



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

Auckland Regional Council

Navigation Safety Bylaw



Auckland Regional Council Navigation Safety Bylaw 2008

Pursuant to Section 684B of the Local Government Act 1974,
the Auckland Regional Council makes the following bylaw.

This bylaw was adopted at a meeting of the Council held on
26 May 2008 and ordered to come into force on 1 July 2008.

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



Chairman

Group Manager,
Democracy Services

Dated this 26th day of June 2008



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1 Preliminary Provisions

1.1 Title and commencement

1. This bylaw is the Auckland Regional Council Navigation Safety Bylaw 2008.
2. This bylaw shall come into force on 1 July 2008.
3. It is an offence not to comply with the clauses of this bylaw.
4. Every person commits an offence against this bylaw 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 this bylaw, 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 Plan: Coastal), and the Hazardous Substances and New Organisms Act 1996.

1.2 Areas within which this bylaw applies

This bylaw applies to all navigable waters (including inland lakes) within the Auckland Region.

1.3 Definition of terms

In this bylaw, unless the context otherwise requires:

access lane means an area designated as an access lane in Schedule 7.1.6 of this bylaw.

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 vessel except 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 endangers 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;
 - (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 at sea (whether or not subsequently found) or is missing; or
- (h) the vessel is foundering, capsizing (and unable to recover), being abandoned, stranding, missing, or has foundered, capsized (and cannot be readily recovered), been abandoned, stranded, been in a collision, or has a major fire on board.

Act

means the Local Government Act 1974 and amendments.

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| aid to navigation | includes: (a) any lightship and any floating or other light exhibited for the guidance of ships; (b) any description of fog signal not carried on a vessel; (c) all marks and signs in aid of marine navigation; (d) any electronic, radio or other aid of marine navigation not carried on board any ship. |
| aircraft | has the same meaning as in the Civil Aviation Act 1990. |
| anchorage | in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of the waterway, whether the place is reserved for such purposes by the council or not. |
| anchoring/ anchored | 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. In the context of this definition temporary means not more than 14 days within the same or proximate location. |
| Automatic Identification Systems (AIS) | means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation. |
| beacon | means a light or mark set up in a prominent position as a navigation mark or a warning to vessels. |
| board sports | any board sport, including windsurfing, kite boarding and surfing where the means of propulsion is by wind, waves or other natural forces, and where no mechanical means of propulsion is used. |
| buoy | means a float secured to the seabed serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring. |
| buoyancy aid | means: (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 (b) a buoyancy aid that the Director is satisfied substantially complies with the standards prescribed in sub clause (a) above and that provides a minimum of 53 newtons buoyancy. |
| bunkering operation | means any transfer of liquid hydrocarbons, other than cargo, from or to a vessel and includes the transfer of lubricating oil, oily waste water and sludge. |

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| class 3 packing group I oil products | means oil having an initial boiling point less than or equal to 35 degrees centigrade. |
| class 3 packing group II oil products | means oil having a flashpoint of less than 23 degrees centigrade and an initial boiling point greater than 35 degrees centigrade. |
| class 3 packing group III oil products | 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 centigrade. |
| coastal marine area | means the foreshore, seabed, and coastal water, and the airspace above the water: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) one kilometre upstream from the mouth of the river, or (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5. |
| commercial, in relation to a wharf, jetty or quay | means a wharf, jetty or quay regularly used by passenger ferries or vessels of greater than 500 gross tonnage. |
| commercial raft | means a raft that is not a pleasure craft. |
| commercial vessel | means a vessel that is not <ul style="list-style-type: none"> (a) a pleasure craft, or (b) solely powered manually, or (c) solely powered by sail. |
| Council | means the Auckland Regional Council as constituted under the Act or any other public authority to which authority has been transferred in accordance with Section 650J of the Act or any other public authority to which authority has been transferred in accordance with Section 650J of the Act. |
| craft | has the same meaning as ship or vessel. |
| crew | means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port. |
| dangerous goods | has the same meaning as in Maritime Rule Part 24A. |

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| Director | means the Director of Maritime New Zealand appointed under Section 439 of the Maritime Transport Act 1994. |
| deficient | means not complete or not working correctly. |
| emergency response vessel | any vessel approved by the Harbourmaster for use in emergency response and may include police, customs, Harbourmaster, naval, port company, coastguard, surf lifesaving vessels, and club patrol or rescue boats (when supervising club activities). |
| enforcement officer | means a person appointed as an enforcement officer under section 650B of the Act. |
| explosive | means any substance or mixture or combination of substances, which in its normal state is capable of either decomposition at such rapid rate as to result in an explosion, or of producing a pyrotechnic effect. Substances included within this definition are detailed in the Hazardous Substance and New Organism Act 1996. |
| fast passenger ferry | means a passenger ferry capable of exceeding a proper speed of 15 knots. |
| fast vessel | means a power driven vessel capable of exceeding a proper speed of 15 knots. |
| flag A | means flag A of the International Code of Signals (the diver's flag), being a swallow-tailed flag, or a rigid equivalent, coloured in white and blue, with white to the mast, of not less than 600mm by 600mm. |
| flag B | means flag B of the International Code of Signals, being a swallow tailed flag, or a rigid equivalent, coloured in red, of not less than 600mm by 600mm. |
| flagged area | 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 water's edge, for the purposes of swimming. |
| foreshore | means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area. |
| gross tonnage | means the volume of all the vessels enclosed spaces (from keel to funnel) measured to the outside of the hull framing. In the case of a tug and tow the combined gross tonnages of the tug and tow shall be used. |
| grounding | means the unintentional contact between a vessel and |

the seabed, and includes any other such contact where damage to the structure or integrity of the vessel occurs.

Harbourmaster

is the person(s) appointed by the Auckland Regional Council, or any council so empowered under a transfer of powers from Auckland Regional Council, as Harbourmaster, to exercise authority under this bylaw and all relevant associated legislation; and includes any deputy of a Harbourmaster.

high speed vessel

means a power driven vessel capable of exceeding a proper speed of 25 knots.

honorary enforcement officer

means a person appointed as an honorary enforcement officer under section 650B of the Act.

impede the passage

means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to do so when she would have otherwise not done so.

incident

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.

inoperative

means not working or not working correctly.

kite boarding

(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 kite board.

large vessel

means any vessel of 500 gross tonnage or greater, or any vessel of 40 metres length overall or greater.

length

in relation to a vessel, means overall length.

manoeuvring equipment

means any equipment used in the manoeuvring of a vessel. It includes, but is not limited to, rudder and steering equipment, any bow or stern thrusters, and any equipment to which a tug may be made fast.

Maritime Rules

means Maritime Rules made under section 36 of the Maritime Transport Act 1994.

master

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

moor

means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or
- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

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| mooring management area | means: (a) any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of 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. |
| mooring | means the area defined by the council as a mooring management area under the Resource Management Act 1991, where vessel moorings are placed; but does not include an anchorage. |
| nautical chart | a map of a sea area showing on it any coastlines, rocks and dangers to vessels etc. within the area covered and also showing the positions of aids to navigation and other prominent features. |
| navigable waters | means any waters whether coastal or inland which are able to be navigated and includes harbours. |
| navigate | means the act or process of managing or directing the course of a vessel on, through, over, or under the water. |
| navigation equipment | means any equipment used in the navigation of a vessel. It includes, but is not limited to any one or combination of the following: navigational charts, radar, global positioning system receiver, electronic charting equipment, VHF radios. |
| obstruction | means an object, equipment, structure, vessel or person, positioned, whether in the water or not, so as to significantly restrict or prevent navigation of a vessel or cause a hazard to people. |
| oil | means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; 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). |
| oil tanker | means any vessel which: (a) is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and (b) either: (i) has on board or is about to take on board a cargo the whole or any part of which consists of Class 3 |

packing group I, Class 3 packing group II or Class 3 packing group III 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.

owner

- (a) in relation to a vessel registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the vessel;
- (b) in relation to a vessel registered in any place outside New Zealand, means the registered owner of the vessel;
- (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 57 of the Fisheries Act 1983;
- (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 means the charterer or other person who is for the time being, responsible for the management of the vessel;
- (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.

paddle craft

means powered only by a craft's occupant(s) using a single or double bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, hole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

passenger ferry

means a ferry operating a scheduled service registered with the Auckland Regional Transport Authority (ARTA).

personal flotation device

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

- (a) a standard in New Zealand Standard 5823:2001 applicable to such buoyancy aids; or
- (b) a national or international standard that the Director of Maritime Safety is satisfied substantially complies with a standard in New Zealand Standard 5823:2001 applicable to such buoyancy aids.

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| personal water craft | means a power driven vessel that: (a) has a fully enclosed hull, and (b) does not take on water if capsized, and (c) is designed to be operated by a person standing, sitting astride, or kneeling on it but not seated in it. |
| pilot | in relation to any vessel, means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel. |
| pilotage area | means the pilotage areas described in Maritime Rule Part 90. |
| pleasure craft | means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include: (a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment or other establishment or business; (b) a vessel that is used on any voyage 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; (c) a vessel that is operated or provided by any club, incorporated society, trust or business. |
| power-driven vessel | means any vessel propelled by machinery. |
| proper speed | means speed through the water. |
| public notice | means a notice in a newspaper circulating generally in the district or region to which the subject matter of the notice relates. |
| raft | (a) means an inflatable craft manoeuvred by: (i) oars or paddles; or (ii) a combination of oars and paddles; but (b) does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing. |
| recreational craft/ vessel | means a vessel that is: (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail. |
| region | means the region of the Auckland Regional Council as constituted by the Local Government (Auckland Region) Re-organisation Order 1989. |
| reserved area | means any area defined as such under Schedule 7.1 (location specific information) of this bylaw or those |

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| | notified in accordance with clauses 3.8.1 or 3.9.5. |
| reward | means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members. |
| sailboard | means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. |
| seaplane | means a flying boat or any other aircraft designed to manoeuvre on the water; and under Maritime Rule 22 is deemed to be a vessel when operating on the water. |
| seaworthy | in relation to any vessel means being in a fit condition or readiness to safely undertake a voyage within its designed capabilities. |
| ship | means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: <ul style="list-style-type: none"> (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. |
| shore | when referring to distance from shore, means distance from the water's edge. |
| speed uplifting | means an authorisation by the Harbourmaster to increase/ change or otherwise alter the speed provision of clause 3.2 of this bylaw. |
| structure | means: <ul style="list-style-type: none"> (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, pontoons, 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. |
| sunrise | means the time of sunrise (relevant to the location and date) as stated in the New Zealand Nautical Almanac NZ204. |

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| sunset | means the time of sunset (relevant to the location and date) as stated in the New Zealand Nautical Almanac NZ204. |
| support vessel | means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions. |
| surfboard | means any type of board that is designed to be used for surf riding. |
| underway | means that a vessel is not at anchor, or made fast to the shore, or aground. |
| vessel | has the same meaning as ship. |
| warship | <p>(a) means any vessel belonging to the armed forces of a state and bearing the external marks distinguishing the nationality of vessels of that state, being a vessel:</p> <ul style="list-style-type: none"> (i) under the command of an officer duly commissioned by the government of that state whose name appears in the appropriate service list or its equivalent; and (ii) crewed by crew subject to regular armed forces discipline; and <p>(b) includes any vessel requisitioned under section 10 of the Defence Act 1990; and</p> <p>(c) does not include any vessel operated by the New Zealand Defence Force that operates, for the time being, for a commercial purpose.</p> |
| water skiing | means being towed barefoot or on an object of any kind other than a vessel. |
| windsurfing | means using a board with a sail or sails designed to be operated by a person standing upright on the board. |

2 General Matters

2.1 Personal flotation devices

1. No person in charge of a recreational vessel shall use it, unless there are onboard at the time of use and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
2. Clause 2.1.1 and 2.1.6 shall not apply to:
 - (a) any surfboard or similar un-powered vessel ; and
 - (b) any sailboarder, kite boarder 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 this bylaw, or the Director under Maritime Rule 91.4(3); and
 - (e) a visiting foreign water sports representative if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
 - (f) a commercial raft.
3.
 - (a) the Harbourmaster may approve a sporting organisation for the purposes of clause 2.1.2.(d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.
 - (b) the Director, under Maritime Rule 91.4(3), may approve a national sporting organisation for the purposes of clause 2.1.2 (d) if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal floatation devices.
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 vessel and the recreational vessel or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational vessel.

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 with jurisdiction for the applicable region has granted an exemption in writing. A Harbourmaster may grant an exemption for a specified period if he/she is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
6. Despite clause 2.1.4 no person in charge of a recreational vessel may use that vessel 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) persons 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) persons participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule 91.4(3); or
 - (c) towing at a speed of less than 5 knots.
9. For the purposes of sub-clauses 2.1.1 and 2.1.6, 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 the 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 products; and
 - (ii) meet the colour requirements; and
 - (b) is manufactured in accordance with a quality system acceptable to the Director that ensures product conformity to that standard; and
 - (c) is legibly and indelibly marked in block letters of not less than 6mm high "MARITIME PRODUCT CONFORMING TO THE REQUIREMENTS OF MARITIME RULES PART 91. RESTRICTED USE: PADDLE CRAFT APPLICATIONS ONLY".
10. In the case of a paddle vessel, a serviceable buoyancy aid not certified by a recognised authority and not meeting the requirements of sub clause 2.1.9, may be used for the purposes of sub clauses 2.1.1 and 2.1.6 until:
- (a) 1 October 2014 in the case of a recreational vessel; and
 - (b) 1 October 2011 in the case of a vessel other than a recreational vessel.

2.2 Persons to avoid swimming or diving around wharves

1. No person shall jump, dive, swim or undertake other related activities:
- (a) from any commercial jetty, wharf, or quay while it is in use for the berthing and unberthing of vessels; or
 - (b) in any area that would interfere with the berthing or departure of any vessel; or
 - (c) from any public or private jetty or wharf when a vessel is approaching to berth, or manoeuvring alongside or departing; or
 - (d) within 50 metres of the structures listed in 2.2.1 (a) or 2.2.1(c); or
 - (e) within any designated anchorage for ships as set out in Schedule 7.1.8; or
 - (f) within any marked navigational channel or any other navigational channel leading to a jetty, wharf or quay; or
 - (g) within any other such areas as the Harbourmaster may from time to time determine;
- unless the person does so in accordance with the prior approval of the Harbourmaster.

2.3 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 navigable waters so affecting navigation safety, affect the navigation of any other vessel or injure any person. This clause 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:
 - (a) ensure that a crew member is stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - (b) ensure that a crew member warns all persons or vessels in the immediate vicinity of that vessel, that the engines are being tested; and
 - (c) where the vessel is 500 gross tonnage or greater, notify the Harbourmaster via harbour control radio prior to the engines being tested.

2.4 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 enforcement officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy. Such written approval may be 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/or owner of that vessel to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
 - (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, or where the master and/or owner of a vessel cannot be located, 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 Council. The Council shall exercise reasonable care, but shall have no liability for any damage caused by any action under this clause; and

(c) 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 clause, 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 at sea, the person in charge of the vessel shall proceed to a safe area immediately.

2.5 Seaplanes and helicopters

1. No person navigating a vessel, including a windsurfer or kite board, shall impede a seaplane, helicopter or other aircraft in the process of landing or taking off.
2. No person shall take off, land or attempt to take off or land any seaplane, helicopter or other aircraft, except in an emergency, in any area other than areas reserved for that purpose, without the prior written approval of the Harbourmaster. Written applications must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.
3. No person shall take off, land, or attempt to take off or land any seaplane, helicopter or other aircraft, except in an emergency, from any vessel, wharf, jetty, platform or structure within the coastal marine area without the prior written approval of the Harbourmaster. Written application must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.
4. The Harbourmaster or Council may grant either general or specific approval for the landing or take off of aircraft in the coastal marine area and waive the need for 48 hours prior notice.

2.6 Vessels to be adequately anchored, moored or secured

1. No person shall anchor or moor a vessel, or raft up a group of vessels so as to:

- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor or on a mooring.
2. When a vessel is moored in a dock, or alongside a wharf or other landing place the owner and/or master must ensure that the vessel is securely fastened to the dock, wharf or landing place.
3. No person shall cut, break, destroy or otherwise tamper with:
 - (a) the mooring or anchoring equipment of any vessel; or
 - (b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
4. The owner or master of a vessel berthed at a wharf, or at anchor must, if required by the Harbourmaster, maintain a person on board to keep a watch.

2.7 Prohibited and restricted anchorages

1. Except in an emergency no person shall anchor or moor any vessel within any prohibited anchorage without the prior approval of the Harbourmaster.
2. Except in an emergency no person shall anchor any vessel within any restricted anchorage unless the vessel is kept ready to make immediate departure and an anchor watch on board the vessel is maintained at all times.
3. The prohibited and restricted areas to which this clause applies are those prescribed in Schedules 7.1.8 and 7.1.9.

2.8 Obstructions

1. No person shall obstruct the navigation of any navigable waters, or the access to any wharf, landing place, boat ramp, slipway, navigation channel or mooring, without the prior written approval of the Harbourmaster.
2. No person shall place any obstruction, including any vessel or fishing apparatus, in, over or near any navigable waters, if this is liable to:
 - (a) restrict navigation; or
 - (b) cause or have potential to cause, injury or death to any person; or
 - (c) cause damage to any vessel or any property; or
 - (d) restrict access to or use of any lawfully established mooring.

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

2.9 Notification of collisions or other 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 navigable waters; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation, or to give rise to danger to 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;shall, 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 2.9.1 must include:
 - (a) a full description of any injury to persons, and their names and addresses; and
 - (b) a full description of any damage to vessels or structures; and
 - (c) the name(s) and address(s) of person(s) in charge of the vessel.
3. If an incident described in clause 2.9.1 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, enforcement officer or honorary enforcement officer.

2.10 Aids to navigation

1. No person shall secure a vessel to any aid to navigation without the prior written approval of:
 - (a) the Harbourmaster if the aid to navigation is operated by a local authority or port company; or

- (b) the Director if the aid to navigation is operated by Maritime New Zealand.
- 2. No person shall damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster or Maritime New Zealand.
- 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 prior written approval of the Harbourmaster and Director of Maritime New Zealand.

2.11 Sound and light signals

- 1. No person, organisation or company shall fit to any vessel or use, any lights, sirens or other sound or light signals which are not prescribed in a Maritime Rule, without the prior written approval of the Harbourmaster.
- 2. No person, organisation or company shall use blue flashing lights and/or sirens other than police, customs, Harbourmaster or other enforcement vessels authorised by the Harbourmaster.
- 3. No person, organisation or company shall fit to any vessel or use purple flashing lights other than on an emergency response vessel, as authorised by the Harbourmaster. These lights are to identify an emergency response vessel to any person involved in a response. These lights shall be used only when actively involved in an incident. The lights imply no status for the vessel and should be used for the minimum time possible.
- 4. A vessel authorised by this clause must observe clause 3.2 (speed of vessels) at all times.
- 5. A fast passenger ferry must display an orange flashing light when it is not made fast to the shore or is not at anchor.
- 6. No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any area, except as a navigation safety signal. Nothing in clause 2.11 precludes the testing of any sound or light signal prescribed within a Maritime Rule or under clause 2.11.
- 7. Clauses 2.11.1 and 2.11.6 shall not apply to horns, whistles or sirens used for the purposes of a sporting event, provided they are used in locations where there will be no adverse effect on navigation safety.

2.12 Flagged areas on beaches

- 1. The Harbourmaster, a Surf Life Saving New Zealand patrol

captain, an enforcement officer or an honorary enforcement officer 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.
3. Flagged swimming areas on beaches shall consist of two red/ yellow flags forming the area boundary. These flags shall meet NZ Standard NZS8690:2003 – 5.1 Design of flags and 5.2 Use of flags.
4. Dangerous beach conditions may be indicated by the erection of the “swimming not advised” flag (as per NZS8690:2003-5.1) All red/yellow flags shall be removed while the “swimming not advised” flags are displayed.

2.13 Discharge into region’s waters

1. No person shall discharge, drop, cause or allow to be discharged into the region’s waters any cargo or anything from any vessel, wharf or from land that would or may constitute a danger to navigation safety. The owner of the cargo or any other matters discharged into navigable waters shall be liable for the costs of removal where there is any danger to navigation safety.

2.14 Vessels to be identified

1. The master and owner of a vessel shall ensure the vessel is marked with its name or similar identifying marks. This shall be displayed, on each side of the vessel. The number or name shall be a minimum height of 90 millimetres and each character shall be legible.
2. Clause 2.14.1 shall not apply to non-mechanically powered vessels of less than 6 metres in length. Such vessels should be marked with a name, or the owners name or contact details somewhere on the vessel.
3. Clause 2.14.1 shall not apply to mechanically power driven vessels of less than 4 metres in length. Such vessels should be marked with a name, or the owners name or contact details somewhere on the vessel.

2.15 Vessels to carry navigational charts or equipment

1. Every vessel shall have on board appropriate means to navigate safely at all times for the intended voyage.

2.16 Personal water craft (jet skis)

1. Every personal water craft being used in or upon the waters of the Auckland region, must clearly display above the waterline and visible at all times, a unique number on each side of the craft. This number shall be a minimum height of 90 millimetres and each digit shall be legible. This number must be registered with the council or its agent together with the name and address of the owner.

2.17 Visibility of kayaks and paddle craft

1. Every kayak and paddle craft that is navigating in waters beyond 200 metres from shore shall ensure they are highly visible to other vessels. This shall include:
 - (a) wearing a high visibility vest or high visibility PFD; and
 - (b) use of reflecting tape on oars or paddles and also on clothing; and
 - (c) at night, showing a continuous white light visible in all directions from a distance of two nautical miles.

2.18 Exemptions

1. The Harbourmaster may exempt by written approval, any person, vessel or class of vessels from the requirements of any clause of this bylaw.
2. In granting any written exemption to any clause of this bylaw the Harbourmaster shall consider the effects of the exemption on other water users and their safety.
3. Any written exemption issued under this clause may be required to be carried by the person, or onboard the vessel, and shall be produced on request to any Harbourmaster, enforcement officer, honorary enforcement officer or police officer.
4. The Harbourmaster may revoke any exemption issued under clause 2.18.1 at any time he or she has reason to believe the safety of water users has, or may be, adversely affected.

3 Operating Requirements

3.1 Minimum age for operating powered vessels

1. No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years, who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.3.
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. Clause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Harbourmaster, or from the Director under Maritime Rule 91.(5).
4. The Harbourmaster or Director may issue an exemption in accordance with this bylaw that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbourmaster or Director considers that the person:
 - (a) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (b) is aware of relevant navigation safety rules and this navigation safety bylaw; and
 - (c) will be under adequate supervision during the proposed activity or activities.

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 on the inshore side of any row of buoys demarcating that distance from the shore or structure; or

- (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals; or
 - (d) when knowingly or deliberately approaching within 200 metres of a marine mammal; or
 - (e) within 200 metres of an area designated by the Harbourmaster in accordance with clause 3.9.
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) at a proper speed exceeding 5 knots in any circumstances specified in clause 3.2.1.
 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 or other organisation affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - (c) a vessel training for or participating in competitive rowing or paddling; or
 - (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
 - (e) a vessel operating in accordance with a speed uplifting established under clauses 3.5, 3.8 or 3.9 of this bylaw; or
 - (f) any board sport carried out where there has been a prior

verbal agreement between board users and other water users to reduce the separation distance below 50m, and where it is carried out in accordance with the accepted safe practices of the individual sport.

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; or
 - (b) a vessel operating in accordance with a speed uplifting established under Clause 3.5, 3.8 or 3.9 of this bylaw; or
 - (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - (d) a vessel training for or participating in competitive rowing or paddling; or
 - (e) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with this clause; or
 - (f) any board sport carried out, with due regard for the safety of other water users, and in accordance with the accepted safe practices of the individual sport.

3.3 Lookouts on vessel used for water skiing and 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 Harbourmaster may, from time to time, by public notice, declare that a specified area or areas 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 shall propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared, except by the most direct route through the access lane, and on that side of the access lane that lies to the starboard (right) side of the vessel.
2. No person shall:
 - (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 shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
4. No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
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 clause applies are those prescribed in Schedule 7.1.6 and those which have been notified under clause 3.5.1.

3.7 Marking of access lanes

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

3.8 Reserved areas

1. The Harbourmaster, may from time to time, by public notice, and upon such terms and conditions he/she considers appropriate, reserve any area for a specified purpose, in the interests of navigation safety.
2. A reservation under this clause may be made on such conditions, and for such period or periods, as the Harbourmaster may specify in the prior written authority.

3.9 Reserved areas for temporary events

1. Any person intending to conduct a race, speed trial, competition or other organised activity within any area described in Schedule 7.1.17 as areas of navigational significance, must obtain the prior written approval of the Harbourmaster, and apply to the Harbourmaster at least 31 days prior to the event.
2. Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which this bylaw applies may apply to the Harbourmaster to:
 - (a) temporarily suspend the application of clause 3.2 in part or in total in that area for the purposes of facilitating the event; and
 - (b) temporarily reserve the area for the purpose of that activity.
3. Where the Harbourmaster is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days and on such conditions as he or she may specify.
4. No grant of an application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
5. The council may recover, from the applicant, all actual and

reasonable costs associated with the application, including any monitoring and advertising. No costs will be recovered where the Harbourmaster deems that a reserved area is not required.

3.10 Conduct in reserved areas

1. No person shall 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 7.1, or reserved under clause 3.8.
3. Nothing in clause 3.10.1 or 3.10.2 prohibits the use of emergency response vessels within a reserved area.
4. The reserved areas to which this clause applies are those prescribed in Schedule 7.1, or those notified in accordance with clauses 3.8.1 or 3.9.5.

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 at sea it shall be marked by black buoys with white 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.

3.13 Duty of master of a vessel under 500 gross tonnage

1. The master of a vessel under 500 gross tonnage must not allow their vessel to impede the navigation of any vessel of 500 gross

tonnage or more if the vessels are in a pilotage area.

3.14 Moving prohibited zone

1. A moving prohibited zone extending to 100m astern and 100m to each side of a vessel, and continued at such width to 500m ahead, following the line of the buoyed channel when changing course, is reserved around any vessel of 500 gross tonnage or greater, when that vessel is underway within the pilotage areas of Auckland (excluding Tamaki River) and Manukau. When navigating within a marked channel, the moving prohibited zone to the side of the vessel may be reduced to the width of the marked channel and the zone ahead of the vessel shall follow the line of the marked channel.
2. When navigating within the Auckland Pilotage Area, south of 36 degrees 46.00 minutes south latitude, a moving prohibited zone shall apply only within the areas reserved as shipping channel, fairways and approach areas for ships numbers 1 and 2 as set out in schedule 7.1.8.
3. The master or person in charge of a vessel shall not navigate their vessel within the moving prohibited zone of any vessel of 500 gross tonnage or greater, within the pilotage area of Auckland (excluding Tamaki River) and Manukau, as described in Maritime Rule 90.
4. The provisions of clause 3.14.3. shall not apply to any vessel having prior written authority from the Harbourmaster to enter a moving prohibited zone.
5. In the context of clause 3.14, a tug and barge shall be considered as a composite unit.

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 watch keeper 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 watch keeper of another vessel at a distance in excess of 200 metres.

3.16 Motuihe Channel fast passenger ferry lane

1. The Motuihe Channel fast passenger ferry lane includes all waters within an area as shown in Schedule 7.1.15.

2. The master of any vessel within the Motuihe Channel fast passenger ferry lane must ensure their vessel or any person on their vessel does not:
 - (a) engage in fishing, or set or lay any fishing apparatus; or
 - (b) anchor; or
 - (c) impede the passage of a fast passenger ferry.
3. The master of a fast passenger ferry passing through the Motuihe Channel MUST:
 - (a) use the fast passenger ferry lane at all times when passing through the Motuihe Channel and;
 - (b) navigate as close to the edge of the lane that lies on the vessels starboard side as is safe and practicable (to allow safe port to port passing) and;
 - (c) proceed along the lane from Emu Point to Otahuhu point (north-easterly direction) or in the opposite direction (south-westerly direction).
4. Clause 3.16.2(c) shall not apply to vessels that are:
 - (a) more than 1000 gross tonnage; or
 - (b) under the guidance of a licensed pilot; or
 - (c) under the command of a pilot exempt master (other than a passenger ferry); or
 - (d) warships.
5. Within the Motuihe Channel fast passenger ferry lane area a fast passenger ferry is exempt from the requirements of clause 3.2.1(b).

3.17 Waitemata Harbour restricted zone

1. The Waitemata Harbour restricted zone includes all waters within an area as shown in Schedule 7.1.13.
2. The master of any power driven vessel within the Waitemata Harbour restricted zone must not:
 - (a) exceed a proper speed of 12 knots; nor
 - (b) use an automatic steering device.
3. Clause 3.17.2 (b) shall not apply to a power driven vessel traveling at a proper speed of 5 knots or less.
4. Clause 3.17.2 shall not apply to police, customs, Harbourmaster, port company, Department of Conservation or Ministry of Fisheries vessels where the vessel is unable to undertake its duties without exceeding 12 knots.

5. Clause 3.17.2 (a) shall not apply to an emergency response vessel were that vessel is responding to an incident where there is grave and imminent danger to life or property.
6. Clause 3.17.2 (a) shall not apply to fast passenger ferries on a scheduled passage, showing a flashing orange light, and where such vessels hold a written exemption from the Harbourmaster stating where and when they may exceed 12 knots.

3.18 Harbour bridge precautionary area

1. The harbour bridge precautionary area includes all waters within an area shown in Schedule 7.1.16.
2. The master of any vessel within the harbour bridge precautionary area must ensure their vessel or any person onboard their vessel does not:
 - (a) impede the passage of a vessel under the guidance of a licensed pilot (as indicated by a Pilotage Flag); or
 - (b) impede the passage of a warship; or
 - (c) impede the passage of a passenger ferry; or
 - (d) impede the passage of a vessel over 500 gross tonnage; or
 - (e) anchor; or
 - (f) engage in fishing.
3. Within the harbour bridge precautionary area a fast passenger ferry is exempt from the requirements of 3.2.1(b) of this Bylaw.

3.19 Navigating with inoperative equipment

1. The master of any vessel of 500 gross tonnage or greater navigating within the Auckland region shall:
 - (a) report to the Harbourmaster on any navigational or manoeuvring equipment which is inoperative or otherwise malfunctioning, prior to entering the regions waters, or departing from any berth or anchorage within the region; and
 - (b) report to the Harbourmaster on any navigational or manoeuvring equipment which is inoperative or otherwise malfunctioning, at least 24 hours in advance, (or if this is not possible as soon as practicable) when a vessel is intending to enter into, or navigate within any pilotage area.
2. Any vessel of 500 gross tonnage or greater with deficient or

inoperative navigation or manoeuvring equipment may not enter into, or depart any wharf or anchorage within a pilotage area, without the prior approval of the Harbourmaster.

3. In granting such approval, the Harbourmaster may give a direction as to the manner in which such a vessel navigates within the pilotage area. Such direction may include the requirement to use tugs, wind limits on operations, or any other such requirements as is deemed necessary by the Harbourmaster.
4. Any report to the Harbourmaster made under this clause must be directed to:
 - (a) the Harbourmaster via the duty officer on 09 362 0397; or
 - (b) Auckland Harbour Control on VHF ch 12; or
 - (c) as part of any advance notification made to a terminal or wharf operator via telephone, fax or email.
5. Any approval granted by the Harbourmaster shall be relayed to the vessels master via:
 - (a) the Harbourmaster's duty officer; or
 - (b) Auckland Harbour Control on VHF ch 12; or
 - (c) the port company or terminal operator; or
 - (d) any other means requested by the vessel and available to the Harbourmaster.

3.20 Kawau Island restricted speed area

1. The Kawau Island restricted speed area includes all waters within an area shown in Schedule 7.1.12.
2. The master of any vessel within the Kawau Island restricted speed area must ensure their vessel does not exceed a proper speed of 5 knots.
3. The Harbourmaster may exempt in writing certain vessels from the requirements of clause 3.20.2.

3.21 Auckland ferry terminal basin

1. The Auckland ferry terminal basin includes all waters within the area prescribed in Schedule 7.1.14.
2. The master or owner of any vessel shall not allow their vessel to enter into the Auckland ferry terminal basin.
3. Clause 3.21.2 shall not apply to:
 - (a) passenger ferries; or
 - (b) vessels authorised to use Ports of Auckland Ltd or

Auckland Regional Transport Authority owned facilities within the Auckland ferry terminal basin; or

- (c) an emergency response vessel.

3.22 Pilot and pilot exempt master operations

1. Every pilot or pilot exempt master must have successfully completed a training scheme and examination in local conditions and pilotage knowledge as approved by the Harbourmaster.
2. Every pilot or pilot exempt master must successfully complete all ongoing training and audits specified in the pilot or pilot exempt master training scheme.
3. The cost of any examination of local and pilotage knowledge is recoverable from the applicant.
4. A pilot or pilot exempt master operating within the Auckland or Manukau pilotage areas must operate in accordance with a pilot or pilot exempt master operating manual, approved by the Harbourmaster, for use by that pilot company or pilot exempt master.
5. A pilot or pilot exempt master operating manual must contain, as a minimum, sufficient information to show the manner and limiting factors affecting the navigation of a vessel under the control of the pilot or pilot exempt master.
6. A pilot or pilot exempt master operating manual must make full use of a recognised risk assessment of its operations, and national and international guidelines and practices.
7. Every pilot and pilot exempt master must submit a log of their transits within the pilotage area to the Harbourmaster, annually by the 31st of March each year. The log must contain, at a minimum, date of transit, vessel name, gross tonnage, length, and pilot(s) exempt master's name. A master's pilot exemption will not be accepted unless a log has been received and its validity confirmed by the Harbourmaster or unless otherwise authorised by the Harbourmaster in exceptional circumstances.
8. Any actual and reasonable costs incurred by the Harbourmaster in approving an operating manual or training scheme are recoverable from the applicant.
9. Every pilot and pilot exempt master must make use of a passage plan for every intended voyage and vessel movement. Passage plans used by a pilot and pilot exempt master must be approved by the Harbourmaster.

10. The master of a vessel of 500 gross tonnage or greater, within a pilotage area, shall ensure the number of crew members on the bridge is sufficient to safely carry out the passage plan.
11. In determining the composition of the bridge team, due regard shall be taken of the need to steer, operate manoeuvring equipment, monitor the progress of the vessel visually, use all available aids to navigation and refer to an appropriate navigational chart.
12. Every vessel within the pilotage area, under the guidance of a pilot or pilot exempt master, shall navigate only within marked channels.

3.23 Operation of commercial fast vessels

1. No person shall operate a commercial fast vessel without a Navigation Safety Operating Plan approved by the Harbourmaster when the Harbourmaster has required the owner or master to operate in accordance with one.
2. No person shall operate a commercial fast vessel in a manner other than that stated in the Navigation Safety Operating Plan approved by the Harbourmaster.
3. No person shall operate a commercial fast vessel within the Auckland pilotage area during any period the Harbourmaster declares the harbour in fog without prior approval from the Harbourmaster.

3.24 Areas of restricted access for large vessels

1. The master of a vessel of 500 gross tonnage or greater, or 40 metres or more in length overall, shall not allow their vessel to enter into an area of restricted access to large vessels without the prior written approval of the Harbourmaster.
2. The areas of restricted access for large vessels to which this clause applies are prescribed in schedule 7.1.11.

3.25 Wake

1. Subject to clause 3.2, every person who propels or navigates a recreational vessel must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, or structures, or of harm to other persons.

3.26 Automatic identification system

1. No person may operate a commercial fast vessel within the Auckland pilotage area when the Harbourmaster has declared the area affected by fog, or operating under a fog routine, unless

it has onboard a fitted and operational Automatic Identification System approved by the Harbourmaster;

2. No person may operate a vessel of 500 gross tonnage or greater or 40 metres length overall or greater, within the pilotage areas of Auckland or Manukau, without a pilot embarked, unless it has onboard a fitted and operational automatic identification system.

3.27 Manukau Harbour bar crossing

1. The Master and /or owner of any vessel shall not allow that vessel to transit the Manukau Harbour bar between the hours of sunset and sunrise (as listed in the New Zealand Nautical Almanac).
2. Clause 3.27.1 shall not apply to:
 - (a) a vessel of less than 40 metres length overall; or
 - (b) a vessel of less than 500 gross tonnage; or
 - (c) the master of a vessel who has been issued with a prior exemption in accordance with clause 2.18.(Exemptions).

3.28 Moorings

1. No person may place a mooring in any waters or moor or berth any vessel in any navigable waters, whether in a mooring management area or not, unless the prior approval of the Harbourmaster has been obtained.
2. The Harbourmaster may remove or authorise the removal of any unauthorised mooring and/or vessel and all costs of so doing are a debt by the owner of such mooring and/or vessel to the council. The council shall exercise reasonable care, but shall have no liability for any damage caused by any action under this clause.
3. Applications for permits for a registered mooring site may be made to the Harbourmaster, and the following provisions apply in relation to the grant of a permit:
 - (a) the Harbourmaster is not obliged to grant a permit unless satisfied that:
 - (i) there is adequate space in the mooring area for the proposed mooring and or vessel; and
 - (ii) the mooring is of adequate specifications to accommodate the proposed vessel to be moored; and
 - (iii) the vessel can be safely navigated to and from the mooring; and
 - (iv) there are no concerns with regards the safety of navigation.

- (b)
 - (i) a permit may be granted on terms set from time to time by the Harbourmaster;
 - (ii) any permit granted for a mooring is subject to the licensee paying to the council an annual permit fee for the mooring in accordance with clause 5.3 of this bylaw.
- 4. The council is not liable in any event for the position, insufficiency of or insecurity of any registered mooring site or other mooring site allocated by the Harbourmaster.
- 5. The council is not responsible for any damage or loss that may arise to any vessel permitted to use the registered mooring site, including damage that is caused by:
 - (a) any breaking away or defect in the owner's moorings or any part of them; or
 - (b) the act of any person in causing damage to the owner's moorings or any part of them, where the damage is caused by any vessel moored to such moorings or by any perils of the seas or by navigation of any vessel within the registered mooring site or any other cause.
- 6. The Harbourmaster or nominated delegate has the right to inspect or require inspections of any mooring and, on receipt of an unfavourable report, can require the owner to upgrade or repair the mooring as considered appropriate.
- 7. No person to whom a mooring site has been granted may leave a mooring vacant or unattended for a period of longer than six months without the prior written approval of the Harbourmaster. The Harbourmaster may direct the owner of a mooring left vacant or unattended for a period of longer than six months, without the prior written approval of the Harbourmaster, to remove any mooring equipment.
- 8. No person to whom a mooring site has been granted may, except with the written approval of the Harbourmaster, part with the possession of the mooring or assign it to any other person or suffer any such other person to have the use of it.
- 9. The occupier of any mooring site not occupied for the time being by a vessel must mark the site with a buoy or float of a type which is not a danger to navigation and which has been approved by the Harbourmaster. Such a buoy is to be clearly marked with such number or other sign as may have been allocated by the Harbourmaster.

10. Where a vessel breaks free from or drags its mooring, or is endangering another vessel or causing or resulting in a navigational safety issue or is sinking or has become unseaworthy, the Harbourmaster may remove that vessel at the owner's risk. All costs associated with such removal and subsequent storage are recoverable from the permit holder or owner of the vessel. Where no owner or permit holder can be found (after Council has made reasonable inquiries), the cost may be recovered from the sale of the vessel, and her fittings and any equipment onboard.
11. The Harbourmaster may after due written notice, cancel a mooring permit at any time where the permit holder fails to comply with the requirements of the mooring permit or clause 3.28.
12. Where a mooring permit has been cancelled the Harbourmaster may request the previous permit holder to remove the mooring to which the permit refers. The previous permit holder shall remove the mooring within the timeframe specified by the Harbourmaster. Where the previous permit holder fails to remove the mooring in the specified timeframe the Harbourmaster may remove the mooring, and may recover the costs from the previous permit holder or from the sale of the vessel and/or mooring.

4 Tankers, Hazardous Cargoes, Hazardous Works, Fuel Oil Transfers and Dangerous Materials

NB: The legislative provisions relating to hazardous goods are currently under review by Maritime New Zealand. Subsequent changes may be required to this section of the Bylaw once that review has been completed.

4.1 Explosives Safety

1. The master of a vessel having on board or intending to load explosives in quantities greater than 25 kg must ensure that:
 - (a) the vessel remains within the designated explosives anchorages or berths as specified in Schedule 7.1.10 when not underway, except with the prior written approval of the Harbourmaster; and
 - (b) no person loads or unloads explosives outside the explosives anchorage, or explosives safety transfer zones as specified in Schedule 7.1.10 except with the prior written approval of the Harbourmaster.
2. No vessel shall enter any explosives safety transfer zone while any other vessel is anchored, or berthed in the area and is showing flag B on its mast.
3. The master of any vessel carrying explosives at anchorage or berth, shall at all times, obey the directions of any Harbourmaster or enforcement officer with regard to placement of the vessel or movement through any waters of the region.
4. No vessel shall enter any explosives safety controlled zone specified in Schedule 7.1.10 without the prior approval of the Harbourmaster.

4.2 Vessels carrying explosives as cargo

1. The master of any vessel in any harbour or anchorage, having on

board or intending to load explosives as cargo, must hoist on the vessel flag B by day, and a red light by night.

2. The master of any vessel in any harbour or anchorage, or the pilot for the time being in charge of the vessel, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
 - (a) with the prior approval of the Harbourmaster or an enforcement officer; 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 harbour or anchorage, or the pilot for the time being in charge of the vessel, must not allow that vessel to approach within 200 metres of any other vessel, except:
 - (a) with the prior approval of the Harbourmaster or an enforcement officer; 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.
4. Nothing in this clause applies to any vessel which:
 - (a) is carrying less than 25 kilograms of explosives; or
 - (b) is carrying only explosives of Safety Ammunition of Class 1.4S as defined under the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001 or Fireworks of Classes 1.3G; 1.4G and 1.4S as defined under the Hazardous Substances (Fireworks) Regulations 2001.

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 Flag B, and by night a red light at the masthead or where it can best be seen from all directions.

4.4 Duties of master while tanker is in port

1. While in a harbour, the master of an oil tanker must operate in accordance with the most current edition of the International Safety Guide for Oil Tankers and Terminals.

2. The master must:
 - (a) berth or moor the vessel only at Wynyard Wharf, the navy base at Devonport or other places as authorised in writing by the Harbourmaster; and
 - (b) keep the tanks containing class 3.1 or 3.2 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 trans-shipment, the tanker does not lie within 30 metres of another vessel, unless the prior approval of the Harbourmaster has been obtained.

4.6 Hot work operations

1. Within the Auckland or Manukau pilotage 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 firstly complete a hot work notification form and forward it to the Harbourmaster's office or agent at no less than 2 hours before commencing the work.
2. The master of the vessel must ensure that, before any welding or flame cutting operations are commenced, they have received written acknowledgement of the hot work notice from the Harbourmaster or agent and shall ensure that all precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere during the welding operations and that the requirements of the hot work notice are met. Provision must be made for the continuance of the precautions until the operations are completed.
3. Within the Auckland or Manukau pilotage areas, the master of every vessel which has on board dangerous goods as cargo, and 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 firstly notify the

Harbourmaster's office or agent at no less than 2 hours before commencing the work. The notification should be made on the Harbourmaster's hot work notice form. This form must detail in writing by a suitably qualified person, that the work to be undertaken will have no adverse effect on the dangerous goods carried onboard as cargo.

4. 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 ship-repair establishment.
5. If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the operations to be commenced until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

4.7 Vessels carrying dangerous goods as cargo

1. The master and owner of every vessel of 500 gross tonnage or greater carrying dangerous goods as cargo must notify the Harbourmaster in writing, at least 48 hours prior to the vessels arrival at the pilotage area.
2. The master and owner of every vessel of 500 gross tonnage or greater carrying dangerous goods as cargo must notify the Harbourmaster in writing, prior to the vessel departing from any port or installation within the region's waters.
3. Notification to the Harbourmaster must include full details of all dangerous goods onboard as cargo and include the hazard classification, net quantity, packing group, stowage position and whether the cargo is for discharge or transit.

4.8 Fuel oil operations and bunkering

1. The master of every vessel within the Auckland region must notify the Harbourmaster in writing at least two hours prior to commencing any bunkering from:

- (a) a road tanker; or
- (b) a barge or vessel.

The notification must be received at the Harbourmasters office during normal working hours Monday to Friday 08:00 to 17:00.

2. The master of every vessel within the Auckland region must, prior to commencement of bunkering operations from a road tanker, barge or vessel, ensure they have received acknowledgement of the written notification made to the Harbourmaster or their agent

in accordance with clause 4.8.1, and ensure that the provisions of the written notice are complied with.

3. The master or driver of any barge, vessel or road tanker must not undertake bunkering operations unless they have notified the Harbourmaster at least 2 hours prior to commencement of the operation.
4. In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid the operations to commence, or continue until he or she is satisfied adequate precautions have been taken.

5 Administrative matters

5.1 Application to master/owner

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

5.2 Vessels to be licensed

1. No person shall operate a commercial vessel for hire or reward that is not subject to Maritime Rules, unless a licence, known as a commercial vessel licence, has been authorised in writing by the Harbourmaster.
2. The Harbourmaster shall only issue a licence in respect of sub clause 5.2.1 if, in the opinion of the Harbourmaster:
 - (a) the operation is safe and the vessel is fit for its intended purpose; and
 - (b) 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.
3. Every licence issued by the Harbourmaster under this clause shall apply only to that vessel and operator(s) named in the licence.
4. Every licence issued by the Harbourmaster shall be available for inspection at any time by the Harbourmaster, or enforcement officer, or honorary enforcement officers, or any prospective client of the operation.
5. A licence may be cancelled by the Harbourmaster if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.

6. The terms and conditions of any licence issued by the 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) limitations in respect of weather or operating hours;
 - (e) requirements for rescue vessel(s);
 - (f) 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.

5.3 Fees and charges

That fees and charges for functions undertaken by the Council under this bylaw are set out in the Auckland Regional Council's Schedule of Fees and Administrative Charges. These fees and charges must be paid on demand by the specified person to the Council.

6 Revocation of Bylaw

The following Bylaws and all amendments to those Bylaws in the Auckland region are revoked:

Auckland Regional Council Navigation Safety Bylaws 2000.

7 Schedules

7.1 Schedule 1

Fees, services and charges

A schedule of fees is available upon request from the Harbourmaster. Fees and charges may be reviewed from time to time as required by the Council, through the annual planning process or by separate resolution of Council.

7.1.1 The following areas are reserved for use only by non-mechanically powered vessels

Judges Bay - the sea areas lying to the south west of Tamaki Drive.

Panmure Basin – that sea area of the Basin lying to the north of latitude 36 degrees 54.3 minutes south.

7.1.2 The following areas are reserved for the use of swimmers and non mechanically propelled vessels

Point Chevalier Beach – that sea area extending a minimum of 200 metres from the shore along the beach from the northern most point of Coyle Park extending south to the point of land at 36 degrees 51.43 minutes south latitude, 174 degrees 42.00 minutes east longitude.

Hellyers Creek - that sea area of Hellyers creek lying east of Beachhaven wharf.

Note: This reservation does not prohibit a power driven vessel navigating at 5 knots or less passing through the area when it is in use for its designated purpose, provided that the vessel does so by the most direct route and does not remain within the area.

7.1.3 The following areas are reserved for the use only of swimmers

St Heliers Beach – that area of sea extending at right angles from a line between signposts on the foreshore, seawards to the two outermost white buoys located at approximately:

- (i) 36 degrees 50.960 minutes south latitude and 174 degrees 51.295 minutes east longitude;
- (ii) 36 degrees 50.975 minutes south latitude and 174 degrees 51.220 minutes east longitude.

Kohimarama - that area of sea extending at right angles from a line between signposts on the foreshore, seawards to the two outermost white buoys located at approximately:

- (i) 36 degrees 50.93 minutes south latitude and 174 degrees 50.57 minutes east longitude;
- (ii) 36 degrees 50.93 minutes south Latitude and 174 degrees 50.65 minutes east longitude.

Cheltenham Beach –

- (i) that area of sea extending at right angles to the foreshore from a signpost on the foreshore, seawards to the outermost white buoy located at approximately: 36 degrees 49.25 minutes south latitude 174 degrees 48.50 minutes east longitude. Then to a position on the north shore of the beach at 36 degrees 49.11 minutes south latitude 174 degrees 48.39 minutes east longitude, marked by a post and;
- (ii) that area of sea extending at right angles to the foreshore from a signpost on the foreshore, seawards to the outermost white buoy located at approximately 36 degrees 49.37 minutes south latitude 174 degrees 48.60 minutes east longitude. Then to a position on the south shore of the beach at 36 degrees 49.52 minutes south latitude, 174 degrees 48.74 minutes east longitude, marked by a post.
- (iii) The remainder of the area of Cheltenham Beach inshore of the buoys demarcating 200 metres is available for the use of all activities, including kite boards provided that the requirements of this bylaw are complied with, in particular clause 3.2.5(f).
- (iv) The areas described in (i) and (ii) above may be used by paddle craft, or any vessel navigating to or from a launching facility or boat ramp, provided that they do not obstruct any person swimming within the areas.

7.1.4 The following areas are reserved for the use of vessels towing water skiers, wake boards or ski biscuits

Panmure Basin – that sea area of the Basin lying to the south of latitude 36 degrees 54.300 minutes south.

Paremoremo Creek – that sea area northwards of the line between the southern most points either side of the mouth of the creek.

Henderson Creek – that sea area of the Henderson Creek lying south of a line across the water from Wharf Road to Royal Road, north west of a line across the water at right angles from the shore at Selwood Rd and north east of a line across the mouth of the Huruhuru Creek.

Note: This reservation does not prohibit a vessel passing through the area when it is in use for its designated purpose, provided that the vessel does so by the most direct route and does not interfere with the users of the area.

7.1.5 The following areas are reserved for the use of vessels towing water-skiers, or other motorised water sports

Whangateau Harbour - That area lying between 36 degrees 19.898 minutes south latitude and the causeway.

Lake Tomarata - All of the lake excepting the area north east of the buoyed line which is reserved for the use of swimmers and non powered vessels.

7.1.6 The following access lanes are reserved for the purpose of allowing power driven vessel and power driven vessels towing water-skiers, wake boards or ski biscuits to navigate from a beach or launching area offshore to the 200m mark, the provision of clause 3.2 1(b) does not apply to vessels using the lane for its designated purpose

WAITEMATA HARBOUR AND HAURAKI GULF

Browns Bay – that sea area off Browns Bay extending at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 42.819 minutes south latitude and 174 degrees 45.164 minutes east longitude;
- (ii) 36 degrees 42.770 minutes south latitude and 174.16 degrees 45.160 minutes east longitude.

Motuihe Island – Ocean Beach - that sea area extending northwards at right angles from a line between the black and orange horizontally striped poles on the foreshore seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 48.233 minutes south latitude and 174 degrees 57 minutes east longitude;
- (ii) 36 degrees 48.26 minutes south latitude and 174 degrees 57.07 minutes east longitude.

Motuihe Island - Wharf Bay - that sea area extending generally westwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 48.531 minutes south latitude and 174 degrees 56.20 minutes east longitude;
- (ii) 36 degrees 48.55 minutes south latitude and 174 degrees 56.26 minutes east longitude.

Eastern Beach - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the

foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 52.542 minutes south latitude and 174 degrees 55.14 minutes east longitude;
- (ii) 36 degrees 52.50minutes south latitude and 174 degrees 55.11 minutes east longitude.

Magazine Bay - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 53.62 minutes south latitude and 175 degrees 03.85 minutes east longitude;
- (ii) 36 degrees 53.65 minutes south latitude and 175 degrees 03.87 minutes east longitude.

WAIHEKE ISLAND

Surfdale - that sea area extending generally westwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 47.822 minutes south latitude and 175 degrees 01.383 minutes east longitude;
- (ii) 36 degrees 47.822 minutes south latitude and 175 degrees 01.348 minutes east longitude.

Onetangi - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 36 degrees 47.08 minutes south latitude and 175 degrees 04.928 minutes east longitude;
- (ii) 36 degrees 47.07 minutes south latitude and 175 degrees 04.97 minutes east longitude.

RODNEY DISTRICT

Matakatia Bay – that sea area off Matakatia beach extending a minimum of 200 metres from the waters edge on a compass bearing of 190 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 37.42 minutes south latitude, 174 degrees 46.49 minutes east longitude; and

- (ii) 36 degrees 37.43 minutes south latitude, 174 degrees 46.45 minutes east longitude.

Stanmore Bay – that sea area off Stanmore Bay beach extending a minimum of 200 metres from the waters edge on a compass bearing of 355 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 37.42 minutes south latitude, 174 degrees 44.21 minutes east longitude; and
- (ii) 36 degrees 37.41 minutes south latitude, 174 degrees 44.25 minutes east longitude.

Manly Beach – that sea area off Manly beach extending a minimum of 200 metres from the waters edge on a compass bearing of 345 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 37.68 minutes south latitude, 174 degrees 45.37 minutes east longitude; and
- (ii) 36 degrees 37.68 minutes south latitude, 174 degrees 45.43 minutes east longitude.

Orewa Beach – that sea area off Orewa beach extending a minimum of 200 metres from the waters edge on a compass bearing of 043 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 35.04 minutes south latitude, 174 degrees 41.74 minutes east longitude; and
- (ii) 36 degrees 35.10 minutes south latitude, 174 degrees 41.79 minutes east longitude.

Scotts Landing – that sea area off Scotts Landing (Mahurangi Harbour) beach extending a minimum of 200 metres from the waters edge on a compass bearing of 223 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 29.24 minutes south latitude, 174 degrees 43.57 minutes east longitude; and
- (ii) 36 degrees 29.22 minutes south latitude, 174 degrees 43.56 minutes east longitude.

Martins Bay – that sea area off Martins Bay beach extending a minimum of 200 metres from the waters edge on a compass bearing of 090 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 26.83 minutes south latitude, 174 degrees 45.91 minutes east longitude; and
- (ii) 36 degrees 26.85 minutes south latitude, 174 degrees 45.90 minutes east longitude.

Algies Bay – that sea area off Algies Bay beach extending a minimum of 200

metres from the waters edge on a compass bearing of 035 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 25.88 minutes south latitude, 174 degrees 44.54 minutes east longitude; and
- (ii) 36 degrees 25.91 minutes south latitude, 174 degrees 44.57 minutes east longitude.

Snells Beach – that sea area off Snells Beach Rd extending a minimum of 200 metres from the waters edge in a compass direction of 060 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 25.22 minutes south latitude, 174 degrees 43.81 minutes east longitude; and
- (ii) 36 degrees 25.25 minutes south latitude, 174 degrees 43.82 minutes east longitude.

Tamatea Drive – (Snells Beach) - that sea area off Tamatea Drive Snells Beach extending a minimum of 200 metres from the waters edge in a compass direction of 070 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 24.77 minutes south latitude, 174 degrees 43.75 minutes east longitude; and
- (ii) 36 degrees 24.81 minutes south latitude, 174 degrees 43.76 minutes east longitude.

Sandspit – that sea area off Sandspit Beach extending a minimum of 200 metres from the waters edge in a compass direction of 135 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 23.36 minutes south latitude, 174 degrees 43.76 minutes east longitude; and
- (ii) 36 degrees 23.39 minutes south latitude, 174 degrees 43.75 minutes east longitude.

Campbells Beach – that sea area off Campbells Beach extending a minimum of 200 metres from the waters edge in a compass direction of 175 degrees from the black and orange horizontally striped poles situated at approximately:

- (i) 36 degrees 22.97 minutes south latitude, 174 degrees 45.85 minutes east longitude; and
- (ii) 36 degrees 22.96 minutes south latitude, 174 degrees 45.80 minutes east longitude.

MANUKAU HARBOUR

Cornwallis Beach - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the

foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 00.30 minutes south latitude, and 174 degrees 36.47 minutes east longitude;
- (ii) 37 degrees 00.23 minutes south latitude, and 174 degrees 36.47 minutes east longitude.

Little Huia - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 00.88 minutes south latitude, and 174 degrees 33.73 minutes east longitude;
- (ii) 37 degrees 00.93 minutes south latitude, and 174 degrees 33.70 minutes east longitude.

Grahams Beach - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 03.480 minutes south latitude, and 174 degrees 40.122 minutes east longitude;
- (ii) 37 degrees 03.520 minutes south latitude, and 174 degrees 39.122 minutes east longitude.

Hudsons Beach - that sea area extending eastwards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 02.920 minutes south latitude, and 174 degrees 39.903 minutes east longitude;
- (ii) 37 degrees 03.946 minutes south latitude, and 174 degrees 39.922 minutes east longitude.

Kauritutahi Beach - that sea area extending seawards at right angles from a line between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 05.316 minutes south latitude, 174 degrees 39.448 minutes east longitude; and
- (ii) 37 degrees 05.395 minutes south latitude, 174 degrees 39.505 minutes east longitude.

Glenbrook Beach - that sea area extending westwards at right angles from between the black and orange horizontally striped poles on the foreshore, seawards to the outermost orange and black buoys located at approximately:

- (i) 37 degrees 09.87 minutes south latitude, 174 degrees 42.65 minutes east longitude;
- (ii) 37 degrees 09.85 minutes south latitude, 174 degrees 42.63 minutes east longitude.

7.1.7 The following areas are reserved for use by vessels, including kite boards and windsurfers

Takapuna - the sea area contained within a line drawn from:

- (i) 36 degrees, 47.06 minutes south latitude, 174 degrees, 46.60 minutes east longitude to;
- (ii) 36 degrees, 47.06 minutes south latitude, 174 degrees, 46.70 minutes east longitude to;
- (iii) 36 degrees, 47.14 minutes south latitude, 174 degrees, 46.70 minutes east longitude to;
- (iv) 36 degrees, 47.09 minutes south latitude, 174 degrees, 46.50 minutes east longitude thence along the shore to;
- (v) 36 degrees, 47.06 minutes south latitude, 174 degrees, 46.60 minutes east longitude.

Note: Refer also to Cheltenham Beach, under Schedule 7.2.3.

7.1.8 The following areas are reserved as prohibited anchorage areas

Note: The following restrictions do not apply to commercial vessels which have been directed to use one of the below-named anchorages by the Harbourmaster or his approved representative. Vessels may apply to the Harbourmaster for approval to anchor in these areas for commercial, engineering, construction, or scientific purposes. Such requests shall be directed to the Harbourmaster’s office.

Shipping channel, fairways and approach areas for ships

1. Anywhere within the white sector, alternate white and green sector and alternate white and red sector of the harbour approaches PEL Sector light, situated at or about the vicinity of St Leonard’s Beach (36 degrees 47.900 minutes south latitude 174 degrees 47.300 minutes east longitude), and extending from the vicinity of No.1 buoy and No.2 buoy seaward to the Auckland pilotage limit.
2. In the main commercial shipping channel, shown on chart NZ 5322 and NZ5321 as ‘Rangitoto Channel’, and generally defined as being the area enclosed by lines joining ‘A’ buoy – 2 buoy – 4 buoy – 6 buoy – 8 buoy - 10 buoy -12 buoy -14 buoy -16 buoy - 18 buoy - 20 buoy and thence following the 10m contour to the Fergusson Container Terminal, and lines joining 1 buoy – 3 buoy – 5 buoy – 7 buoy – 9 buoy – 11 buoy - 13 buoy – 15 buoy – 17

buoy – 19 buoy and thence through a point 300 metres south of Victoria Wharf (Devonport) to a point 250 metres south of Stanley Point – finishing with a line joining to Wynyard Wharf. Anchoring is prohibited in the basins of the commercial berths, from Wynyard to Fergusson wharves.

3. Matiatia Harbour (fairway to wharves) that sea area in Matiatia Bay between the lines described as follows:
- (i) from the northern edge of the boat ramp located to the north of the old Matiatia Wharf to the headland (Moke Moke Point) on the northern side of the entrance to the bay;
 - (ii) from the southern edge of the boat ramp located to the south of the new Matiatia Wharf to the headland (Te Whetumatarau Point), on the southern side of the entrance to the bay.

Designated anchorages for ships

Within a 200m radius of commercial anchorages no.s 1 – 15, NE of 'A' buoy, as shown on chart NZ 5321.

Defence area (naval base): Devonport

All that sea area bounded by mean high water spring tide level and a line between the points described below:

- (i) 36 degrees 49.66 minutes south latitude 174 degrees, 46.89 minutes east longitude.
- (ii) 36 degrees 49.79 minutes south latitude, 174 degrees, 46.86 minutes east longitude.
- (iii) 36 degrees 49.92 minutes south latitude, 174 degrees, 46.96 minutes east longitude.
- (iv) 36 degrees 49.97 minutes south latitude, 174 degrees, 47.25 minutes east longitude.
- (v) 36 degrees 49.95 minutes south latitude, 174 degrees, 47.31 minutes east longitude.
- (vi) 36 degrees 49.84 minutes south latitude, 174 degrees, 47.32 minutes east longitude.

Defence area (naval base): Kauri Point

All that sea area bounded by mean high water spring tide level and a line between the points described below:

- (i) 36 degrees 49.23 minutes south latitude, 174 degrees, 41.83 minutes east longitude.
- (ii) 36 degrees 49.30 minutes south latitude, 174 degrees, 41.66 minutes east longitude.
- (iii) 36 degrees 49.53 minutes south latitude, 174 degrees, 41.83 minutes east longitude.

- (iv) 36 degrees 49.46 minutes south latitude, 174 degrees, 41.97 minutes east longitude.

7.1.9 The following areas are reserved as restricted anchorage areas

That area of the Waitemata Harbour contained to the west of a line drawn from the eastern side of North Head to the point where Orakei Wharf joins the land at Takaparawha Point and east of a line drawn along the west side of the Auckland Harbour Bridge.

7.1.10 The following areas are reserved as explosives safety transfer zones

Explosives safety transfer zones

- (i) Auckland outer harbour explosives safety transfer zone being the sea area enclosed by a 1200 meter arc from the point at 36 degrees 49.0 minutes south latitude and 174 degrees 54.4 minutes east longitude.
- (ii) Auckland inner harbour explosives safety transfer zone being the sea area enclosed by 400 meter arc from the point 36 degrees 50.32 minutes south latitude and 174 degrees 48.21 minutes east longitude.

Explosives berths

- (i) Kauri Point Wharf explosive safety transfer zone being the sea area enclosed by a 225 meter arc from the extremities of the Kauri Point Wharf which is at 36 degrees 49.383 minutes south latitude and 174 degrees 41.800 minutes east longitude.

Explosives safety controlled zones

Kauri Point explosive safety controlled zone means the sea area enclosed by straight lines between points:

- (i) 36 degrees 41.73 minutes south latitude, 174 degrees 49.08 minutes east longitude.
- (ii) 36 degrees 41.76 minutes south latitude, 174 degrees 49.36 minutes east longitude.
- (iii) 36 degrees 41.82 minutes south latitude, 174 degrees 49.44 minutes east longitude.
- (iv) 36 degrees 41.93 minutes south latitude, 174 degrees 49.48 minutes east longitude.
- (v) 36 degrees 42.29 minutes south latitude, 174 degrees 49.36 minutes east longitude.

7.1.11 The following areas are reserved as areas of restricted access to large vessels

Kawau

That area of Kawau Bay and the connecting bays and harbours contained

within lines drawn from:

- (i) At the north entrance, Bluebell Point to Maori Rocks to Fairchild Reef to Slip Island thence south to Kawau Island.
- (ii) At the south entrance, Elizabeth Point to Passage Reef to Mullet Point.

GREAT BARRIER ISLAND

Whangaparapara

That area of Whangaparapara Harbour contained to the North of a line drawn from Beacon Point to Lighthouse Point.

Fitzroy

That area of Port Fitzroy contained east of a line drawn between Kotu Point and the northern point of Kaikoura Island at the northern entrance and east of a line drawn between 36 degrees 10.707 minutes south latitude, 175 degrees, 18.586 minutes east longitude (on Kaikoura Island), and 36 degrees 11.196 minutes south latitude, 175 degrees 18.447 minutes east longitude (on the peninsula to the south).

Mahurangi Estuary

That area of the Mahurangi river and estuary contained to the west of a line drawn from Saddler Point to Pudding Island and then to Cudlip Point.

7.1.12 The following area is reserved as the Kawau Island restricted speed area

Kawau Island, Bon Accord Harbour: That area of Bon Accord Harbour and its connected bays contained:

- (i) east of a line drawn from 36 degrees 25.171 minutes south latitude, 174 degrees 49.687 minutes east longitude; and
- (ii) 36 degrees 25.494 minutes south latitude; 174 degrees 49.785 minutes east longitude;
- (iii) This line is marked by 5 knot sign on shore at each end of the line and by 2 yellow buoys each showing a flashing white light during the hours of darkness.

7.1.13 The following area is reserved as the Waitemata Harbour restricted zone

The Waitemata Harbour Restricted Zone includes all waters of the Waitemata Harbour bounded by a line drawn from:

- (i) 36 degrees, 49.69 minutes south latitude, 174 degrees 48.83 minutes east longitude (North Head) to;
- (ii) 36 degrees, 49.92 minutes south latitude, 174 degrees 49.11 minutes east longitude (No 17 Light By.) to;
- (iii) 36 degrees, 50.01 minutes south latitude, 174 degrees 49.19 minutes east longitude (Mid channel) to;

- (iv) 36 degrees, 50.16 minutes south latitude, 174 degrees 48.99 minutes east longitude (Anchorage 8) to;
- (v) 36 degrees, 50.29 minutes south latitude, 174 degrees 48.61 minutes east longitude (Anchorage 7) to;
- (vi) 36 degrees, 50.37 minutes south latitude, 174 degrees 47.25 minutes east longitude (Off Fergusson) to;
- (vii) 36 degrees, 50.62 minutes south latitude, 174 degrees 47.60 minutes east longitude (Resolution yellow by.) to;
- (viii) 36 degrees, 50.58 minutes south latitude, 174 degrees 48.44 minutes east longitude (No 20 light By.) to;
- (ix) 36 degrees, 50.41 minutes south latitude, 174 degrees 49.36 minutes east longitude (Bastion yellow By.) to;
- (x) 36 degrees, 50.63 minutes south latitude, 174 degrees 49.44 minutes east longitude (Bastion Point) then along the shoreline to;
- (xi) 36 degrees, 50.10 minutes south latitude, 174 degrees 44.57 minutes east longitude (Harbour Bridge South) to;
- (xii) 36 degrees, 49.81 minutes south latitude, 174 degrees 44.76 minutes east longitude (Harbour Bridge pillar) to;
- (xiii) 36 degrees, 49.92 minutes south latitude, 174 degrees 46.00 minutes east longitude (Off Bayswater Marina) to;
- (xiv) 36 degrees, 49.72 minutes south latitude, 174 degrees 46.00'E minutes east longitude (Off Bayswater Marina) to;
- (xv) 36 degrees 49.70 minutes south latitude, 174 degrees 44.85 minutes east longitude (Harbour Bridge pillar) to;
- (xvi) 36 degrees, 49.63 minutes south latitude, 174 degrees 44.90 minutes east longitude (Harbour Bridge North) then along the shoreline to;
- (xvii) 36 degrees, 49.03 minutes south latitude, 174 degrees 45.06 minutes east longitude (Cable marker) to;
- (xviii) 36 degrees, 49.11 minutes south latitude, 174 degrees 46.06 minutes east longitude (Bayswater cable marker) to;
- (xix) 36 degrees, 49.76 minutes south latitude, 174 degrees 46.37 minutes east longitude (Stanley Point) then along the shore line to;
- (xx) 36 degrees, 49.69 minutes south latitude, 174 degrees 48.83 minutes east longitude (North Head).

7.1.14 The following area is reserved as Auckland ferry terminal area

The area between Princes wharf and Queens wharf and extending to a distance 50 metres north of the northern end of each wharf.

7.1.15 The following area is reserved as Motuihe Channel fast passenger ferry lane

All waters within an area bounded by a line drawn from:

- (i) 36 degrees, 47.04 minutes south latitude, 174 degrees 55.74 minutes east longitude (Otahuhu Point) to;
- (ii) 36 degrees, 47.32 minutes south latitude, 174 degrees 55.80 minutes east longitude to;
- (iii) 36 degrees, 48.04 minutes south latitude, 174 degrees 55.03 minutes east longitude to;
- (iv) 36 degrees 47.83 minutes south latitude, 174 degrees 54.97 minutes east longitude to;
- (v) 36 degrees, 47.04 minutes south latitude, 174 degrees 55.74 minutes east longitude (Otahuhu Point).

7.1.16 The following area is reserved as the Harbour Bridge precautionary area

All waters within an area bounded by a line drawn from:

- (i) 36 degrees, 49.61 south latitude, 174 degrees 44.61 minutes east longitude to;
- (ii) 36 degrees, 49.79 south latitude, 174 degrees 45.05 minutes east longitude to;
- (iii) 36 degrees, 49.90 south latitude, 174 degrees 44.97 minutes east longitude to;
- (iv) 36 degrees, 49.73 south latitude, 174 degrees 44.54 minutes east longitude to;
- (v) 36 degrees, 49.61 south latitude, 174 degrees 44.61 minutes east longitude.

7.1.17 The following areas are reserved as areas of navigational significance Waitemata Harbour

That area of the Waitemata Harbour contained to the west of a line drawn from the eastern side of North Head to the point where Orakei Wharf joins the land at Takaparawha Point and east of a line drawn along the west side of the Auckland Harbour Bridge.

Tamaki River

That area of the Tamaki River contained between 36 degrees 51.40 minutes south latitude and 36 degrees 55.00 minutes south latitude.

7.1.18 The following areas are reserved for the purposes described

Orakei Basin

The basin is divided from position 36 degrees 51.599 minutes south latitude, 174 degrees 48.345 minutes east longitude to position 36 degrees 51.585 minutes south latitude, 174 degrees 49.022 minutes east longitude

the southern section nominated Reserve Area A, and the northern section nominated Reserve Area B.

Reserved Area A – Southern Portion of Orakei Basin (with the exception of a small area set aside for model boats).

Priority 1 Activity: Powered vessels engaged in water-skiing activities.

Priority 2 Activity: Non-powered vessels (with the exception of support vessels travelling at speeds of up to 5 knots).

Reserved Area B – Northern Portion of Orakei Basin

Priority 1 Activity: Non-powered vessels (with the exception of support vessels travelling at speeds of up to 5 knots).

Priority 2 Activity: Powered vessels engaged in water-skiing activities.

Priority 2 activities may be undertaken only in a reserved area when priority 1 activities are not underway at any time, without limitation.

That is, powered vessels engaged in water-skiing activities are confined to Reserved Area A when non-powered vessel activities are taking place in Reserved Area B; non-powered vessel activities are confined to Reserved Area B when powered vessels engaged in water-skiing activities are operating in Reserved Area A.

In addition to this, an area is set aside for the use of model boats in Reserved Area A (position 36 degrees 52.063 minutes south latitude, 174 degrees 48.344 minutes east longitude to 36 degrees 52.101 minutes south latitude, 174 degrees 48.414 minutes east longitude to 36 degrees 52.121 minutes south latitude, 174 degrees 48.402 minutes east longitude to 36 degrees 52.075 minutes south latitude, 174 degrees 48.330 minutes east longitude).

The reserved area allows vessels to operate at a proper speed exceeding 5 knots within 200 metres of the shore or any structure, but does not permit powered vessels to exceed 5 knots when within 50 metres of another vessel or person in the water.

Water-skiing activities include the towing of any person by a vessel (whether or not on a water ski, aquaplane, or other towed object).

This index is provided for information purposes only and is not a formal part of the bylaw

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For further information on the Bylaw phone
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