle craft, a personal flotation device shall include a buoyancy aid not certified by a recognised authority, provided that buoyancy aid—
- (a) meets type 406 of New Zealand Standard NZS 5823:2005 as demonstrated by prototype testing, except that the device is not required to—
    - (i) be tested for resistance to petroleum; and
    - (ii) meet the colour requirements; and
  - (b) is legibly and indelibly marked in block letters not less than 6mm high “MARITIME PRODUCT CONFORMING TO THE REQUIREMENTS OF MARITIME RULES PART 91. RESTRICTED USE: PADDLE CRAFT APPLICATIONS ONLY”.

## 2.2 Communications equipment

- 1 Every person in charge of a craft must ensure that an appropriate means of communication is carried on board the craft that:
- (a) provides the ability to communicate with land based and/or seaborne parties from any point within the area the craft will be operated; and
  - (b) in the case of vessels 6 metres and under in length, is able to be operated following submersion in sea water; and
  - (c) is adequate to provide communications for the planned duration of the voyage.

## 2.3 Swimming or diving around wharves

- 1 No person shall jump, dive, swim or undertake other related activities, from:
- (a) any commercial jetty, wharf, or quay which is in regular use for the berthing and unberthing of vessels, or
  - (b) within 50 metres of the structures listed in 2.3.1 (a), or
  - (c) within any designated anchorage or mooring area, or
  - (d) within any navigational channel or

- (e) any other 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 consent of the Harbourmaster.
- 2 The Harbourmaster may give consent subject to such conditions as the Harbourmaster considers appropriate in the interests of navigation safety.

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

- 1 No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. However, this bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.
- 2 In addition to the requirements of clause 2.3.1, a master of a commercial vessel shall ensure that a crew member shall:
- (a) be stationed either forward or aft on any vessel while that vessel is lying at any wharf and about to test or testing a propulsion system;
  - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested;

## **2.5 Vessels which are not seaworthy**

- 1 The master and/or owner of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster or an Enforcement Officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbourmaster or Enforcement Officer may determine appropriate to ensure navigation safety.
- 2 If any vessel is a navigation hazard by reason of it not being seaworthy:
- (a) the Harbourmaster or Enforcement Officer may give a direction to the master and/owner of that ship to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
  - (b) where the master and/or owner of a vessel fails to move that vessel in accordance with such direction given by the Harbourmaster or Enforcement Officer, the Harbourmaster or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to the Council.

The owner and master are jointly and severally responsible for ensuring the direction is complied with.

- 3 No person shall operate any vessel that is not seaworthy except to comply with the directions under this bylaw of the Harbourmaster or an Enforcement Officer to move that vessel to an alternative location. However, in the event of an emergency or an accident, the person in charge of the vessel shall proceed to a safe area immediately.

## **2.6 Seaplanes**

- 1 No person navigating a vessel shall impede a seaplane in the process of landing or taking off.
- 2 Immediately prior to taxi-ing for take-off, the seaplane operator shall broadcast a security message on VHF Channel 16 or other channel appropriate to the area. This message shall clearly indicate intention to take off, time and location of the area of water to be used.
- 3 No person shall take off, land or attempt to take off or land any seaplane or other aircraft, except in an emergency, in any area, other than areas designated for that purpose, without the permission of the Harbourmaster.

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

- 1 No person shall anchor or moor a vessel in any navigable water in a manner that it may break free, drag anchor or cause a navigational safety hazard.
- 2 No person shall cut, break, or destroy:
  - (a) the mooring or anchor of any vessel; or
  - (b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- 3 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that—
  - (a) the vessel is securely fastened to the dock, wharf or landing place; and
  - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any tidal conditions.

## **2.8 The Anchoring of Vessels**

- 1 Except in emergencies no person shall anchor or moor any vessel within any prohibited anchorage specified in Schedule 3
- 2 No person shall anchor a vessel so as to:
  - (a) obstruct the passage of other vessels or obstruct the approach to any commercial wharf, pier or jetty; or
  - (b) create a hazard to other vessels at anchor; or
  - (c) create a safety hazard for other recreational craft, swimmers or water users.

## **2.9 Obstructions**

- 1 No person shall obstruct the access to any boat ramp, slipway, navigation channel or mooring, without the prior written permission of the Harbourmaster.



- 2 No person shall place any obstruction, including any vessel, fishing apparatus, in any waterway, that is likely to:
  - (a) restrict navigation; or
  - (b) cause or have potential to cause, injury or death to any person; or
  - (c) cause damage to any vessel or any property.
- 3 No person shall leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

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

- 1 The master of any vessel that:
  - (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
  - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
  - (c) in any manner gives rise to an obstruction; or
  - (d) causes any damage to any navigation aid or structure or to anything on the structure;must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster and within 48 hours, provide the Harbourmaster with full written details of the occurrence.
- 2 A report under clause 2.10.1 must include:
  - (a) the names and addresses of any persons killed or injured; and
  - (b) a full description of any damage to vessels or structures; and
  - (c) the name(s) and address(es) of person(s) in charge of the vessel.
- 3 If an incident described in clause 2.10.1 involves damage to a vessel that affects or is likely to affect its seaworthiness, the master may not move the vessel except:
  - (a) to clear the main navigational channel or to moor or anchor in safety; or
  - (b) in accordance with the directions of the Harbourmaster.

## **2.11 Aids to navigation**

- 1 No person shall tie a vessel to any aid to navigation operated by the Council or other local authority or port company without the written permission of the Harbourmaster.
- 2 No person shall damage, remove, deface or otherwise interfere with any aid to navigation operated by the Council or other local authority or port company.
- 3 No person shall erect, maintain or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbourmaster and Director of Maritime New Zealand.

## 2.12 Sound and light signals

- 1 No person shall fit or use any flashing lights, sirens or other sound or light signals not prescribed in a maritime rule for that vessel, without the written permission of the Harbourmaster.
- 2 No person shall use blue flashing lights and/or sirens other than Police, Customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.
- 3 The use of purple flashing lights is for the use of an emergency response craft, authorised by the Harbourmaster, to identify itself to a vessel or aircraft involved in a response.
- 4 A vessel authorised to use purple flashing lights by the Harbourmaster shall only display them when:
  - (a) the use is required to assist the location of a vessel or person in need of assistance; or
  - (b) the use is required to assist the identification of the vessel to an aircraft involved in an incident.

The lights may not be used when the vessel is underway at a speed in excess of 12 knots, and imply no status or privilege to that vessel. Any use of the lights should be for a short period of time. A vessel authorised by this clause must observe clause 3.2 at all times.

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

## 2.13 Flagged areas on beaches

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

## 2.14 Revoked

## 3 Operating Requirements

### 3.1 Minimum age for operating powered vessels

- 1 Except as provided in the Maritime Rules no person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 3 Clauses 3.1.1 and 3.1.2 do not apply in respect of any person who has a written exemption from the Harbourmaster issued in accordance with a navigation bylaw, or by the Director.

### 3.2 Speed of vessels

- 1 No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
  - (a) within 50 metres of any other vessel, raft, or person in the water; or
  - (b) within either 200 metres of the shore or of any structure; or
  - (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (divers flag).
- 2 No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.
- 3 No person shall cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) in any circumstances specified in clause 3.2.1 of these bylaws.
- 4 No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 5 Clause 3.2.1 (a) shall not apply to:
  - (a) a vessel over 500 gross tonnage if the vessel cannot be safely navigated in compliance with this clause; or
  - (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
    - (i) a club affiliated to Yachting New Zealand; or
    - (ii) a non-profit organisation involved in sail training or racing; or
  - (c) a craft training for or participating in competitive rowing or paddling; or

- (d) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
  - (e) a vessel operating in accordance with a speed uplifting established under:
    - (i) Schedule 3 (Location Specific Information) of these bylaws;
    - (ii) clauses 3.5, 3.8 or 3.9 of these bylaws.
- 6 Clause 3.2.1.(b) shall not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, a navigation bylaw provides otherwise or;
  - (b) a vessel operating in accordance with a speed uplifting established under:
    - (i) Schedule 3 (Location Specific Information) of these bylaws;
    - (ii) clauses 3.5, 3.8 or 3.9 of these bylaws;
  - (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
  - (d) a craft training for or participating in competitive rowing or paddling; or
  - (e) a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

### **3.3 Lookouts on vessels used for water skiing or towing**

- 1 No person in charge of a vessel shall use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is -
  - (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 2 No person shall cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:
  - (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

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

- 1 No person shall operate, between sunset and sunrise, a vessel that is towing any person on water skis, an aquaplane, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object. (The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac).
- 2 No person may cause himself or herself to be towed in the circumstances described in clause 3.4.1.

### **3.5 Access lanes**

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

### **3.6 Conduct in access lanes**

- 1 No person may propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 2 No person may:
  - (a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or
  - (b) cause any object that is being towed by a vessel in an access lane;  
  
to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 3 No person within an access lane may proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
- 4 No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 6 The access lanes to which this bylaw applies are those prescribed in Schedule 3 (Location Specific Information).

### **3.7 Marking of access lanes**

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

### **3.8 Reserved areas**

- 1 The Council, on application or of its own mind, may from time to time, by Public Notice, reserve any specified area for a specific purpose.
- 2 A reserved area under this bylaw may be made on such conditions, and for such period or periods, as the Council may specify in the notice.

### **3.9 Reserved areas for special events**

- 1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these bylaws may apply to the Harbourmaster to:
  - (a) temporarily suspend the application of clause 3.2 in part or in total in that area for the purposes of facilitating the event;
  - (b) temporarily reserve the area for the purpose of that activity.
- 2 Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period and on such conditions as he or she may specify.
- 3 No grant of an application shall have effect unless the requirement of Schedule 8 of these Bylaws have been undertaken.
- 4 The Council may recover from the applicant all actual and reasonable costs associated with the application, including any monitoring and advertising.
- 5 The Harbourmaster has the final say in any conflict arising from events being scheduled within the same area on the same day.

### **3.10 Conduct in reserved areas**

- 1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 2 If any person is using a reserved area for the purpose for which it is reserved, no other person shall enter, remain in or use the area for any purpose, unless otherwise stated in Schedule 3 (Location Specific Information).
- 3 Nothing in clauses 3.10.1 or 3.10.2 prohibits the use of emergency response craft within a reserved area.
- 4 The reserved areas to which these bylaws apply are those prescribed in Schedule 3 (Location Specific Information), or those notified in accordance with clauses 3.8.1 or 3.9.2.

### **3.11 Marking of reserved areas**

- 1 Adequate signs shall be provided in the vicinity of a reserved area that:
  - (a) define the area; and
  - (b) declare the purpose for which the area has been reserved.
- 2 If the area is demarcated on shore, it shall be marked by black posts with white horizontal bands.
- 3 If the reserved area is marked on the water it shall be marked by black buoys with white horizontal bands.
- 4 Nothing in this clause applies to reserved areas for special events made in accordance with clause 3.9.

### **3.12 Collision prevention**

- 1 No person shall operate any vessel in breach of Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.
- 2 A Harbourmaster, enforcement officer or honorary enforcement officer may direct any vessel to take any action they deem necessary for compliance with Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.
- 3 Every person commits an offence against these bylaws who, being required by a Harbourmaster, enforcement officer or honorary enforcement officer under clause 3.12.1 of these bylaws to do anything, fails to comply with that requirement as soon as is reasonably possible.

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

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

### **3.14 Moving prohibited zone**

- 1 A moving prohibited zone extending to 100 m astern and to each side of a vessel, and continued at such width to 500 m ahead shall exist around any vessel of 500 gross tonnage or greater, when that vessel is within the pilotage area or harbour limits of Southland, as prescribed in Schedule 3 (Location Specific Information).
- 2 The master or person in charge of a vessel shall not navigate or stop their vessel within the moving prohibited zone of any vessel within the pilotage area or harbour limits of Southland, as prescribed in Schedule 3 (Location Specific Information).
- 3 The provisions of clause 3.14.2 shall not apply to a vessel having prior written authority from the Harbourmaster to enter such zone.
- 4 When navigating within the Bluff pilotage area a moving prohibited zone shall apply only within those areas reserved as shipping channels.
- 5 When navigating within Milford Sound a moving prohibited zone shall not apply to ships of less than 1000GT within the approaches to Freshwater Basin, or in Harrison Cove.

### **3.15 Dive operations**

- 1 The master of every vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.
- 2 Every person diving from a vessel must ensure that flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance in excess of 200 metres.

## **4 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials**

### **4.1 Explosives anchorage**

- 1 The master of a vessel having on board or intending to load explosives in quantities greater than 27 kg must ensure that:
  - (a) the vessel remains within the explosives anchorage specified by the Harbourmaster; and
  - (b) no person loads or unloads explosives outside the explosives anchorage, unless otherwise permitted by the Harbourmaster.

### **4.2 Vessels carrying explosives or dangerous goods**

- 1 The master of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load explosives must hoist on the ship a red flag or the flag B of the International Code of Signals by day and an all-round red light at the masthead or where it can best be seen by night.
- 2 The master of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
  - (a) with the permission of the Harbourmaster; or
  - (b) for the purpose of loading or unloading that other vessel; or
  - (c) for the purpose of rendering assistance to that other vessel in an emergency.
- 3 The master of any vessel carrying explosives in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:
  - (a) with the permission of the Harbourmaster; or
  - (b) for the purpose of loading or unloading the vessel; or
  - (c) for the purpose of rendering assistance to that other vessel in an emergency.
- 4 Nothing in clauses 4.2.1, 4.2.2 and 4.2.3 apply to any vessel which:
  - (a) is carrying not more than 27 kg of explosives; or
  - (b) is carrying only fireworks as defined by the Hazardous Substances and New Organisms Act 1996.
- 5 The master of a ship carrying dangerous goods must give advance notice to the Harbourmaster of the ship's arrival at a port as follows:
  - (a) for a ship on a domestic voyage, as soon as practicable, or before the vessel enters the port; and
  - (b) for a ship on an international voyage, at least 48 hours before arrival at the port.



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

- 1 On, or immediately before the arrival in port of any vessel carrying bulk oil cargo, and so long as the vessel remains in port, the master must display by day a red flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen from all directions.
- 2 However, if the vessel cannot normally comply with clause 4.3.1, the master must instead display by day, in a conspicuous position above the deck, a red flag made of metal not less than 0.6 metres square, and by night a red light capable of being seen from all directions.

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

- 1 While in port, the master of an oil tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- 2 The master must:
  - (a) berth or moor the vessel only at such wharf or place as specified in Schedule 3 (Location Specific Information) or as otherwise authorised by the Harbourmaster; and
  - (b) keep the tanks containing Class 3 packing groups I and II oil cargo securely closed, except when opened for loading or discharging; and
  - (c) in the case of a vessel carrying a cargo of bulk oil, unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

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

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

### **4.6 Hot work operations**

- 1 Within the Bluff port or commercial areas, the master of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain a Hot Work Permit to be supplied by the Harbourmaster no less than two hours before commencing the work.
- 2 The master of the vessel must ensure that, before any welding or flame-cutting operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board vessel or elsewhere during the welding operations and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 3 Despite clauses 4.6.1 and 4.6.2, the Harbourmaster may exempt from compliance with those provisions the master of a vessel lying at any vessel-repairing establishment.
- 4 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the operations to be commenced or continued until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

## **5 Special Provisions for Southland Rivers and Lakes**

### **5.1 River Safety Rules**

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

### **5.2 Exemption of the Council and Government Agency Vessels**

- 1 Vessels operated by the Council, the Ministry of Primary Industries, or the Department of Conservation shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) when operating in the execution of their duties.
- 2 Notwithstanding this provision, no one operating a vessel at a speed exceeding 5 knots shall do so in manner that is likely to endanger or unduly annoy any other user of these waters.

### **5.3 Aparima River**

For the period of 1 August to 30 September inclusive each year, vessels navigating all the waters of the Aparima River from the Jacobs River Bridge downstream to the Thornbury Bridge shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)). Schedule 11, Map 1, refers.

### **5.4 Hollyford River**

Vessels navigating all the waters of the Hollyford River from its confluence with the Humboldt Creek to the sea, excluding Lake McKerrow, shall be exempted from the Operating Requirements with regard to Speed of Vessels (Clause 3.2.1 (a) and (b)). Schedule 11, Map 2, refers.

### **5.5 Maitara River**

Vessels navigating the waters of the Maitara River shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) for the areas and duration detailed below:

- (a) all the area of the Maitara River downstream of the State Highway 92 road bridge to the sea, including all the waters of Toetoes Harbour, but excluding the waters of the Titiroa Stream as shown in Schedule 11, Map 3;
- (b) for the period of 1 August to 30 September inclusive of each year all the area of the Maitara River from the Ardlussa Bridge downstream to the Seaward Downs Bridge as shown in Schedule 11, Map 3;
- (c) within the area of water 300 m long and 100 m wide, 4.8 kilometres downstream from Gore at Beattie's Beach as shown in Schedule 11, Map 4.

## 5.6 Mavora Lakes

- 1 All motorised vessels, including seaplanes, are prohibited from South Mavora Lake.
- 2 Hovercraft and personal watercraft are prohibited from North Mavora Lake (see Schedule 11 Map 23).

## 5.7 Oreti River

- 1 Vessels navigating the waters of the Oreti River shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) for the areas and duration detailed below:
  - (a) for the period of 1 August to 30 September inclusive of each year, all the waters of the Oreti River from the State Highway 94 bridge, near Lumsden downstream to the State Highway 99 bridge near Wallacetown, as shown in Schedule 11, Map 5;
  - (b) for the period of 1 October of any year to 31 July of the following year, all that area of water in the Oreti River from the road bridge at Dipton downstream to the road bridge at Winton.
- 2 Restrictions apply on the lower Oreti River to minimise conflicts between various boating activities. See Schedule 11 Map 24 and Clauses 5.7.3-5.7.7 (as follows).
- 3 Small craft activities on the Lower Oreti River

Within the Activity Zones marked A, B, C, and D and more particularly defined in the table (Table 1) below, it shall be permitted to operate small craft within the following speed limits:

**Table 1 – Zones and speed limits for small craft activities on the Lower Oreti River**

Zone	Speed Limit
A & D	All small craft beyond 10 metres from the shoreline - unrestricted speed limit. All small craft within 10 metres of the shoreline - speed limit 5 knots within 50 metres of any ship, raft or person in the water.
B	All personal water craft beyond 10 metres from the shoreline – unrestricted speed limit. All personal water craft and other small craft within 10 metres of the shoreline - speed limit 5 knots within 50 metres of any other ship, raft or person in the water. All small craft other than personal water craft beyond 10 metres of the shoreline - 5 knots within 50 metres of any other ship, raft or person in the water.
C	Small craft associated with rowing activities beyond 10 metres from the shoreline - unrestricted speed limit. Small craft not associated with rowing activities beyond 10 metres from the shoreline - speed limit 5 knots. All small craft within 10 metres from the shoreline – speed limit 5 knots.

provided that:

- (i) the small craft does not endanger any person who is lawfully in, on, or using the water or fishing or undertaking any lawful recreational activity in the vicinity of the small craft;
- (ii) no person or persons who have a resource consent for temporary exclusive occupation of the area are using the area;

- (iii) any small craft other than a personal water craft using Area B uses the area only for passage through the area and in doing so proceeds directly from one side of the area to the other;
- (iv) in that part of Zone B between markers C/B and B/A:
  - during rowing regattas and rowing race days, only small craft associated with rowing activities are permitted; and
  - during the annual power boat marathon event, only craft participating in that event are permitted;
- (v) the speed limits contained in this rule shall not apply to craft participating in the annual marathon event organised by the Southland Water Ski and Runabout Club within Activity Zones A and B.

4 List of zones to which speed limits apply:

**Zone A**

All the waters of the Oreti River between the following boundaries marked by a white pole with zone lettering on top:

All the waters of the Oreti River downstream of zone B, southward of a line drawn in a north-east direction across the river, from a position on the south-western river bank 800 metres north-west of the Southland Water Ski and Runabout Club control tower, marked on the ground by a white pole with marker B/A, and westward of a line drawn in a north-south direction running from the north boundary marker (B/A) at Vyner Road to the south boundary of the river.

**Zone B**

All the waters of the Oreti River between the following boundaries marked by a white pole with zone lettering on top:

- (a) *Northern Boundary* – a line due east of the marker C/B:
- (b) *Southern Boundary (eastern half of river)* - the extension of the southern boundary of Oreti Road to the centre-line of the Oreti River;
- (c) *Southern Boundary (western half of river)* – a line due east of B/A to the centre-line of the Oreti River;
- (d) *Western Boundary* - the centre-line of the Oreti River from the western end of the line described in b above to eastern end of the line described in c above.

**Zone C**

All the waters of the Oreti River between the following boundaries marked by a white pole with zone lettering on top:

Southward of the D/C zone markers drawn in an east-west direction running from the western boundary marker to the eastern boundary marker of the river at Crawford Road, Otatara and in transit with the southern boundary of the zone markers C/B.

## **Zone D**

All the waters of the Oreti River between the following boundaries marked by a white pole with zone lettering on top:

Southward of the southern side of the Dunns Road bridge and northward of the markers D/C and in a line drawn in an east-west direction running from the western boundary to the eastern boundary of the river in transit with the southern marker at Crawford Road, Otatara.

### **5 Activities within Zones A-D on the Lower Oreti River**

Within the zones marked A, B, C, and D on Map 24 – Lower Oreti River, the placement of temporary or permanent buoys associated with water skiing, the use of personal water craft, rowing and power boating, is permitted.

### **6 Activities within Zone A on the Lower Oreti River**

Within the zone marked A on Map 24 the temporary or permanent placement of a ski jump, including the occupation of the coastal marine area by the ski jump, is permitted.

### **7 Activities within Zone D on the Lower Oreti River**

Within the zone marked D on Map 24, water skiing is prohibited.

**Note: Markers atop white poles have been placed to indicate boundaries for each zone.**

## **5.8 Pourakino River**

Vessels navigating in or on all of the waters of the Pourakino River from its source to the mouth of that river at the Jacobs River Estuary, being an inner harbour limit of Riverton Harbour, for the period of 1 August to 15 April of the following year, shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)). Schedule 11, Map 6, refers.

## **5.9 Pyke River**

Vessels navigating in, or on, all of the waters of the Pyke River from its confluence with the Olivine Branch to its confluence with the Hollyford River, excluding Lake Alabaster, as shown in Schedule 11, Map 7, shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)).

## **5.10 Toetoes Harbour**

Vessels navigating in, or on, all of the waters of Toetoes Harbour, but excluding the waters of the Titiroa Stream, shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)). See Schedule 11 Map 14.

## **5.11 Waiau River**

Vessels navigating in or on all of the waters of the Waiau River shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) for the following areas and duration (if stated):

- (a) all that area of water in the Waiau River from 1.6 kilometres downstream of Lake Te Anau to Lake Manapouri between sunrise and sunset. Schedule 11, Map 8, refers; (The times for sunrise and sunset can be found in the current edition of the New Zealand Nautical Almanac.)

- (b) for the period of 1 August to 30 September inclusive of each year and when the Mararoa Weir is spilling, all the waters of the Waiau River from the Mararoa Weir to the sea. Schedule 11, Map 9, refers;
- (c) for the period of 1 October of any year to 31 July of the following year, all the waters of the Waiau River from the Mararoa Weir to a point 2 kilometres downstream of the Tuatapere bridge. Schedule 11 Map 10 refers;
- (d) when adverse weather conditions preclude a landing or take off on Lake Manapouri, seaplanes shall be exempt from Clause 3.2.1 (a) and (b) within the area of waters in the Waiau River extending downstream from the navigation buoy on the reef end of the Lake Manapouri outlet to Home Creek.

## **5.12 Wairaurahiri River**

Vessels navigating the waters of the Wairaurahiri River from its source to the sea, as shown in Schedule 11, Map 11, shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)). Schedule 11 Map 11 refers.

## **5.13 Freshwater River**

Vessels navigating the waters of Freshwater River from the Department of Conservation hut to the sea, as shown in Schedule 11, Map 13, shall be exempted from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) contingent on compliance with the requirements contained in the Fresh Water River Code of Practice (see Schedule 9).

## **6 Special Provisions for Riverton Harbour**

### **6.1 Riverton Harbour Safety Rules**

- 1 A person in charge of a vessel on Riverton Harbour operating beyond 10 m from the shore, as shown in Schedule 11 Map 12, shall be exempt from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (b)) provided they:
  - (a) proceed in an anti-clockwise direction as shown on Schedule 11 Map 12; and
  - (b) recognise that larger vessels (such as commercial fishing vessels) entering or leaving Riverton are considered “Vessel constrained by its draught” (regardless of whether it is showing the lights or shapes prescribed in Maritime Rule 22.28). All other vessels shall avoid impeding their safe passage.
  
- 2 A person in charge of a vessel on Riverton Harbour intending to pass under Riverton bridge shall only do so in the areas marked by signs on the bridge as safe for navigation in that direction and as shown on Schedule 11 Map 12.

## **7 Special Provisions for Milford Sound**

### **7.1 Milford Sound Safety Rules**

A person in charge of a vessel in Milford Sound operating beyond 100 m from the shore, in Milford Sound, with the exception of Fresh Water Basin and Deep Water Basin, shall be exempt from the Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (b)) provided they:

- (a) proceed in a clockwise direction as shown in Schedule 11 Map 19, derived from the Milford Sound Code of Practice;
- (b) operate at a proper speed no greater than 15 knots.

### **7.2 Deep Water Basin**

Section 3.2 of these Bylaws shall apply in all parts of Deep Water Basin, as defined in Schedule 1, including those areas that are beyond 200 metres of the shore or of any structure.



## **8 Special Provisions for Doubtful Sound**

The operation of any vessel in Hall Arm, Doubtful Sound, southwest of the Narrows at more than 5 knots, is a prohibited activity.

## 9 Special Provisions for Colac Bay

The operation of personal water craft within 200 metres of the shore:

- from the mouth of Huraki Creek to a line opposite the north eastern boundary of the street called “Wild Court”; and
- within 100 metres east and 100 metres west of the local structure known as the “Surfers Shed” (which is situated at the right angled corner on the Colac Bay Foreshore Road) is a prohibited activity.

Refer to Schedule 11 Map 20

## **10 Special Provisions for Oreti Beach**

The operation of personal water craft is a prohibited activity within an area 200 metres seaward of the Oreti Beach shoreline, between a point 200 metres north of Dunns Road to 400 metres south of Dunns Road. The seaward northern and southern boundaries will be measured perpendicular to the shoreline. See Schedule 11 Map 21

# 11 Special Provisions for Porpoise Bay

The operation of personal water craft is a prohibited activity within the area enclosed by a line from South Head to Map Reference NZMS 260-G47 2213583E, 5389775N: and

In that area motorised ships travelling at speeds greater than five knots are prohibited.

See Schedule 11 Map 22.

## 12 Administrative Matters

### 12.1 Revocation of Bylaws

- 1 The following bylaws and all amendments to those bylaws in the Southland regions, and made under Part VI of the Harbours Act 1950 are revoked:

***Southland Regional Council Navigation Safety Bylaws 2003***

### 12.2 Application to master/owner

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

### 12.3 Vessels to be licensed

- 1 The owner of a vessel that is not subject to any maritime rule made under the Maritime Transport Act 1994 dealing with the operational management of the vessel must not operate that vessel for hire or reward unless it is licensed by the Harbourmaster.
- 2 The owner of a vessel must not use that vessel for hire or reward in any area specified in Schedule 3 unless it is licensed by the Harbourmaster.
- 3 The Harbourmaster may issue a licence in respect of clause 12.3.1 if, in the opinion of the Harbourmaster, the operation is safe and the vessel is fit for its intended purpose.
- 4 The Harbourmaster may issue a licence in respect of clause 12.3.1 if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route.
- 5 Every licence issued by the Harbourmaster under these bylaws shall apply only to that vessel and operator(s) named in the licence.
- 6 Every licence issued by the Harbourmaster must be available for inspection at any time by the Harbourmaster, or enforcement officers or honorary enforcement officers, or any prospective client of the operation.
- 7 A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.
- 8 The terms and conditions of any licence issued by Harbourmaster may include, but are not limited to:
  - (a) defining points of embarkation/ disembarkation;
  - (b) defining the area or route of operations;
  - (c) limiting the number of passengers or quantity of freight;

- (d) any limitations in respect of weather or operating hours;
- (e) any requirements for rescue craft;
- (f) any requirements for safety equipment;
- (g) the level of instruction to be given to persons hiring a vessel;
- (h) the qualifications required by the person in charge of the vessel.

## **12.4 Fees and Charges**

- 1 The fees and charges may be set as part of the Council's Annual Plan for functions undertaken by the Council under these bylaws and must be paid on demand to the Council by the specified person.
- 2 The persons authorised to collect fees and charges shall be the Harbourmaster, or shall be such person as duly authorised by Council resolution.

## **12.5 Infringement fees for offences against these bylaws**

- 1 Infringement fees for offences against these bylaws are set out in the Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws 2009) Regulations 2009.

# Schedule 1 – Specific Areas

These Bylaws apply to all the waters within the Southland region including those harbour and other specific areas defined below.

## 1. Compulsory Pilotage Areas

### 1.1 Bligh Sound Harbour

Being all that area of the sea and tidal waters inside a straight line from Tommy Point to Chasland Head.

### 1.2 Bluff Harbour

The area where the seaward limit is the arc of a circle, radius two miles, centred on Stirling Point (46°36'.7S, 168°21'.6E).

### 1.3 Breaksea & Dusky Sound Harbours

Being all that area of the sea and tidal waters inside a straight line from Oliver Point to North Point of Breaksea Island and from the West Point of Breaksea Island in a 180 degree true direction to the opposite shore and from Five Finger Point to South Point.

### 1.4 Caswell Sound

Being all that area of the sea and tidal waters inside a straight line from McKerr Point in a 030 degree true direction to the opposite shore.

### 1.5 Chalky Inlet Harbour

Being all that are of the sea and tidal waters inside the arc of 6.5 nautical miles radius centred on Surf Head.

### 1.6 Charles Sound Harbour

Being all that area of the sea and tidal waters inside a straight line from Hawes Head in a 090 degree true direction to the opposite shore.

### 1.7 Dagg Sound Harbour

Being all that area of the sea and tidal waters inside a straight line from Castoff Point to Towing Head.

### 1.8 Doubtful & Thompson Sounds Harbour

Being all that area of the sea and tidal waters inside a straight line from Febrero Point to Southwest Point on Secretary Island and from Colonial Head to Shanks Head.

### 1.9 George Sound Harbour

Being all that area of the sea and tidal waters inside a straight line from the west head at George Sound entrance in a 090 degree true direction to the opposite shore.

### **1.10 Milford Sound Harbour**

The area of the sea and tidal waters of Milford Sound south of a straight line drawn from St Anne Point in a 090 degree true direction to the opposite shore, and includes the wharf limits at Deep Water Basin.

### **1.11 Nancy Sound Harbour**

Being all that area of the sea and tidal waters inside a straight line from Burnett Point to Anxiety Point.

### **1.12 Poison Bay Harbour**

Being all that area of the sea and tidal waters inside a straight line from Seabreeze Point in a 215 degree true direction to the opposite shore.

### **1.13 Preservation Inlet Harbour**

Being all that area of the sea and tidal waters inside a straight line from Gulches Head to Lee Head and across Otago Reach at its narrowest width.

### **1.14 Sutherland Sound Harbour**

Being all that area of the sea and tidal waters inside a straight line from Jagged Rock in a 060 degree true direction to the opposite shore.

## **2. Other Specific Areas**

### **2.1 Fresh Water Basin, Milford Sound**

Being all that area south of a straight line drawn in a 240 degree true direction from Cemetery Point to the northern extremity of Separation Tongue.

### **2.2 Deep Water Basin, Milford Sound**

Being all that area within a straight line running from the mouth of the Arthur River at 44° 40'.70S 167° 54.80 to the westernmost point of the jetties at 44° 40'.60S 167° 55.11.

### **2.3 Halfmoon Bay Fairway**

Being all that area of the sea within straight lines running from 46° 53'.82S 168° 07'.87E to 46° 53'.31S 168° 08'.78E to 46° 53'.89S 168° 08'.60E to 46° 53'.83S 168° 07'.98E to 46° 53'.90S 168° 07'.73E, as shown on the chartlet on Chart NZ6823.

### **2.4 Paterson Inlet, Stewart Island**

Being all that area of the sea within a straight line running from the easternmost point of Native Island to Bullers Point, as shown on Chart NZ 6823.

### **2.5 Riverton Harbour**

Being all that area of the sea inside a straight line from Talls Point in a 000° direction to the opposite shore, as shown on Chart NZ681.



# Schedule 2 Revoked

# Schedule 3 Location Specific Information

## 1 Prohibited Anchorages

Except in an emergency or weather conditions that render such action necessary in the interests of safety, or with the prior permission of the harbourmaster, no vessel shall anchor within the following areas:

### 1.1 Bluff Harbour

any area within 3 cables either side of the leads to Bluff Harbour as shown on Chart NZ 6821;

### 1.2 Riverton/Aparima

any area within 3 cables either side of the leads to Riverton/ Aparima as shown on chart NZ 681;

### 1.3 Fiordland

- 1 **Milford Sound:** the area of Fresh Water Basin as defined in Schedule 1 and as shown on Chart NZ7622 insert; and Harrison Cove, in water less than 60 metres in depth;
- 2 **Bligh Sound:** the area of Clio Rock within positions at:  
44° 49'.70S., 167° 31'.14E  
44° 49'.91S., 167° 30'.81E  
44° 50'.16S., 167° 31'.13E  
44° 49'.85S., 167° 31'.32E  
as shown on Chart NZ7623;
- 3 **Bradshaw Sound:** the area between Macdonell Island and Gardner Head within positions at:  
45° 16'.23S., 167° 08'.46E  
45° 16'.32S., 167° 08'.74E  
45° 16'.50S., 167° 08'.60E  
45° 16'.24S., 167° 08'.31E  
as shown on Chart NZ7624;
- 4 **Doubtful Sound** all of the area of the Gut Marine Reserve except for the area within the following positions:  
45° 17'.83S., 166° 57'.61E (eastern point of marine reserve)  
45° 17'.785S., 166° 57'.36E (land point on western side of bay)  
45° 17'.89S., 166° 57'.85E (point on water joining the two land points)  
as shown on Chart NZ7624;
- 5 **Breaksea Sound:** the area at the intersection of Acheron Passage and Wet Jacket Arm within positions:  
45° 40'.34S., 166° 43'.85E  
45° 40'.34S., 166° 41'.15E  
45° 40'.68S., 166° 43'.85E  
45° 40'.68S., 166° 41'.15E  
as shown on Chart NZ7653;
- 6 **Dusky Sound:** Nine Fathoms Passage, off Cooper Island, within positions at:  
45° 44'.12S., 166° 53'.16E.  
45° 44'.22S., 166° 53'.25E  
45° 44'.35S., 166° 52'.82E

45° 44'.19S., 166° 52'.56E  
as shown on Chart NZ7653

- 7 **Long Sound:** Narrow Bend from Adam Head to Sandy Point, as shown on Chart NZ7654 between positions:  
46° 02'.91S., 166° 45'.98E  
46° 02'.92S., 166° 46'.27E  
46° 03'.82S., 166° 44'.23E  
46° 03'.53S., 166° 44'.30E
- 8 **Preservation Inlet:** the area of Awash Rock within positions at:  
46° 03'.86S., 166° 41'.12E  
46° 03'.97S., 166° 40'.91E  
46° 04'.07S., 166° 41'.01E  
46° 03'.93S., 166° 41'.22E  
as shown on Chart NZ7654

## 1.4 Stewart Island

- 1 the area of water defined in Schedule 1 as Halfmoon Bay Fairway as defined in Schedule 1;
- 2 the area of water between Rosa Island and the wharf in North Arm of Port Pegasus.

## 2 Access Lanes

### 2.1 Lake Manapouri

- 2.1.1 The Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) shall not apply for the navigation of vessels in or on the all waters within:
- (a) all that area of water in Lake Manapouri along the western end of Frasers Beach within 200 metres of the edge of the water and bounded by parallel lines 155 metres apart, the southern boundary line being extended in 310° true direction from a point on the shoreline marked by orange and black poles;
  - (b) all that area of water in Surprise Bay, Lake Manapouri, within 200 metres of the edge of the water and bounded on the sides by parallel lines 128 metres apart, the northern boundary line being extended in a 110° true direction. Refer Schedule 11 Map 18

### 2.2 Lake Te Anau

- 2.2.1 The Operating Requirements with regard to Speed of Vessels (Clause 3.2.1 (a) and (b)) shall not apply for the navigation of vessels in, or on, all of the waters within:
- (a) all that area of water at Bluegum Point, Lake Te Anau, extending 200 m from the water's edge, bounded by lines whose shore ends are 100 m apart, the eastern boundary commencing 20 m westward of the western side of the boat harbour entrance and extending in a 194° 20' true direction and the north-western boundary extending in a 252° 30' direction. See Schedule 11 Map 15.
  - (b) all that area of water at Brod Bay, Lake Te Anau, extending 200 m from the water's edge bounded by parallel lines 180 m apart, extending in a 46° true direction, the eastern boundary commencing 130 m north-west from where Ernie's Creek touches the shore. See Schedule 11 Map 16.

- (c) all that area of water at Dock Bay, Lake Te Anau, extending 200 m from the water's edge, bounded by parallel lines 160 m apart, the eastern boundary extending in a 165° true direction from a point on the lake shore 210 m west of Dock Bay Point. See Schedule 11 Map 16.

2.2.2 The Operating Requirements with regard to Speed of Vessels (Clause 3.2.1 (a) and (b)) shall not apply for the navigation of personal water craft (PWCs or Jet Skis) in, or on, all of the waters within:

- (a) 200 metres northeast of Bluegum Point, Lake Te Anau, extending 200 metres from the water's edge, bounded by parallel lines 100 m apart, the southern boundary commencing at 2095660E 5519970N and extending in a 315° true direction from the lake shore. See-Schedule 11 Map 15.

## **2.3 Riverton Harbour**

2.3.1 The Operating Requirements with regard to Speed of Vessels (clause 3.2.1 (a) and (b)) shall not apply for the navigation of vessels in, or on, all of the waters within all that area of water adjacent to the Riverton Coastguard Station, within 10 m of the shore and bounded on the sides by parallel lines 100 m apart commencing at 2126633E 5678243N extending out in a 020° true direction from a point on the shoreline marked by orange and black poles.

See Schedule 11 Map 12.

# Schedule 4 Revoked

# Schedule 5 Revoked

# Schedule 6 Revoked

# Schedule 7 Revoked



# Schedule 8 Requesting a Speed Uplifting

## 1 Requesting a Temporary Speed Uplifting

- 1.1 Any organisation that wishes to suspend the application of clauses 3.2 (speed) and 3.9 (Reserved areas for special events) for the conduct of a race, speed trial, competition or other organised water activity or temporarily reserve an area for the purpose of that activity shall:
- (a) apply to the Harbourmaster in writing with such details as to location, duration and safety precautions as the Harbourmaster considers sufficient;
  - (b) consult with the appropriate territorial local authority, Fish and Game NZ Southern Region, and the Department of Conservation, if the water body is an area administered by it; and
  - (c) forward to the Harbourmaster a copy of the replies from the bodies referred to in clause 1.1.(b).
- 1.2 The Harbourmaster may grant the application subject to any amendments and conditions that the Harbourmaster considers appropriate or decline it.
- 1.3 Notice of the grant of the application in a form approved by the Harbourmaster shall be advertised in the public notice columns of newspapers(s) specified by the Harbourmaster on the Saturday or Wednesday immediately prior to the commencement of the uplifting.
- 1.4 Signs advising the uplifting must be placed at any point specified by the Harbourmaster and at all public access points to the waterbody within the uplift area.
- 1.5 Speed uplifts are for the exclusive use of the members of the organisation making the application and persons participating in the even in accordance with the conditions of entry approved by the Harbourmaster.
- 1.6 All costs are to be borne by the applicant.

# Schedule 9 Freshwater River Code of Practice

## Code of Practice for all Freshwater River (Stewart Island/Rakiura) Users

### 1.0 Introduction

- 1.1 The Council controls safety of navigation (by way of the Southland Navigation Safety Bylaws 2009) for all of Southland. This includes conduct of boats on Freshwater River.
- 1.2 The Department of Conservation manages or administers, on behalf of New Zealanders, protected inland waters, wild and scenic rivers and non-commercial freshwater fisheries.
- 1.3 At the time of the initial stakeholder meeting, a five knot speed limit applied to all of Freshwater River, but it was not being complied with.
- 1.4 The reason the speed limit was not complied with was that it would not be possible for a return voyage on one tide. On the basis of good rules being “codified common sense”, it was recognised that a speed uplifting be created for Freshwater River.
- 1.5 Through a series of meetings with commercial operators, Department of Conservation and the Council identified the need for improved safety on Freshwater River which also represented the operational requirements of all commercial vessel operators. These needs included:
  - 1.5.1 a speed uplifting for Freshwater River;
  - 1.5.2 a system for identifying other users on the river at any one time;
  - 1.5.3 a system that avoided any two vessels (including non-commercial operators) not meeting at speed;
- 1.6 This system is documented in this Code of Practice. The requirements of this Code will be captured by concessions and amendments to the Navigation Safety Bylaws.

### 2.0 Freshwater River

- 2.1 Freshwater River (Stewart Island/ Rakiura), for the purposes of this Code of Practice, will be deemed to commence at the river entrance and terminate at the Department of Conservation Hut bridge. No powered boating will take place upstream of this bridge.
- 2.2 Freshwater River is a winding, narrow river where visibility ahead and behind is obscured by the winding and by vegetation on the shore. The times for entrance and exit from Freshwater River is restricted by tidal height at the shallow bar crossing.

### 3.0 Activities

- 3.1 This Code of Practice intends to provide for the enjoyment and safety of all users. The following activities have been identified as taking place on Freshwater River:
  - 3.1.1 commercial operators;
  - 3.1.2 power boating (which includes yachts proceeding under power);
  - 3.1.3 kayaking (independent or in groups);
  - 3.1.4 other users whose experience can be impacted by the noise that comes from powered boats.

- 3.2 Revision of this document will be undertaken as part of any future Bylaw Review to capture future usage and maintain its effectiveness.

## 4.0 Risks

- 4.1 A basic principle of safe navigation is that if a speed uplifting be put in place, safety cannot be diminished. A speed uplifting would increase the opportunity for two boats to meet head on at speed. The winding nature of the river means that this meeting may happen without enough time for either or both operators to see the other and take effective avoiding action.
- 4.2 In the narrower parts of the river the risk of collision is higher and speed should be reduced to allow for a vessel to be stopped in the water within half the available visibility, in accordance with the Maritime NZ Collision Prevention Rule 22.

## 5.0 Responsibility

- 5.1 **Maritime New Zealand** require compliance with all applicable Maritime Rules, in particular Maritime Rules Nos:
- 5.1.1 19 (Maritime transport operator – certification and responsibilities);
  - 5.1.2 22 (collision prevention);
  - 5.1.3 23 (Operational Procedures and Training);
  - 5.1.4 31 (Crewing and watchkeeping); and
  - 5.1.5 82 (Commercial jet boating operations – river).
- 5.2 **Department of Conservation** – require compliance with all aspects of any concession issued to a commercial operator and with all rules and regulations applicable to the Stewart Island/Rakiura National Park.
- 5.3 **Council** – require compliance with the Southland Navigation Safety Bylaws 2015 and the Regional Coastal Plan for Southland.
- 5.4 **Maritime Operators Safety System** – all commercial operators are required to comply with their Marine Transport Operators Plan. This includes the completion on time of all applicable inspections, surveys and audits.

## 6.0 Rules

### 6.1 River Safety Rules

- 6.1.1 A person in charge of a vessel on a river must:
- 6.1.1.1 ensure that the vessel keeps to the starboard (right) side of the river channel; and
  - 6.1.1.2 if going upstream, give way to any vessel coming downstream; and
  - 6.1.1.3 not operate the vessel unless the river and weather conditions permit the safe operation of the vessel.

### 6.2 Radio Signals

- 6.2.1 Prior to entering the channel into Freshwater River, all persons operating a vessel shall call all channels on VHF channel 65 advising that they are about to proceed upstream to the Department of Conservation hut.

- 6.2.2 Prior to departing the Department of Conservation hut, all persons operating a vessel shall call all channels on VHF channel 65 advising that they are about to proceed downstream to the sea.
- 6.2.3 Upon leaving Freshwater River, the vessel operator shall call all stations on VHF channel 65 advising that they are now clear of the river.
- 6.2.4 All persons operating a vessel on Freshwater River shall maintain a listening watch on VHF channel 65.
- 6.2.5 If an operator is made aware of other vessels operating on Freshwater River they shall contact the other user and agree on a safe place to pass.
- 6.2.6 If any user is aware that there are other vessels operating on Freshwater River, but is not able to contact them directly, then they shall proceed at 5 knots or less until clear.

6.3 *Reserved*

6.4 *Reserved*

6.5 ***Speed***

- 6.5.1 All vessels shall at all times proceed at a proper speed. In determining a proper speed, the person operating that vessel shall take into account:
  - 6.5.1.1 visibility, including the restriction of visibility caused by weather or the winding nature of the river. All vessels should be proceeding at a speed which would allow them to be stopped in the water within half the available visibility;
  - 6.5.1.2 proximity to other vessels;
  - 6.5.1.3 the manoeuvrability of the vessel with special regard to stopping distances and turning ability within the river at that time;
  - 6.5.1.4 state of the weather and proximity to navigational hazards;
  - 6.5.1.5 draught in relation to the available depth of water; and
- 6.5.2 no person may, without reasonable excuse, propel or navigate a vessel at a proper speed exceeding 5 knots within 50 metres of any other vessel, raft, or person in the water.

6.6 ***Wake***

- 6.6.1 Every person who operates a vessel on Freshwater River must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, persons or structures.

6.7 ***Incident Reporting***

- 6.7.1 The operator of any vessel that:
  - 6.7.1.1 has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waters;
  - 6.7.1.2 by reason of accident, fire, defect or otherwise, is in such a condition as to affect its safe navigation, or to give rise to danger to any person, other vessels or property;
  - 6.7.1.3 in any manner gives rise to an obstruction; or
  - 6.7.1.4 causes any damage to any navigation aid or structure, or to anything on the structure;

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

6.8 **Noise**

6.8.1 Noise will be kept to a reasonable level. Reference is made to the New Zealand Jet Boat Association's requirement that their boats be silenced to a maximum of 95dBa at 25 metres.

6.9 **Waste**

6.9.1 All rubbish is to be recovered and removed from the river.

6.9.2 Toilet facilities are available at the Department of Conservation hut. These facilities must be used, no other disposal is allowed.

6.10 **Monitoring**

6.10.1 No later than 30 June each year, a collective report representing all Freshwater River commercial operators shall provide a written report to the Department of Conservation. This report shall include:

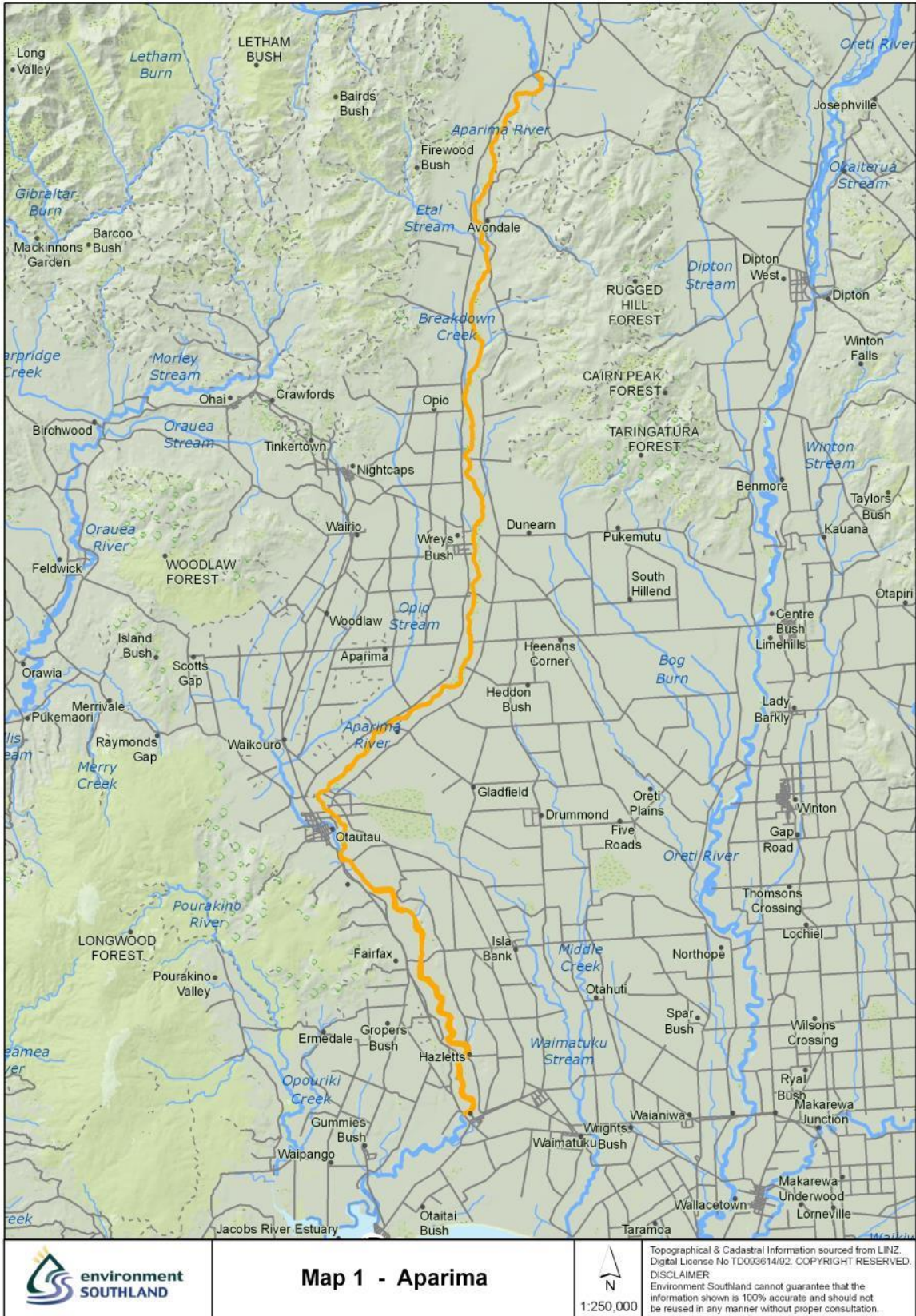
- the number of voyages made by each commercial operator for the year ending 31 May;
- a summary of any incidents through the year;
- any unusual water flows through the year;
- any signs of significant erosion to the riverbank;
- any problems experienced by operators during the year; and
- any perceived deficiencies in the Code of Practice and any potential opportunities for improvement.

*Note: The Department of Conservation will collate all reports and distribute a combined report to Maritime New Zealand, Environment Southland and concessionaires within 2 months of the data having been collected*

## Schedule 10 Milford Sound Codes of Practice

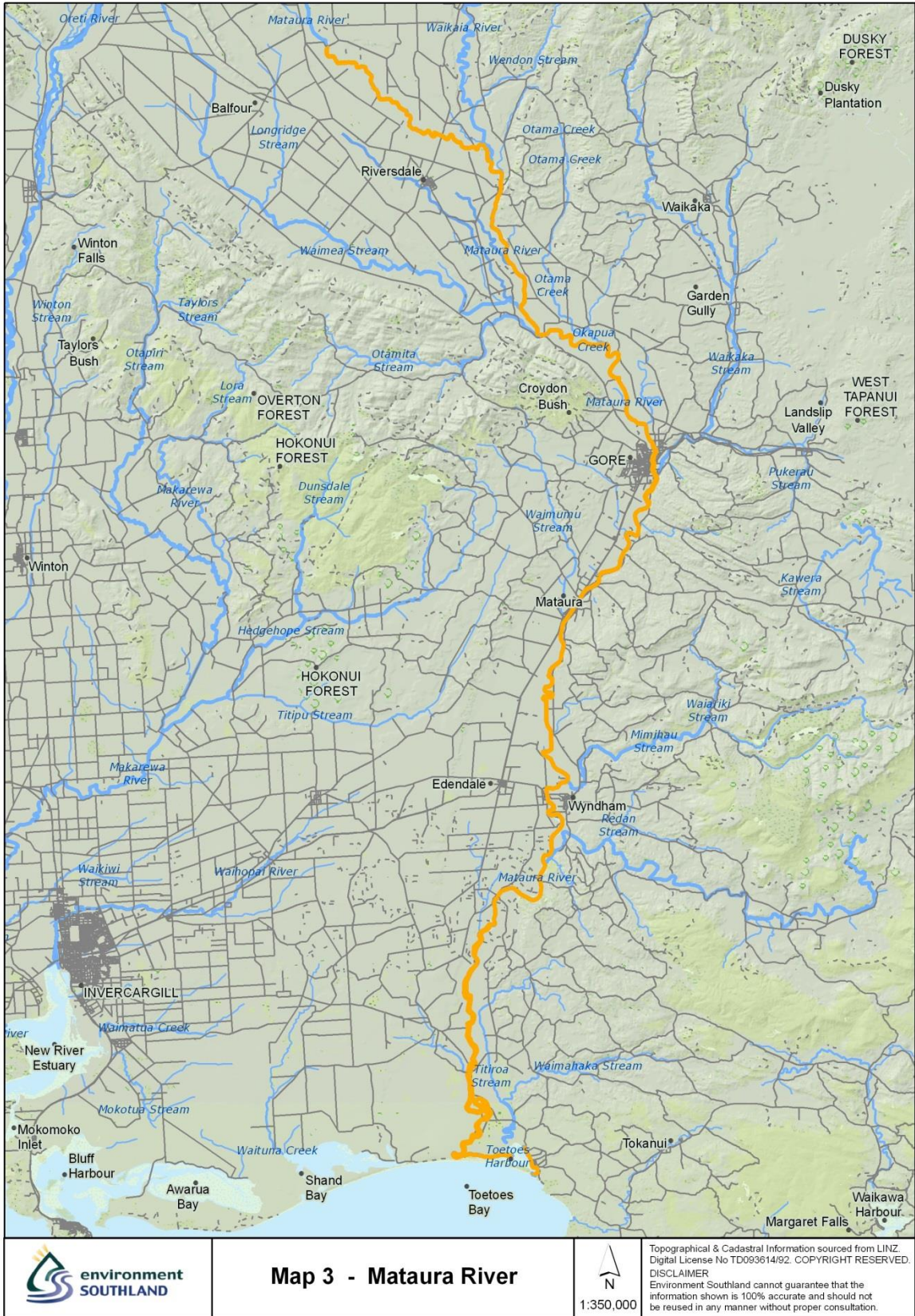
- 1 The Milford Sound Development Authority (MDA) Code of Practice (COP) is prepared and updated by the MDA, commercial operators, and other parties, to promote the safe operation of commercial tourist vessels operating within Freshwater Basin.
- 2 The COP for commercial vessels operating within Milford Sound has been developed by the Milford Sound Safety Management Group (MSSMG) to promote safe navigation within Milford Sound. Schedule 11 Map 19 shows the area covered by the Code on the route that commercial tourist vessels follow.
- 3 **Vessel Route**  
The main vessel route, on leaving Freshwater Basin is via the southern side of the fiord to the sea, and back via the northern side. See Schedule 11 Map 19.

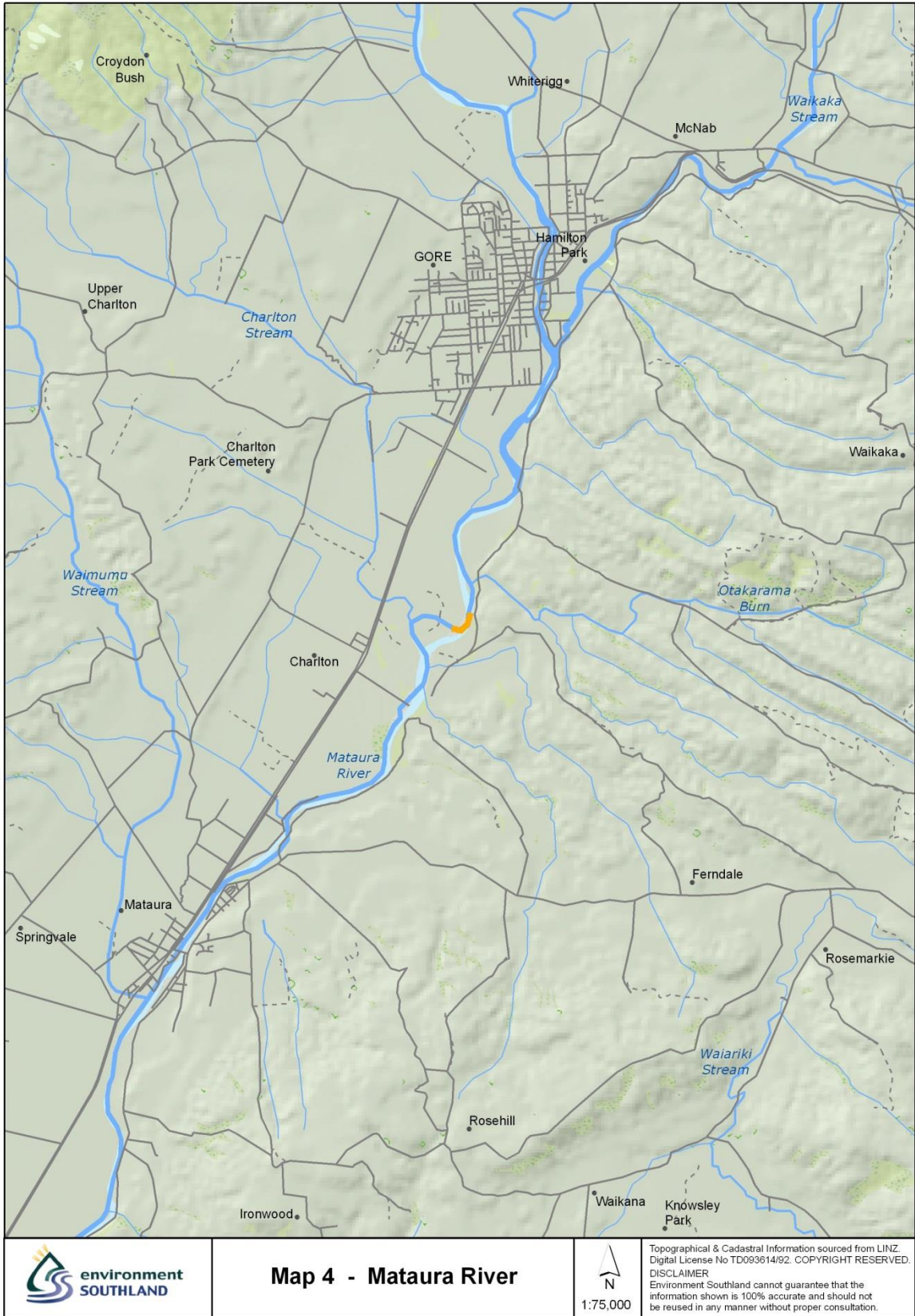
# Schedule 11 Maps

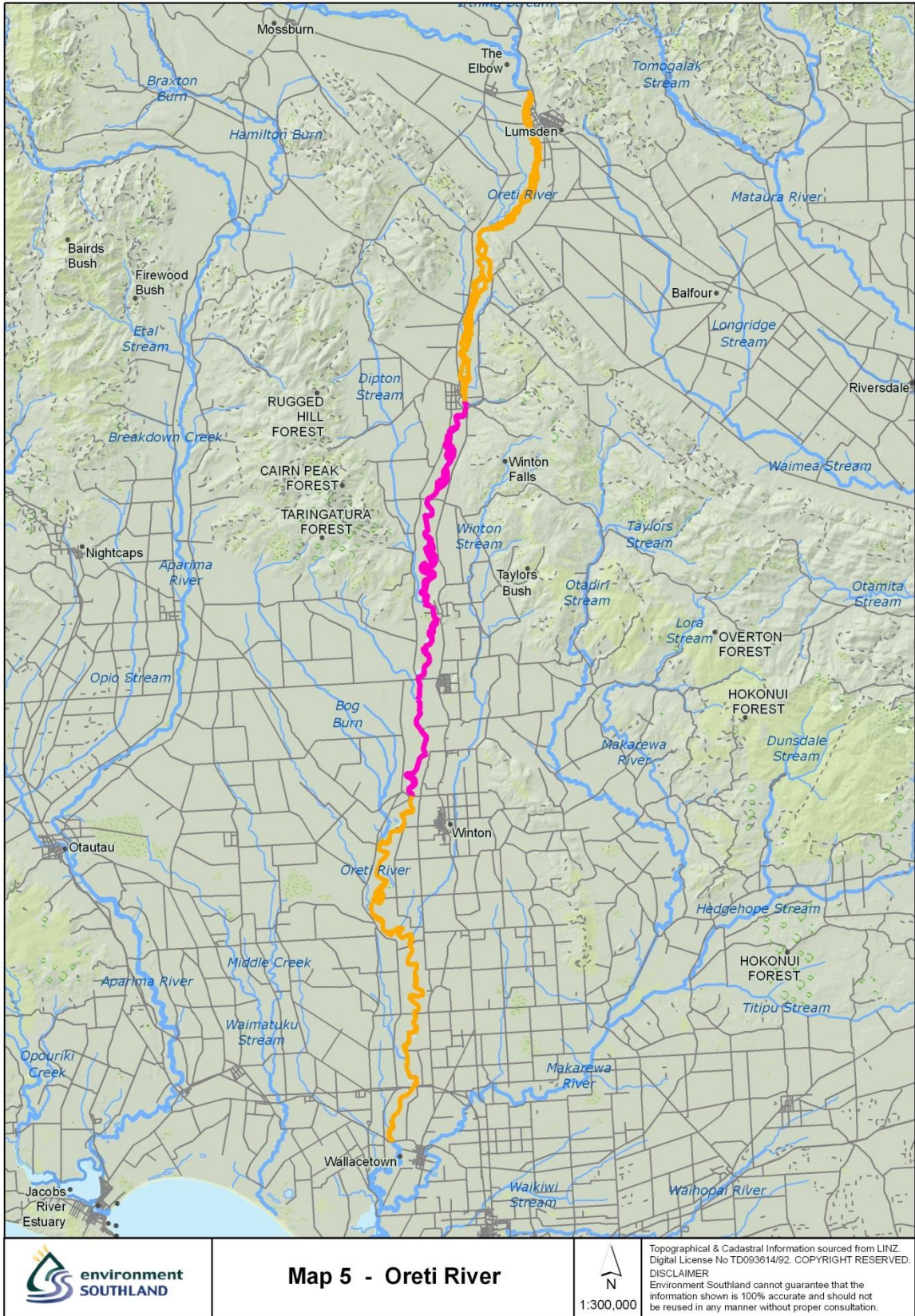


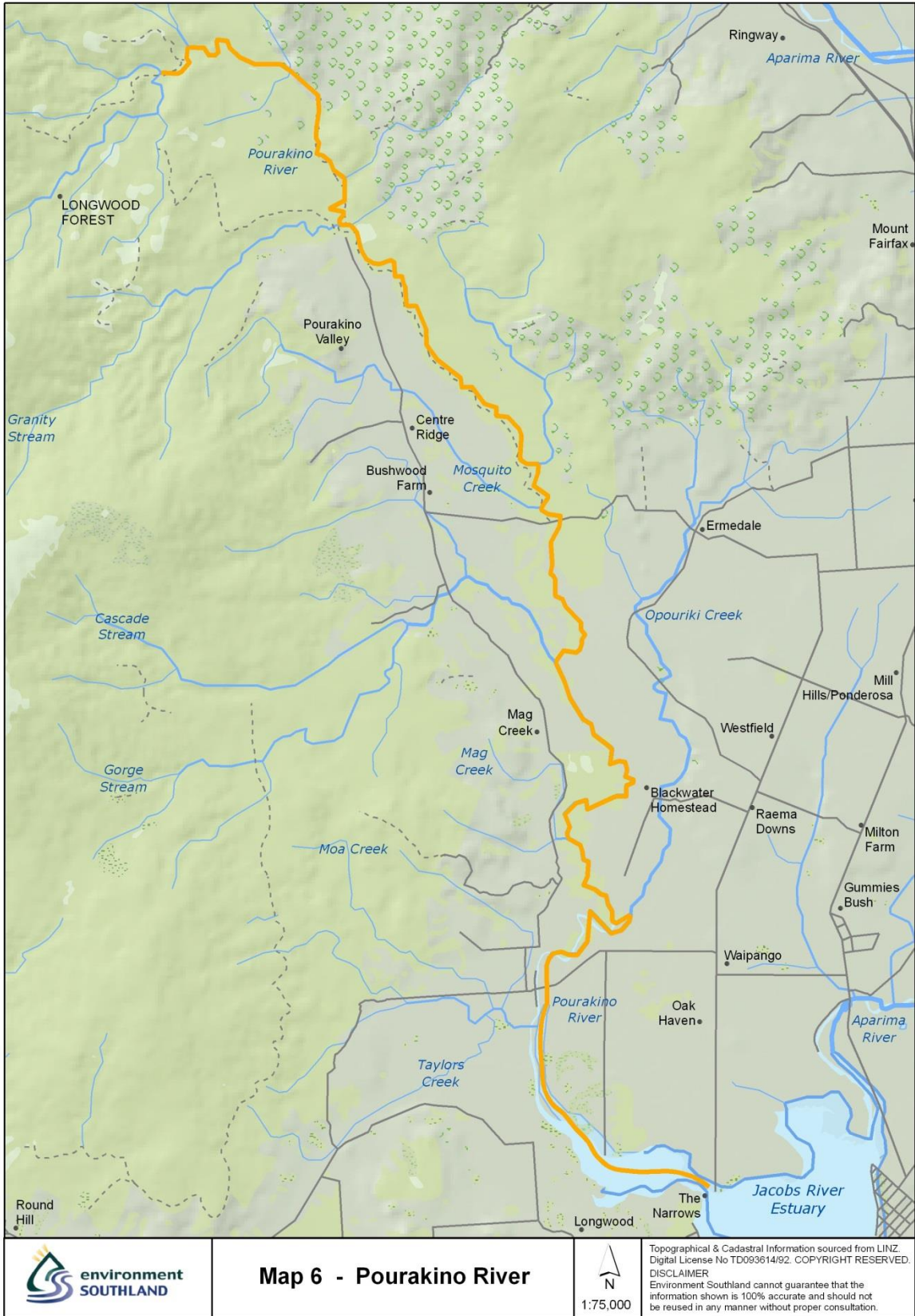




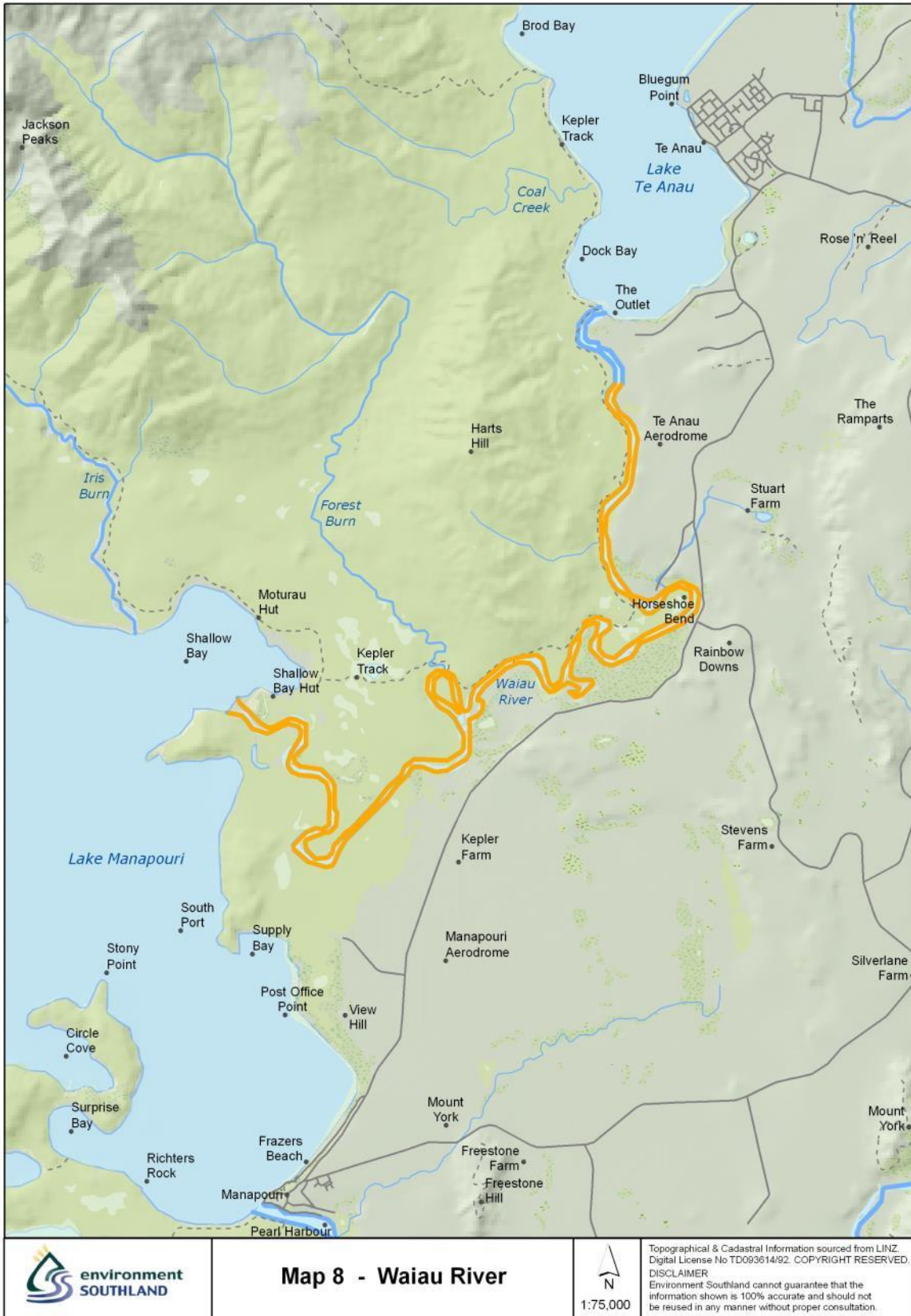


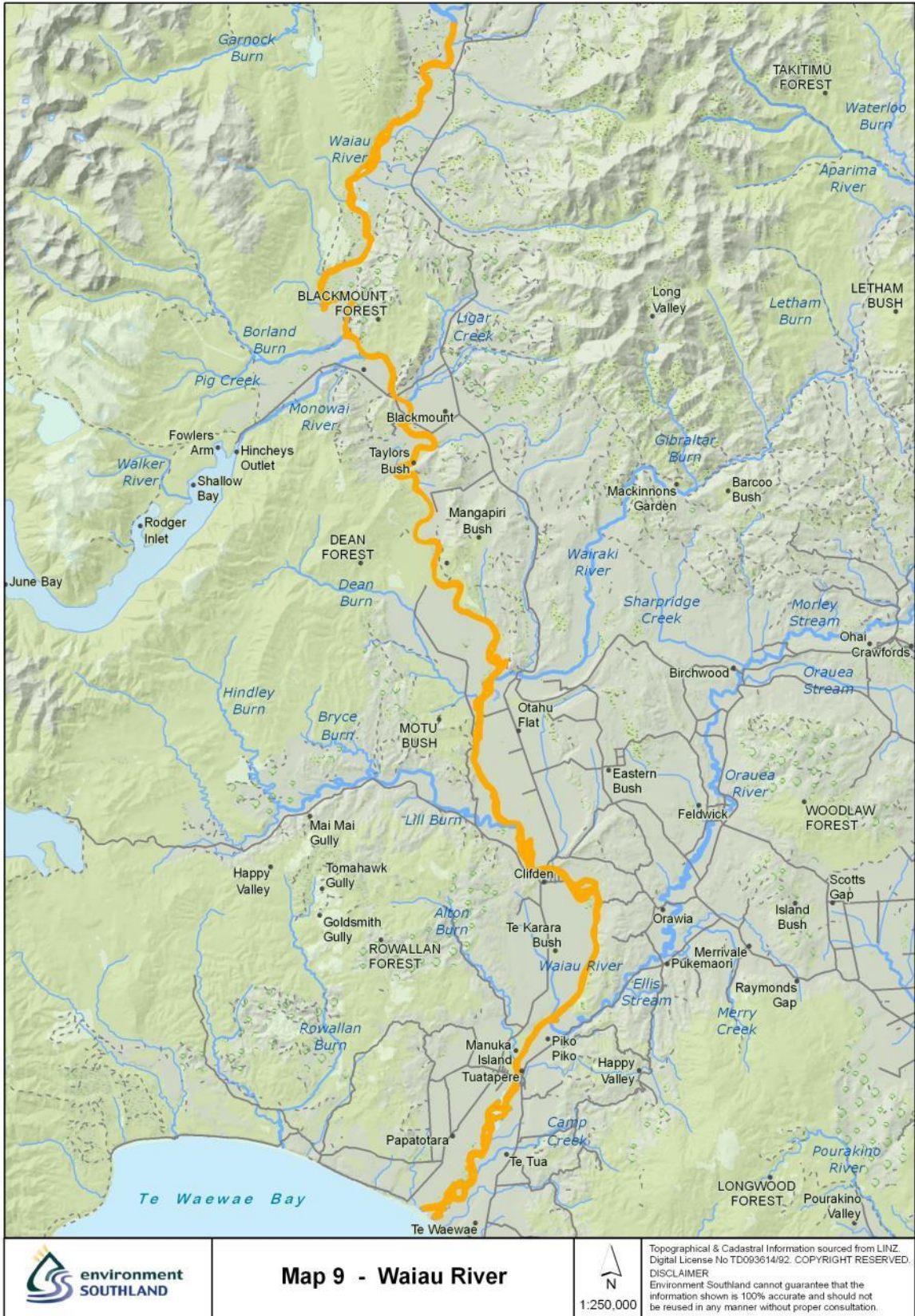








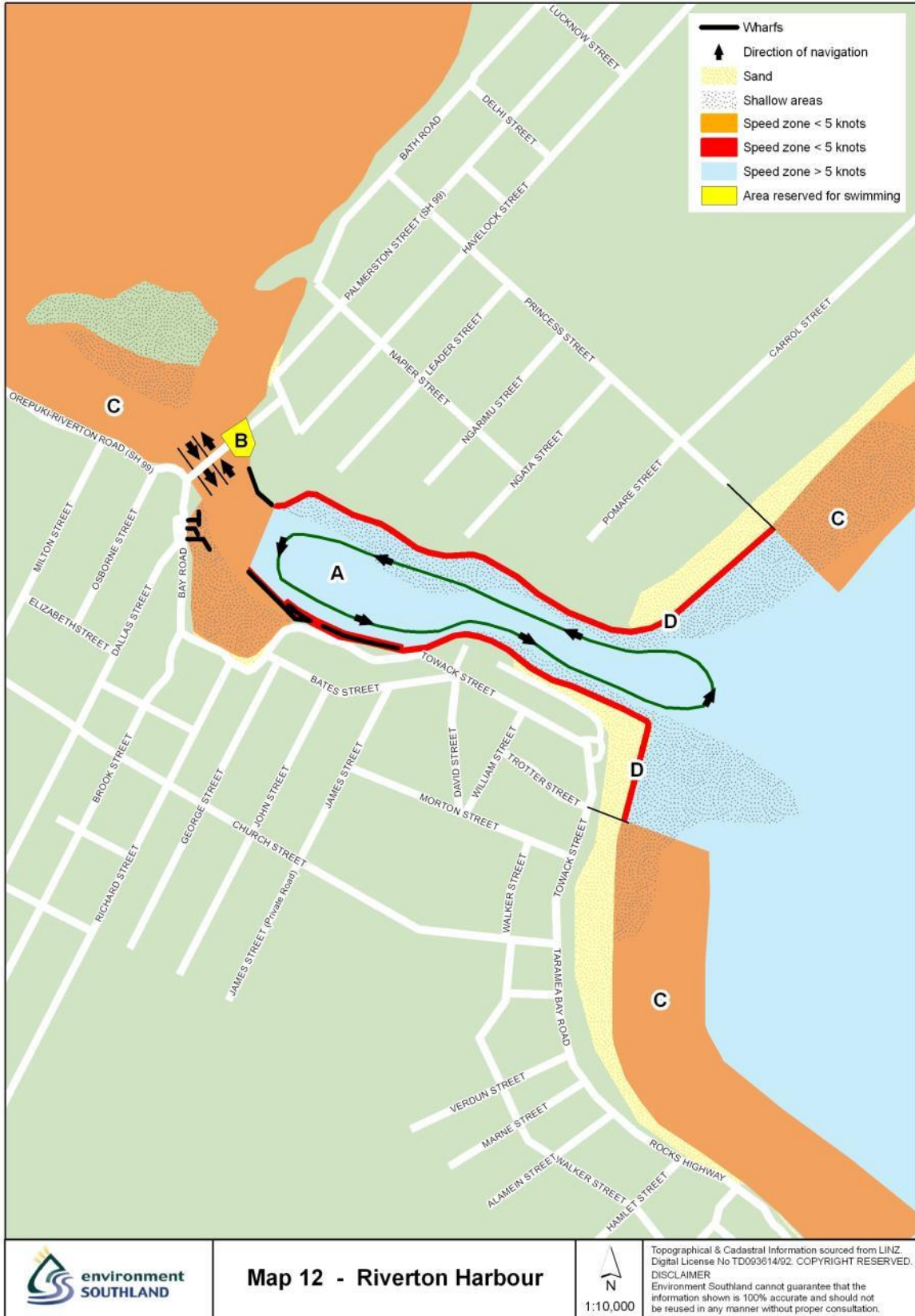




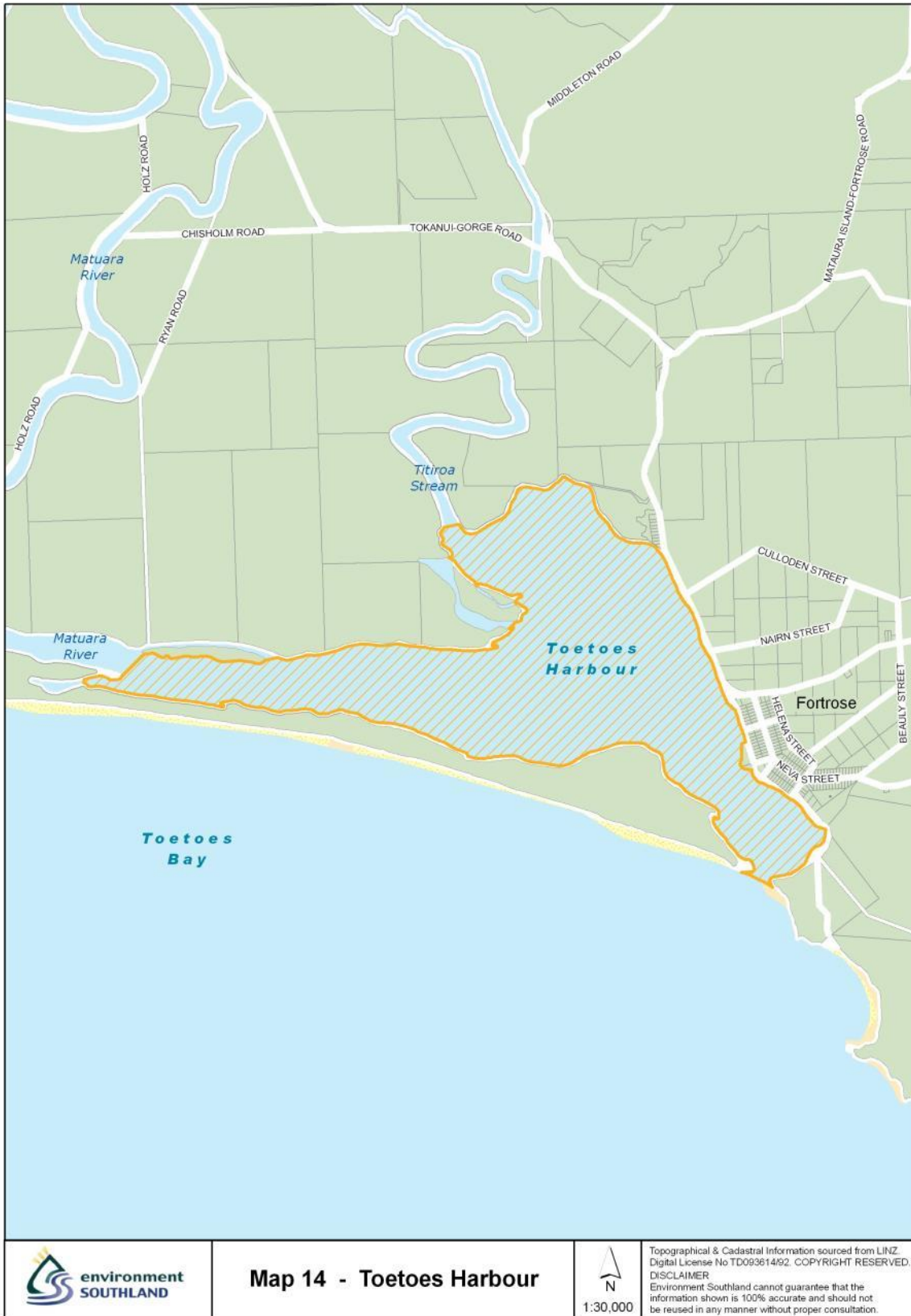










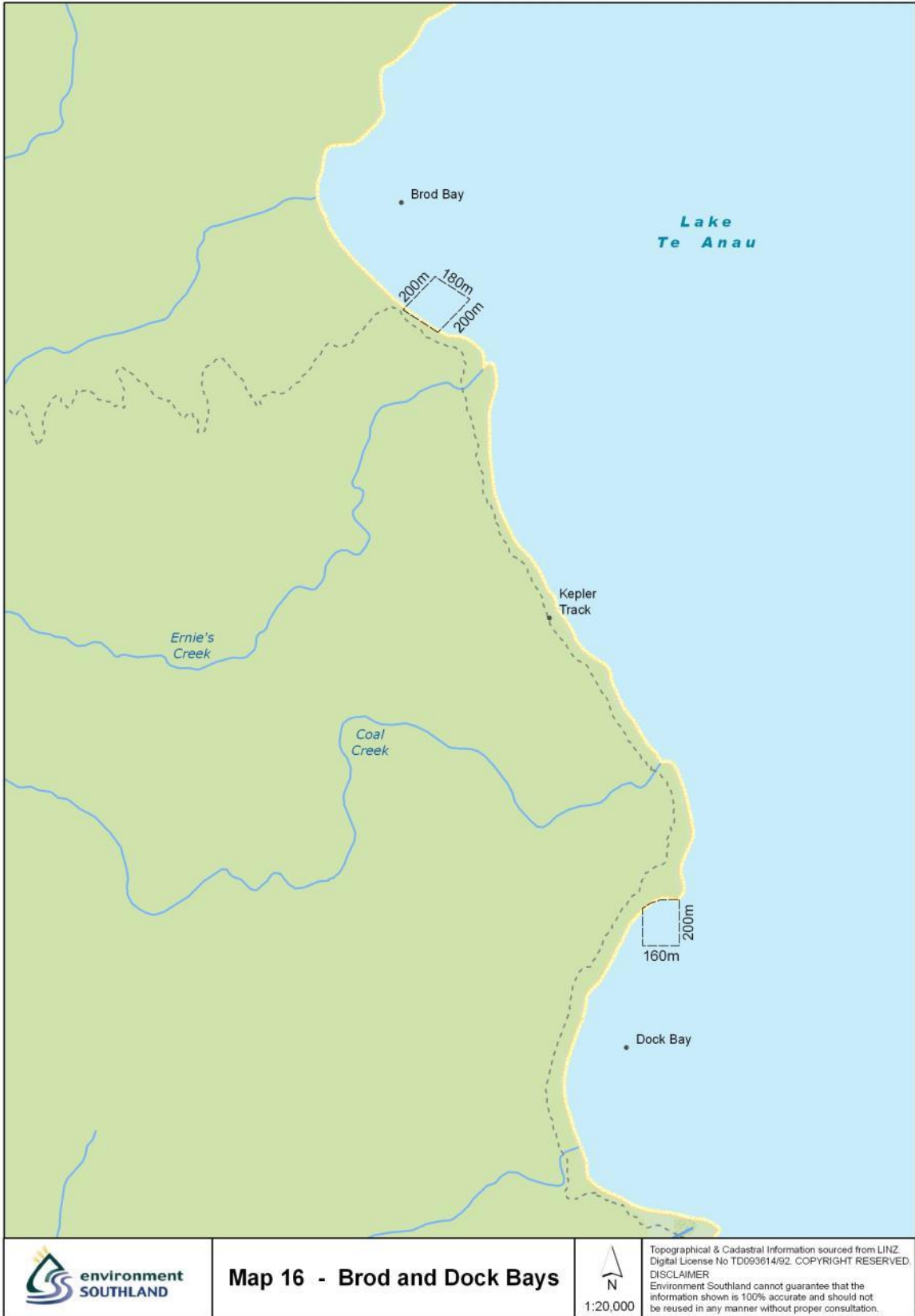


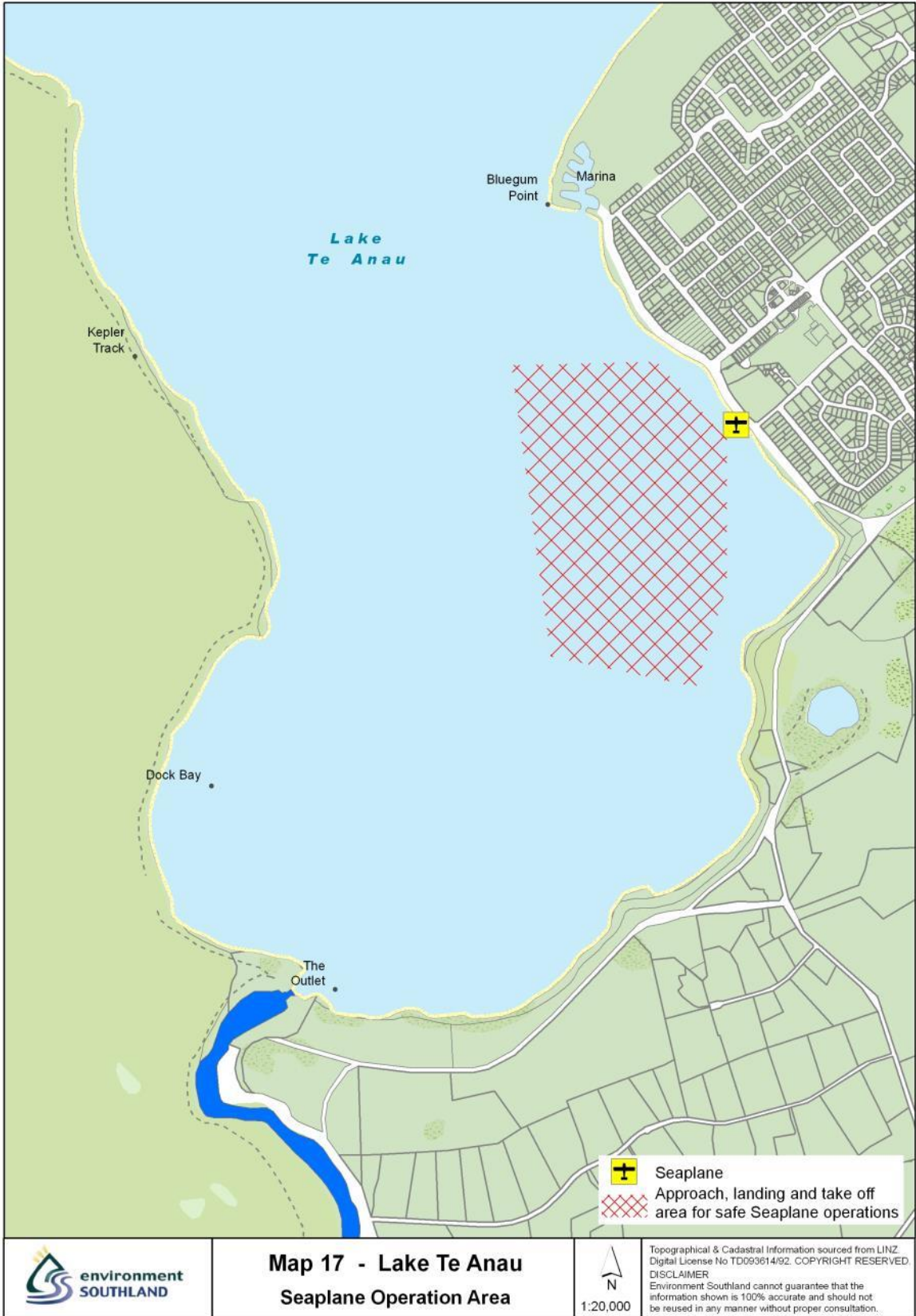


**Map 15 - Bluegum Point**

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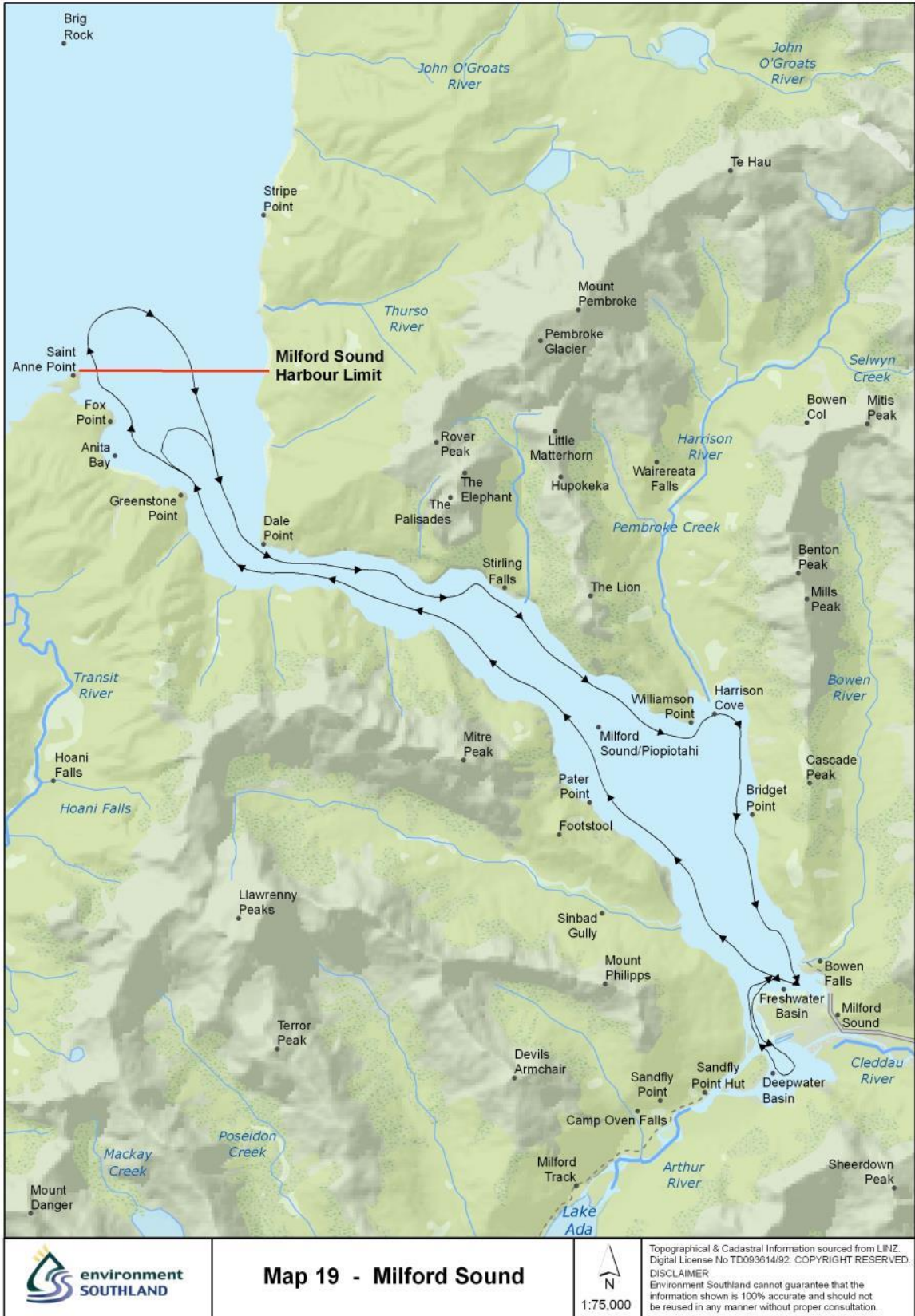
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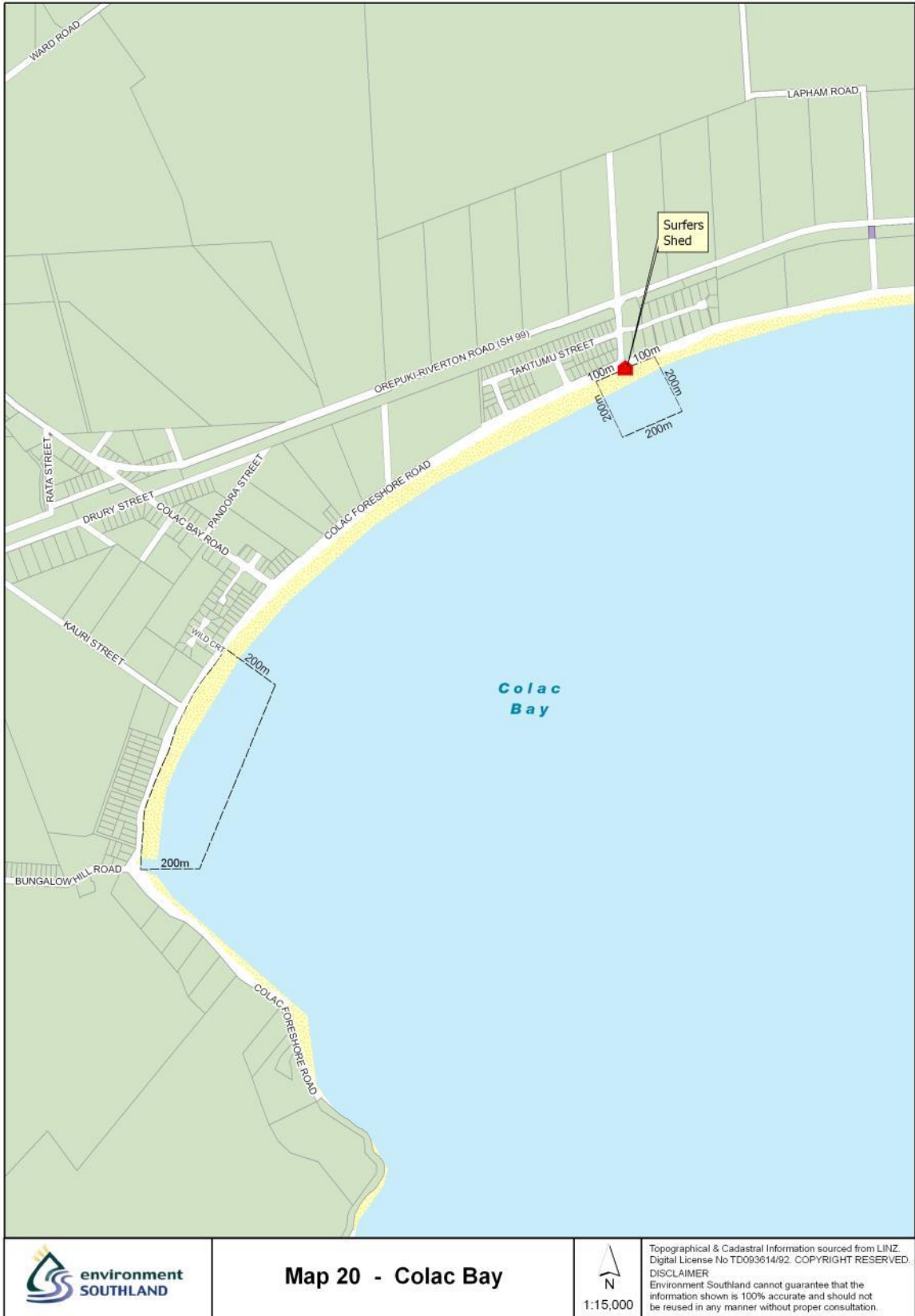












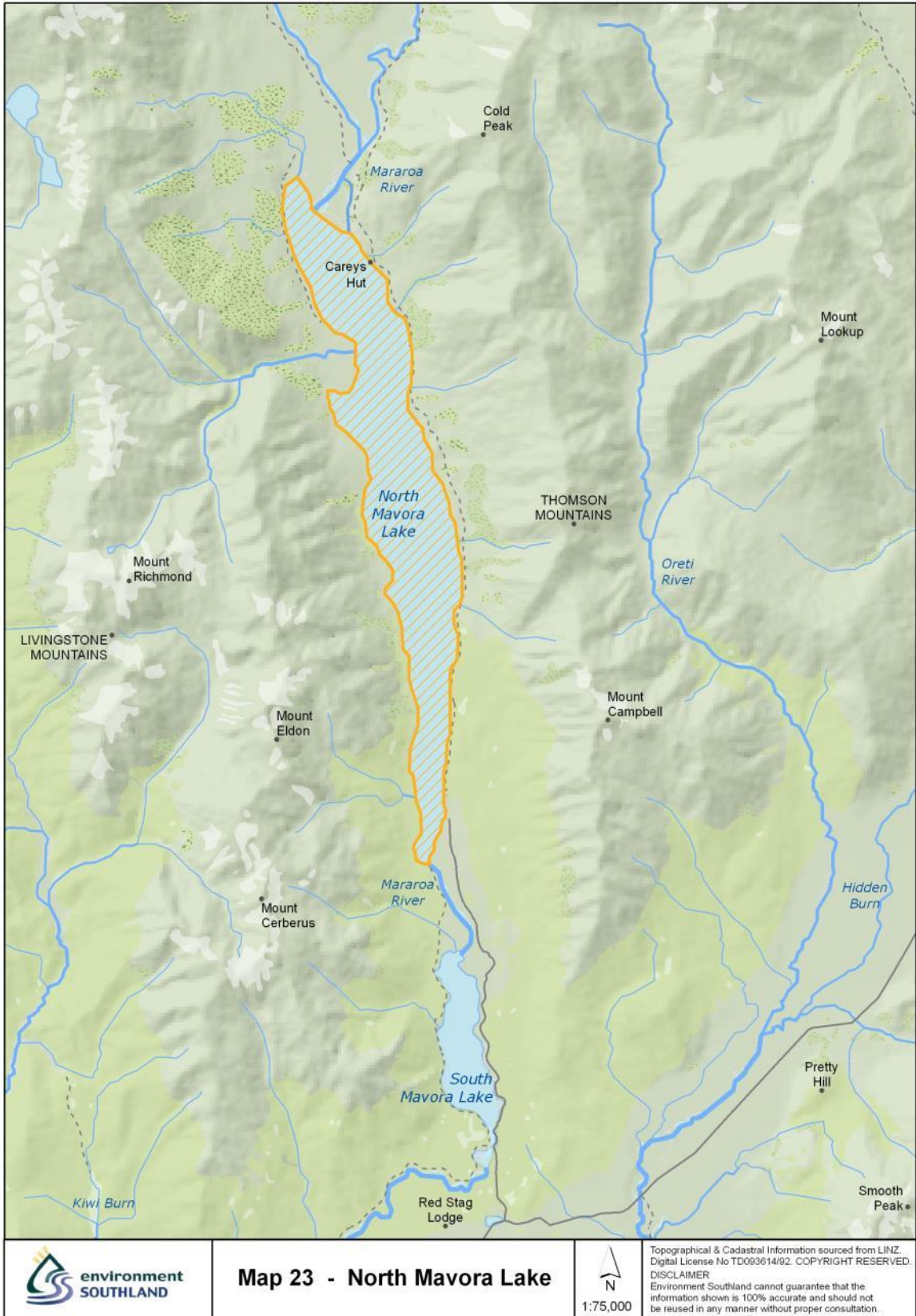


**Map 21 - Oreti Beach**

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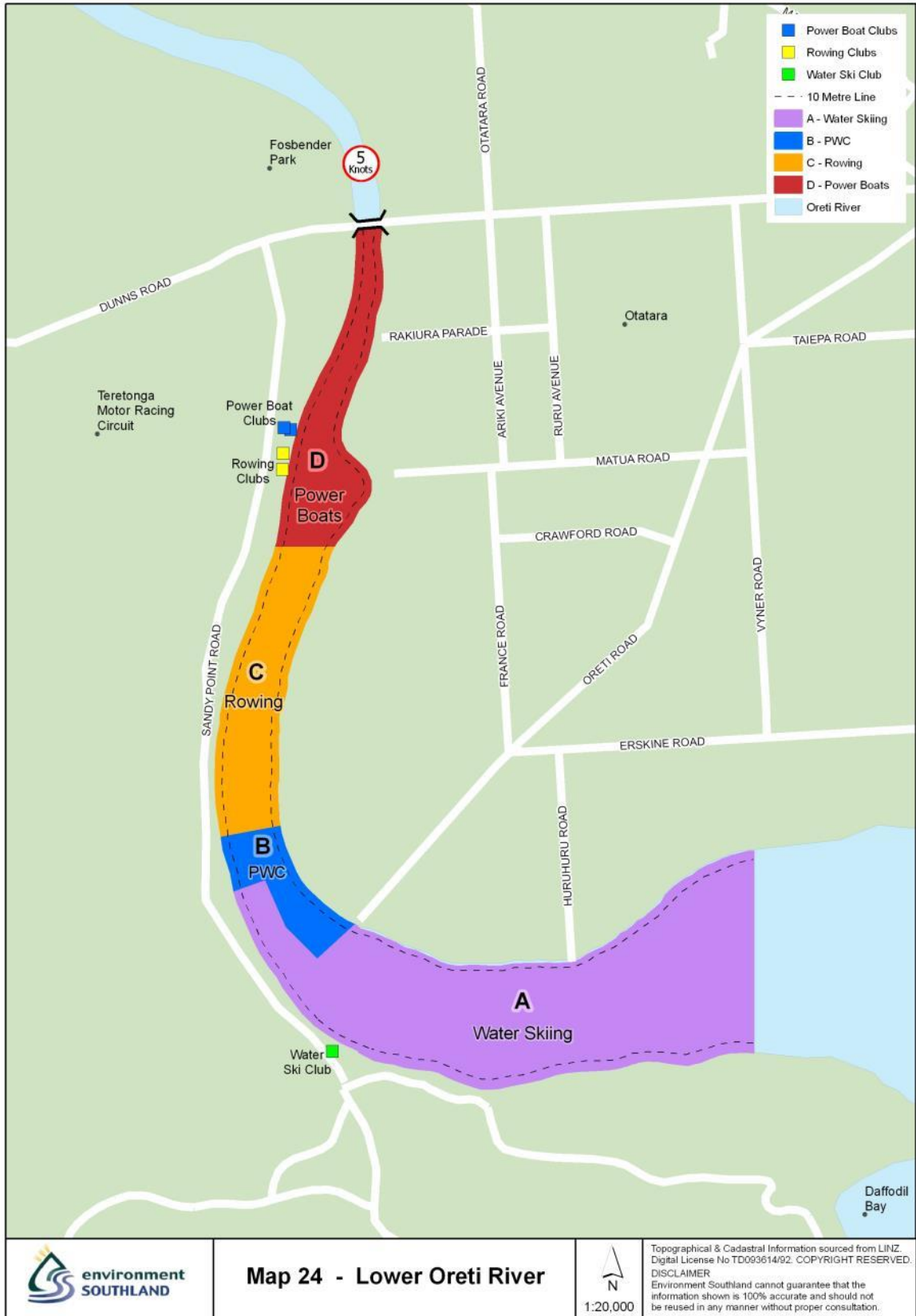





**Map 23 - North Mavora Lake**

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