
I hereby give notice that the public deliberations for a Special Consultative Procedure will be held on:

Date: Friday, 7 May 2021 (Local Board feedback)
Friday 14 May 2021 (public deliberations)
(and Tuesday 18 May 2021 if required)

Time: 10.00am (7 May 2021)
9.30am (14 May 2021)
10.30am (18 May 2021 if required)

Meeting Room: Reception Lounge

Venue: Level 2, Auckland Town Hall
301 Queen Street, Auckland Central

DELIBERATION REPORT

TE KAUNIHERA O TĀMAKI MAKĀURAU TE TURE Ā ROHE URUNGI ĀHURU / NAVIGATION SAFETY BYLAW 2021

PANEL MEMBERS

Chairperson Cr Linda Cooper, JP
Members Cr Fa'anana Efeso Collins
IMSB Glenn Wilcox

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Note: The reports contained within this document are for consideration and should not be construed as a decision of Council. Should panel members require further information relating to any reports, please contact the hearings advisor.

WHAT HAPPENS AT A SPECIAL CONSULTATIVE PROCEDURE PUBLIC DELIBERATION

At the start of the meeting, the Chairperson will introduce the panel members and council staff and will briefly outline the procedure.

The hearing panel have attended a series of Have Your Say events to hear from the public and have read the officers report and written submissions.

The hearing panel will now deliberate on what they have heard and read and will make a recommendation to the Governing Body.

Te Kaunihera o Tāmaki Makaurau Te Ture Ā Rohe Urungi Āhuru / Navigation Safety Bylaw
2021

START DATE: Friday, 7 May (Local Board feedback), Friday 14 May 2021 (public deliberations)

**SPECIAL CONSULTATIVE PROCEDURE - TE KAUNIHERA O TĀMAKI MAKĀURAU TE
TURE Ā ROHE URUNGI ĀHURU / NAVIGATION SAFETY BYLAW 2021**

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	https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=436	
Attachment E	Operational and non-bylaw related public feedback	259 – 262
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Reporting Officers, Fereti Lualua and Bayllee Vyle, Policy Advisors, Regulatory Practice

Reporting on the Have Your Say events and written submissions on the proposed Te Kaunihera o Tāmaki Makaurau Te Ture Ā Rohe Urungi Āhuru / Navigation Safety Bylaw 2021.

**Te Kaunihera o Tāmaki Makaurau Te Ture Ā Rohe Urungi Āhuru / Navigation Safety Bylaw
2021**

START DATE: Friday, 7 May (Local Board feedback), Friday 14 May 2021 (public deliberations)

Deliberations on proposed new Navigation Bylaw 2021

Te take mō te pūrongo Purpose of the report

1. To assist Bylaw Panel deliberations on public feedback on the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru / Auckland Council Navigation Bylaw 2021.

Whakarāpopototanga matua Executive summary

2. To assist Bylaw Panel deliberations on public feedback to the proposal, staff have summarised the feedback and provided a structure for the deliberations (Attachment A).
3. Council received responses from 242 people and organisations at the close of feedback on 14 November 2021. All feedback is summarised into topics under the following categories:
 - Proposal 1 - increase the maximum speed on the Waitematā Harbour Zone
 - Proposal 2 - amend existing rules about carrying a means of communication
 - Proposal 3 - make new rules about novel craft (for example a motorised surfboard)
 - Proposal 4A - make new rules for the Tamaki River Entrance
 - Proposal 4B - make new rules for the Commercial Port Area
 - Proposal 5 - align rules about the use of Ōrākei Basin with current accepted practices
 - Proposal 6 - remove rules about licensing of commercial vessels for hire
 - Proposal 7 - remove rules about marine mammal protections
 - Proposal 8 - clarify existing rules and update the format of the Bylaw
 - other bylaw-related matters raised in public feedback and other additional matters.
4. Staff recommend that the Panel consider all feedback received on the proposal and make the necessary recommendations to the Governing Body.
5. This approach will help complete the statutory process the council must follow. This includes considering the views of people interested in the proposal with an open mind before making a final decision.
6. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.
7. The final step in the statutory process is for the Governing Body to approve the Bylaw Panel recommendations. If approved, staff will publicly notify the decision and publish the Bylaw.

Ngā tūtohunga Recommendation/s

That the Bylaw Panel:

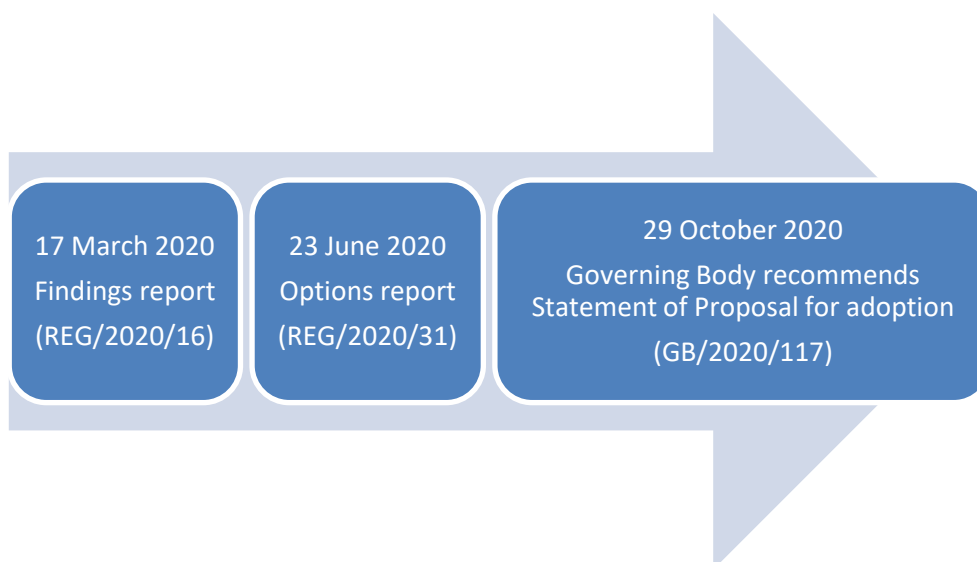
- a) thank those persons and organisations who gave public feedback on the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / the Auckland Council Navigation Bylaw 2021
- b) request that staff as delegated by the Chief Executive prepare a preliminary recommendation report to the Governing Body for approval of the Panel and consultation with the Director of Maritime New Zealand.
- c) adjourn the meeting until 4 June 2021 at which time the meeting will be reconvened to consider any concerns of the Director of Maritime New Zealand.

Horopaki Context

The Navigation Safety Bylaw and controls regulate activity on Auckland's navigable waters

8. On 29 October 2020 the Governing Body adopted a [proposal](#) (Attachment B) to make a new navigation bylaw and associated controls for public consultation (Item 11, GB/2020/117).
9. The proposal arose from a statutory review of the Bylaw (see figure below).
10. The proposal seeks to improve on the current Bylaw to ensure safety for all vessels and people using Auckland's waters by:
 - increasing the maximum speed limit on the Waitemata Harbour Zone to 18 knots
 - amending existing rules to require two means of communication on a vessel
 - making new rules for novel crafts and new reserved areas at the Tamaki River Entrance and Commercial Port Area
 - removing rules more appropriately addressed in other legislation
 - clarifying existing rules and making the Bylaw easier to read and understand.
11. The proposal also sought to review the speed limit for vessels within the Waitematā Harbour Zone, to reflect a range of views for the speed limit within this area that Aucklanders have put forward to the council overtime.
12. The proposed Bylaw is one part of a wider regulatory framework that includes the:
 - Maritime Transport Act and Maritime Rules that impose national water safety rules
 - Resource Management Act to protect the environment
 - Marine Mammal Protection Act to protect marine mammals.

Decisions leading to the proposal



Bylaw Panel appointed to deliberate on public feedback to the proposal

13. On 29 October 2020 the Regulatory Committee appointed the Bylaw Panel to attend public consultation events, deliberate and make recommendations to the Governing Body on public feedback to the proposal (REG/2020/62).
14. When deliberating, the Panel:¹
 - must receive public feedback with an open mind and give it due consideration

¹ Sections 82(1)(e), 82(1)(f), 83(3) of the Local Government Act 2002 and sections 46 and 47 of the Local Government Official Information and Meetings Act 1987.

- must provide the decisions and reasons to people who gave feedback
- must ensure all meetings are open to the public
- may consider or request comment or advice from staff or any other person to assist their decision-making.

Feedback on the proposal was received from 242 people and organisations

15. The proposal was publicly notified for feedback from 16 November 2020 to 14 February 2021. Council received [feedback](#) from 242 people and organisations from across Auckland during that period (see table below).

Summary of public notification and feedback

Public consultation initiatives
<ul style="list-style-type: none"> • public notice in all local suburban papers in November 2020 • article on 'Our Auckland' website in November 2020 • email notification to all local board members, advisors, senior advisors and local area managers, and the Chair of the Independent Māori Statutory Board • email or postal notification to stakeholders, mana whenua and mataawaka • website and email reminder notification to stakeholders, mana whenua and mataawaka in January 2021.
Public feedback opportunities
<ul style="list-style-type: none"> • in writing online, by email or by post • verbally by phone or at an online 'Question and Answer' event in December 2020 or February 2021 • in person at a 'Have Your Say' event² at the Central City Library on 24 November 2020 and at the Onehunga Community Library on 10 December 2020, and at a one-on-one session for mana whenua and mataawaka or key stakeholder feedback event in February 2021.
Consultation reach (number of responses)
<ul style="list-style-type: none"> • feedback received from 242 people and organisations as follows: <ul style="list-style-type: none"> ○ online and written feedback provided by 242 people and organisations, including Maritime New Zealand. This included 38 via email and 209 via the online 'Have Your Say' feedback form (Attachments C and D). • no person or group opted to attend the in person 'Have Your Say' or online 'Question and Answer' events, mana whenua or mataawaka one-on-one sessions, or stakeholder feedback event.

16. Attachments A to E in this report contain a deliberations table, proposal, summary and full copy of public feedback and summary of operational and non-by-law-related feedback.
17. All local boards had an opportunity to provide views by resolution on how the Bylaw Panel should address matters raised in public feedback to the proposal. Local boards also had the opportunity to present those views in person to the Bylaw Panel prior to deliberations. All 21 local boards resolved formal views on the proposal (Attachment F).

Tātaritanga me ngā tohutohu Analysis and advice

18. To assist the Bylaw Panel in its deliberations, staff have summarised bylaw-related public feedback into categories in Attachment A. This enables the Panel to deliberate and record its recommendations on each topic to meet statutory requirements. The public feedback categories are:
- Proposal 1 - increase the maximum speed on the Waitematā Harbour Zone
 - Proposal 2 - amend existing rules about carrying a means of communication
 - Proposal 3 - make new rules about novel craft (for example a motorised surfboard)
 - Proposal 4A - make new rules for the Tamaki River Entrance

² The 'Have Your Say' event was a drop-in opportunity for the public to learn more about the proposal, ask questions and provide feedback to council officers and panel members.

- Proposal 4B - make new rules for the Commercial Port Area
 - Proposal 5 - align rules about the use of Ōrākei Basin with current accepted practices
 - Proposal 6 - remove rules about licensing of commercial vessels for hire
 - Proposal 7 - remove rules about marine mammal protections
 - Proposal 8 - clarify existing rules and update the format of the Bylaw
 - other bylaw-related matters and additional matters.
19. The majority of public feedback and views supported Proposals 2 to 8. Proposal 1 has mixed support. Key matters for deliberations include:
- whether to increase the maximum speed limit on the Waitematā Harbour Zone to 18 knots (from 12 knots) (Proposal 1)
 - whether to amend existing rules about carrying a means of communication on vessel, to carrying at least two independent forms of communication (Proposal 2).
20. Staff have forwarded feedback on operational and non-bylaw matters (summarised in Attachment E) to relevant council units.

Tauākī whakaaweawe āhuarangi Climate impact statement

21. There are no implications for climate change arising from this decision.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera Council group impacts and views

22. The proposal impacts the operation of the Harbourmaster and other council teams involved in resource management, events and public transport (ferry operations). These teams are aware of the impacts of the proposal and their implementation role.
23. The Safety Collective Tāmaki Makaurau provided advice that sought the removal of an exemption which gives the person in charge of a vessel the discretion to permit the removal of a personal flotation device for those on board if they deem it safe to do so.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe Local impacts and local board views

24. The proposal impacts the Auckland region.
25. In April 2021, all local boards had an opportunity to input into the decision-making process by providing views by resolution on how the Bylaw Panel should address matters raised in public feedback to the proposal. In addition, they could also choose to present those views in person to the Bylaw Panel on 7 May 2021.
26. All 21 local boards provided views by resolution (Attachment F). Most views suggest the Bylaw Panel recommend Proposals 2 to 8 be adopted as publicly notified. Views on Proposal 1 were split. Key views about suggested exceptions or additions include:
- Waitematā, Albert-Eden, Devonport-Takapuna, Howick, Waitākere, Henderson-Massey, Papakura Local Boards that the Panel **reject** Proposal 1
 - Ōrākei, Franklin, Manurewa, Kaipātiki and Whau Local Boards concern about impacts to the environment, public safety and marine life due to Proposal 1
 - Albert-Eden Local Board that the Panel amend the proposal to impose a 5 knot speed limit to the entire Motu Manawa-Pollen Island Marine Reserve
 - Kaipātiki Local Board that the Panel explore whether it would be appropriate to include wake free zones and wake free ferries in the Bylaw to minimise the wake on the environment while maintaining an effective transport management system
 - Devonport-Takapuna and Rodney Local Boards that the Panel **reject** Proposal 2
 - Waitematā and Albert-Eden Local Boards that the Panel **reject** Proposal 7.

Tauākī whakaaweawe Māori

Māori impact statement

27. The Bylaw can contribute to the Māori Plan's key directions and aspirations by supporting safe recreational, cultural and economic activities on Auckland's navigable waters.
28. The Bylaw regulates a number of activities undertaken by Māori for example, waka ama, other cultural or sporting events on the water and the operation of commercial vessels.
29. During the bylaw review, mana whenua and mataawaka indicated a preference to provide feedback on any proposed changes to the Bylaw through a public consultation process.
30. The majority of people identifying as Māori who provided feedback support Proposals 2 through to 8 and have split support for Proposal 1. This is consistent with the overall percentage of public feedback in support.

Ngā ritenga ā-pūtea

Financial implications

31. The cost of the Bylaw Panel recommendations will be met within existing budgets.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

32. There is a reputational risk that some people or organisations who provided feedback may not feel that their views are addressed. This risk can be mitigated by the Panel considering all public feedback contained in this report and in its decision report to the Governing Body.

Ngā koringa ā-muri

Next steps

33. Staff will prepare a preliminary decision report from the Bylaw Panel to the Governing Body to implement the Panel directions on public feedback from its deliberations meeting. The report will be circulated to the Panel for approval in May and if necessary, the Panel can reconvene.
34. The preliminary decision report will be used to consult the Director of Maritime New Zealand. This additional consultation is to ensure council meets its requirements under the Maritime Transport Act 1994 to consult the Director when making a bylaw.
35. The Panel in June will reconvene to address any concerns of the Director before adopting a final decision report to the Governing Body meeting also in June.
36. The final step in the statutory process is for the Governing Body to approve the Panel recommendations. If approved, council staff will publicly notify the decision and publish the Bylaw.

Ngā tāpirihanga

Attachments

Number	Title	Page
A	Deliberations table	
B	Statement of Proposal	
C	Summary of public feedback	
D	Online and written feedback	
E	Operational and non-bylaw-related public feedback	
F	Local Board views on public feedback	

Ngā kaihaina Signatories

Authors	Fereti Lualua – Policy Advisor, Regulatory Practice Baylee Vyle – Policy Advisor, Regulatory Practice
Authorisers	Paul Wilson – Senior Policy Manager, Regulatory Practice

ATTACHMENT A
DELIBERATIONS TABLE

Attachment A – Deliberations Table

This attachment provides a structure for deliberations.

It contains a summary of public feedback on the proposal and local board views.

The Bylaw Panel will have read all the feedback and views in Attachments C to F to ensure that all matters raised receive due consideration.

Note:

- The number of comments for key themes may not equal total comments because they include general comments or exclude non-key themes
- Public feedback about operational and non-bylaw related matters in Attachment E have been referred to other council teams where relevant.

Public Feedback on main proposals

Public feedback on Proposal 1 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>Increase the maximum speed limit on the Waitematā Harbour Zone to 18 knots (from 12 knots)</p> <p>194 feedback responses to survey and 15 email responses: 77 support (37 per cent), 101 oppose (48 per cent) and 341 comments.</p> <p>Key themes in support (82):</p> <ul style="list-style-type: none"> • increase will benefit public transport (46) <ul style="list-style-type: none"> ◦ encourages more people to use public transport ◦ better utilisation of fast ferries ◦ provides reasonable balance between reaching destination in good time and maintaining safety. • current speed is too slow (9) <ul style="list-style-type: none"> ◦ speed too slow for vessels to plane which can lead to extra wake impacting smaller vessels ◦ hinders visibility when travelling through the harbour due to the boat not being on the plane ◦ impossible to stay under 12 knots and not get in the way of the bigger sail boats. <p>Key themes opposed (186):</p> <ul style="list-style-type: none"> • dangerous wake is already a worsening issue (61) 	<p>Current bylaw says:</p> <ul style="list-style-type: none"> • maximum vessel speed of 12 knots within the Waitematā Harbour restricted zone (area between the Harbour Bridge, North Head and Tamaki yacht club). • Harbourmaster may grant approval to exceed the speed limit. For example, public transport vessels have an approval to exceed the speed limit to a maximum of 18 knots to ensure on-time arrival and departure. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • increase the maximum speed limit on the Waitematā restricted Harbour Zone to 18 knots (from 12 knots). • continue to enable the Harbourmaster to grant approvals to exceed speed limit. <p>About ‘dangerous wake’ feedback:</p> <ul style="list-style-type: none"> • vessels emit different wakes based on their size, functionality and the speed they are operated. • some people perceive certain vessels to create a smaller wake at higher speeds and vice versa. • there is no one size fits all approach in terms of managing vessel wake through speed limits.

Public feedback on Proposal 1 (number of comments in brackets)	Staff comment (information to assist deliberations)
<ul style="list-style-type: none"> • larger vessels already create dangerous wake and the current issue would get worse if speed increased • current speed is too fast (42) • increasing the speed will endanger marine life and cause possible coastal erosion (11) • no wake zone is preferable (9) • increasing speed will endanger small vessel users (28) • increasing speed will cause smaller vessels to be more susceptible to the large wakes from other vessels. <p>Local Board views</p> <ul style="list-style-type: none"> • Waitemata, Albert-Eden, Devonport-Takapuna, Howick, Waitakere, Henderson-Massey, Papakura Local Boards suggest the Panel reject the proposal. • Ōrākei, Franklin, Manurewa, Kaipātiki and Whau Local Boards expressed concern about impacts to the environment, public safety and marine life. • Kaipātiki suggest the Panel explore appropriateness of wake free zones and wake free ferries in the Bylaw to minimise the wake on the environment while maintaining an effective transport management system. 	<ul style="list-style-type: none"> • clause 15 of the proposal requires vessels to not emit wake that may endanger other people, vessels or damage infrastructure. This rule applies regardless of speed. <p>About 'marine mammal and coastal erosion' feedback:</p> <ul style="list-style-type: none"> • the Bylaw regulates vessels to protect public safety and minimise damage on Auckland's navigable waters. While this feedback is important, the scope of the Bylaw is limited to the protection of people, vessels and infrastructure.

Public feedback on Proposal 1	Staff comment (information to assist deliberations)	Panel recommendation
<p>Key changes sought (retain rule)</p> <ul style="list-style-type: none"> retain current vessel speeds of 12 knots within the Waitemata Harbour restricted zone <ul style="list-style-type: none"> proposed speed increases risk to marine life and people wakes from larger vessels, ferries, wind against tide, tide, wind and other traffic make it dangerous for smaller craft. retain speed but introduce an exemption for ferries in public transport. <p>Key changes sought (increase the speed)</p> <ul style="list-style-type: none"> increase the speed limit to 15 or 18 knots <ul style="list-style-type: none"> not an area frequently used for swimming or personal watercraft recreation. Beneficial for commercial transport 12 knots is a difficult speed for many vessels as they are not yet on the plane. <p>Key changes sought ('cetacean watch')</p> <ul style="list-style-type: none"> recommend the implementation of a 'cetacean watch' for all craft operating in the inner-Waitemata Harbour (Hauraki Gulf Forum). <p>Key changes sought (lower the speed)</p> <ul style="list-style-type: none"> lower speed to 10 knots or lower for example 5 knots <ul style="list-style-type: none"> disaster and encouraging carnage in an already congested and difficult area. <p>Key changes sought (Albert-Eden Local Board)</p> <ul style="list-style-type: none"> suggest Panel amend proposal to include the 5 knot speed limit to Motu Manawa-Pollen Island Marine Reserve. 	<p>The proposal continues to regulate against dangerous wake from vessels to any other person, vessel or structure (navigation aid). Meaning, for vessels needing to reach the maximum speed limit in order to plane must ensure that any wake or wash from their vessel does not cause danger or harm.</p> <ul style="list-style-type: none"> The proposal continues to apply a speed limit of 5 knots for vessels that are 50 meters from any other vessel. Increasing the speed limit to 18 knots will allow public transport (ferries) to meet arrival and departure times without an approval. <p>About 'cetacean watch' request:</p> <ul style="list-style-type: none"> a 'cetacean watch' rule would go beyond Council's legislative mandate to the protect people, vessels and infrastructure. the proposal does however highlight in the Bylaw summary the need to comply with other maritime legislation, including the rules about the speed of vessels around marine life in the Marine Mammals Protection Act 1978. <p>About 'Motu Manawa-Pollen Island speed limit' request:</p> <ul style="list-style-type: none"> The current Bylaw does not include specific restrictions for Motu Manawa – Pollen Island, however vessels must not exceed a speed limit of 5 knots while within 200m of the shoreline. The key change sought would include the area specified on the map. 	<p>That the proposal about increasing the maximum speed limit on the Waitemata Harbour Zone to 18 knots (from 12 knots) Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

<p>Public feedback on Proposal 2 (number of comments in brackets)</p> <p>To amend existing rules about carrying a means of communication on a vessel</p> <p>196 feedback responses to survey and 3 email responses: 137 support (70 per cent), 46 oppose (23 per cent) and 129 comments.</p> <p>Key themes in support (82):</p> <ul style="list-style-type: none"> two devices ensure / promote safety (82) <p>Key themes opposed (47):</p> <ul style="list-style-type: none"> impractical <ul style="list-style-type: none"> particularly for smaller vessels as there is limited waterproof space on board (19) one communication device is sufficient (10) enforcement will be an issue (9) makes boating harder to access (penalises those of a lesser means) (9) <p>Local Board views</p> <ul style="list-style-type: none"> 7 of 9 local boards that gave a view suggest the Panel adopt proposal as notified Devonport-Takapuna and Rodney local boards suggest Panel reject proposal <ul style="list-style-type: none"> impractical and financial burden 	<p>Staff comment (information to assist deliberations)</p> <p>Current bylaw says:</p> <ul style="list-style-type: none"> must be able to communicate with a land-based person throughout the vessel's voyage. communication equipment must be in a good operative condition. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> increase safety by requiring at least two independent forms of communication. 	
<p>Public feedback on Proposal 2</p> <p>Key changes sought (retain the current rule)</p> <ul style="list-style-type: none"> retain current rule of having at least one form of communication device (28). <p>Key changes sought (exempt small vessels)</p> <ul style="list-style-type: none"> exempt small vessels such as a kayak, jet-ski or motorised surfboards (19). <p>Key changes sought (Devonport-Takapuna and Rodney local board)</p> <ul style="list-style-type: none"> suggest Panel retain current rule of having at least one form of communication device. 	<p>Staff comment (information to assist deliberations)</p> <ul style="list-style-type: none"> Having a back-up means of communication will reduce the risk of serious consequences in case of an emergency. The proposal does not prescribe the means of communication. <ul style="list-style-type: none"> Examples provided in the proposal include: <ul style="list-style-type: none"> a kayaker paddling near the shore using their voice and a mobile phone in a floating dry case a powerboat fishing on the Hauraki Gulf using a mobile phone and a VHF radio. 	<p>Panel recommendation</p> <p>That the proposal about Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Proposal 3 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>To make new rules about Novel Craft</p> <p>196 feedback responses to survey and 1 email response: 166 support (85 per cent), 16 oppose (8 per cent) and 103 comments.</p> <p>Key themes in support (88):</p> <ul style="list-style-type: none"> • promotes safety / reduces risk to other water users (88). <p>Key themes opposed (15):</p> <ul style="list-style-type: none"> • should be addressed under national legislation (5) • certain novel craft should not be regulated (6) <ul style="list-style-type: none"> ○ for example impractical to implement and enforce on craft propelled by wind, foil or surf • no need for rules (4). <p>Local Board views</p> <ul style="list-style-type: none"> • 6 local boards suggest Panel adopt proposal as notified. 	<p>Current bylaw:</p> <ul style="list-style-type: none"> • does not regulate 'novel craft'. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • defines various novel craft as vessels. This means novel craft must for example adhere to speed limits.
<p>Public feedback on Proposal 3</p> <p>Key changes sought (exclude non-motorised craft)</p> <ul style="list-style-type: none"> • exempt non-motorised novel craft from the rule, for example novel craft propelled by wind, foil or surf (6). 	<p>Staff comment (information to assist deliberations)</p> <ul style="list-style-type: none"> • Making new rules for novel craft will increase public safety and minimise the risks of accidents and collisions. <p>Panel recommendation</p> <p>That the proposal about new rules for Novel Craft Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

<p>Public feedback on Proposal 4A (number of comments in brackets)</p> <p>To make new rules for the Tamaki River Entrance 186 feedback responses to survey and no email responses: 129 support (86 per cent), 27 oppose (15 per cent) and 117 comments.</p> <p>Key themes in support (64):</p> <ul style="list-style-type: none"> • improves access and increases public safety (49) • proposal is reasonable and makes sense (13) • prohibits the anchoring of unseaworthy / abandoned vessels (3). <p>Key themes opposed (15):</p> <ul style="list-style-type: none"> • anchoring is not an issue in this area (10) • vessels may need to temporarily anchor in certain situations (2) • lack of enforcement and flexibility (3). <p>Local Board views</p> <ul style="list-style-type: none"> • 6 local boards suggest Panel adopt proposal as notified. 	<p>Staff comment (information to assist deliberations)</p> <p>Current bylaw:</p> <ul style="list-style-type: none"> • does not restrict anchorage in the Tamaki River Entrance. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • prohibit anchoring of vessels at the Tamaki River Entrance to minimise risk of navigational hazards. <p>About 'prohibit anchoring of unseaworthy / abandoned vessels' feedback:</p> <ul style="list-style-type: none"> • there is a history of unseaworthy / abandoned vessels anchoring in this area which is a navigational hazard. The area is frequently used by commercial and recreational vessels and should be kept clear to ensure public safety.
<p>Public feedback on Proposal 4A</p> <p>Key changes sought (rely on existing regulations to move unseaworthy vessels)</p> <ul style="list-style-type: none"> • rely on current regulations to move unseaworthy vessels (3). 	<p>Staff comment (information to assist deliberations)</p> <ul style="list-style-type: none"> • Making a new rule to prohibit anchoring in the Tamaki River Entrance will greatly increase public safety when travelling through this part of the Hauraki Gulf. • Current regulations to remove unseaworthy and abandoned vessels are reactive. The proposal seeks to prevent issues occurring irrespective of seaworthiness. <p>Panel recommendation</p> <p>That the proposal about new rules for the Tamaki River Entrance Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

<p>Public feedback on Proposal 4B (number of comments in brackets)</p> <p>To make new rules for the Commercial Port Area 190 feedback responses to survey and no email responses: 143 support (75 per cent), 38 oppose (20 per cent) and 118 comments.</p> <p>Key themes in support (64):</p> <ul style="list-style-type: none"> improves and ensures public safety (37) proposal makes sense and is reasonable (24) dangerous area for inexperienced 'boaties' (3). <p>Key themes opposed (20):</p> <ul style="list-style-type: none"> unnecessary / prefer less regulation (11) restricts people's rights to use a public area (5) concern about continued expansion of the port area (4). <p>Local Board views</p> <ul style="list-style-type: none"> 5 local boards suggest Panel adopt proposal as notified. 	<p>Staff comment (information to assist deliberations)</p> <p>Current bylaw:</p> <ul style="list-style-type: none"> does not restrict access to the Commercial Port area. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> prohibit recreational or non-authorised vessels entering the Commercial Port Area unless authorised by the Harbourmaster or Harbour Control. <p>About 'restricts people's rights to use a public area' feedback:</p> <ul style="list-style-type: none"> the restriction on the right to use a public space is not inconsistent with the Bill of Rights Act 1990. This is a justifiable due to the significant risks to public safety the Commercial Port Area often has large container ships at lay, hot-works, oil and bunkering operations occurring and heavy machinery. It is in the public interest that recreational vessels stay out of this area.
<p>Public feedback on Proposal 4B</p> <p>Key changes sought (delete rule)</p> <ul style="list-style-type: none"> Remove proposed rule (20). 	<p>Staff comment (information to assist deliberations)</p> <ul style="list-style-type: none"> Making new rules to prohibit vessels from entering the Commercial Port Area will increase public safety by minimising the risk of accidents, collisions and damage in this dangerous area.
<p>Panel recommendation</p> <p>That the proposal about new rules for the Commercial Port Area Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>	

Public feedback on Proposal 5 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>Align rules about the use of Ōrākei Basin with current accepted practices</p> <p>185 feedback responses to survey and 2 email responses: 131 support (71 per cent), 11 oppose (6 per cent) and 195 comments.</p> <p>Key themes in support (49):</p> <ul style="list-style-type: none"> reasonable / makes sense (23) ensures public safety (22) easy to comply and enforce (3) dividing Basin ensures public safety (1). <p>Key themes opposed (5):</p> <ul style="list-style-type: none"> keep the basin for non-motorised vessels (4) area too small for ski / tow activities (1). <p>Local Board views</p> <ul style="list-style-type: none"> 5 local boards suggest Panel adopt proposal as notified. 	<p>Current bylaw:</p> <ul style="list-style-type: none"> does not include rules that are currently in place on signage or are accepted practice at the Ōrākei Basin is limited to rules allowing motorised vessels engaging in water-skiing activities in Reserved Area A and non-motorised vessels in Reserved Area B the current accepted practices expand on these rules and set out time limits for use of motorised vessels on the Ōrākei Basin. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> align rules about the use of Ōrākei Basin in the Bylaw to the current accepted practice and signage at the Ōrākei Basin: <ul style="list-style-type: none"> main purpose is for water-skiing and use of non-power-driven vessels power-driven and non-power-driven vessels to use separate areas activities must be undertaken safely power-driven vessels must operate in a particular way all other applicable Navigation Bylaw and Maritime Rules apply unless there is conflict. <p>About 'area too small for ski or towing activities / keep the basin for non-motorised vessels' feedback:</p> <ul style="list-style-type: none"> restricting use to non-motorised vessels only would significantly impact the Auckland Water Ski Club which has been operating out of the Ōrākei Basin for 60 years on an agreement with Council.
<p>Public feedback on Proposal 5</p> <p>Key changes sought (retain current rules)</p> <ul style="list-style-type: none"> Rely on existing rules for the Ōrākei Basin (11). 	<p>Staff comment (information to assist deliberations)</p> <ul style="list-style-type: none"> Proposal will align with well-known rules and signage used at the Ōrākei Basin currently. The proposal will regulate the way and times in which power-driven vessels may operate, which the Auckland Water Ski Club already adheres to. <p>Panel recommendation</p> <p>That the proposal about the use of Ōrākei Basin with current accepted practices Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Proposal 6 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>Remove rules about licensing of commercial vessels for hire addressed in separate legislation</p> <p>180 feedback responses: 139 support (77 per cent), 7 oppose (4 per cent) and 211 comments.</p> <p>Key themes in support (57):</p> <ul style="list-style-type: none"> reduces duplication / creates clarification (57) <ul style="list-style-type: none"> simpler to have one source of rules to avoid confusion bylaws must not duplicate / conflict with existing rules and regulations. <p>Key themes opposed (3):</p> <ul style="list-style-type: none"> Retain rule for ease of use (3): <ul style="list-style-type: none"> no harm in reinforcing this rule by repeating it bylaw should remain with reference to the Act. <p>Local Board views</p> <ul style="list-style-type: none"> 6 local boards suggest Panel adopt proposal as notified. 	<p>Current bylaw:</p> <ul style="list-style-type: none"> contains rules that have not been used since 2017 (no licences, warnings or infringements issued) because they are covered by the Health and Safety at Work (Adventure Activities) Regulations 2016 and Auckland Council Trading and Events in Public Places Bylaw 2015. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> reduce duplication by replacing rules covered by existing regulations with a 'related information' note.
Public feedback on Proposal 6	Staff comment (information to assist deliberations)
<p>Key changes sought (retain rule)</p> <ul style="list-style-type: none"> retain rule and provide reference to relevant legislation (6) <ul style="list-style-type: none"> have all relevant rules in one bylaw, separation unnecessary retain current approach (i.e. keep rules in Bylaw text) provide links to the legislation. 	<p>Panel recommendation</p> <p>That the proposal about removal of rules about licensing of commercial vessels for hire as already more appropriately addressed in separate legislation Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Proposal 7 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>Remove rules about marine mammals addressed in separate legislation 247 feedback responses: 139 support (76 per cent), 27 oppose (15 per cent) and 212 comments.</p> <p>Key themes in support (139):</p> <ul style="list-style-type: none"> reduces duplication / creates clarification (50) <ul style="list-style-type: none"> rules relating to speeding around marine mammals covered and enforced under marine mammal protection legislation simpler to have one source of rules to avoid confusion bylaws must not duplicate / conflict with existing rules. <p>Key themes opposed (27):</p> <ul style="list-style-type: none"> Retain rule to further protect marine mammals (21) <ul style="list-style-type: none"> marine mammals should have every possible protection (Department of Conservation) no harm in reinforcing this rule by repeating it Bylaw should remain with reference to the Act Council should be in charge of monitoring this rule. <p>Local Board views</p> <ul style="list-style-type: none"> Waitematā and Albert-Eden Local Boards suggest Panel reject proposal. 	<p>Current bylaw:</p> <ul style="list-style-type: none"> contains rules about vessel speeds around marine mammals are already addressed under the Marine Mammals Protection Regulations 1992 has not been used and has no associated bylaw infringement fine. <p>Proposal:</p> <ul style="list-style-type: none"> removes rules about marine mammals and references the Marine Mammals Protection Regulations 1992 which more appropriately addressed the issue, including associated infringement fines¹ refers to the above regulations and provides links in the Bylaw summary. <p>About 'no harm in repeating the rule' feedback:</p> <ul style="list-style-type: none"> Council has no direct mandate or delegation under the Maritime Transport Act to make or enforce a bylaw to protect marine mammals.
Public feedback on Proposal 7	Staff comment (information to assist deliberations)
<p>Key changes sought (retain rule)</p> <ul style="list-style-type: none"> retain rule and provide reference to relevant legislation (6) <ul style="list-style-type: none"> have all relevant rules in one bylaw separation unnecessary retain rule in Bylaw text provide links to the legislation. <p>Key changes sought (local board)</p> <ul style="list-style-type: none"> retain rule to ensure greater protection for marine mammals. 	<p>Panel recommendation</p> <p>That the proposal about removal of rules about marine mammals as already more appropriately addressed in separate legislation Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

¹ Section 18 of the Marine Mammal Protection Regulations 1992 and Schedule 1 of the Marine Mammal Protection Regulations 1992

Public feedback on Proposal 8 (number of comments in brackets)	Staff comment (information to assist deliberations)
<p>Clarify existing rules to be more certain and update the format of the Bylaw to be easier to read and understand</p> <p>175 feedback responses: 144 support (82 per cent), 6 oppose (3 per cent) and 216 comments.</p> <p>Key themes in support (65):</p> <ul style="list-style-type: none"> creates clarification (62) <ul style="list-style-type: none"> it is good to clarify the rules and to make them easier to understand vital that rules and regulations have clarity and transparency Bylaw rules should be streamlined with Maritime Rules / national legislation (3). <p>Key themes opposed (2):</p> <ul style="list-style-type: none"> rules need enforcement (2). <p>Local Board views</p> <ul style="list-style-type: none"> 7 local boards suggest Panel adopt proposal as notified. 	<p>Proposal seeks to:</p> <ul style="list-style-type: none"> make the Bylaw easier to read and understand by: <ul style="list-style-type: none"> clarifying the wording and providing related information notes about other relevant regulations including Maritime Rules clarifying rules for example, for swimming around wharves while in use and updating the maps of reserved swimming areas. <p>About 'rules need enforcement' feedback:</p> <ul style="list-style-type: none"> the Harbourmaster uses a graduated, proactive and reactive approach to enforcement supported by the ability to issue strict liability infringement fines which provide an alternative to warnings or court prosecution.
Public feedback on Proposal 8	Staff comment (information to assist deliberations)
<p>Key changes sought (clarification)</p> <ul style="list-style-type: none"> Streamline Bylaw with existing maritime rule/legislation (2). <p>Key changes sought (ban swimming)</p> <ul style="list-style-type: none"> Ban swimming at least 20 meters from either side of a boat ramp (1). 	<p>Panel recommendation</p> <p>That the proposal about clarifying existing rules to be more certain and update the format of the Bylaw to be easier to read and understand Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>
	<p>Proposed Bylaw has been drafted in a way that is aligned with relevant Maritime Rules and regulations.</p> <p>Proposed Bylaw prohibits swimming from or within 50 metres of a wharf, quay, jetty, pontoon, boat ramp or similar structure only when a vessel is approaching manoeuvring alongside or departing.</p>

Public Feedback: Other bylaw related matters raised

Public feedback on Access Lanes	Staff comment (information to assist deliberations)	Panel recommendation
<p>Access Lanes 2 email responses.</p> <p>Key changes sought and reasons (narrow Matakatia Bay access lanes):</p> <ul style="list-style-type: none"> • narrow access lanes at Matakatia Bay <ul style="list-style-type: none"> ○ ski lanes (access lanes), particularly Matakatia Bay are too wide and are encroaching on the beach area ○ enforcement of appropriate use of ski lanes is necessary. 	<p>Current and proposed bylaw:</p> <ul style="list-style-type: none"> • reserves an access lane at Matakatia Bay for the purpose of allowing power driven vessels and power-driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area. <p>General comments:</p> <ul style="list-style-type: none"> • current lanes are too wide and not aligned with the Bylaw • reserving access lanes minimise risks of collisions between vessels and swimmers. 	<p>That the proposal about access lanes Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Paddle Craft Visibility	Staff comment (information to assist deliberations)	Panel recommendation
<p>Paddle Craft Visibility 2 email responses.</p> <p>Key changes sought and reasons (mandatory rescue orange colour of blades of all paddles):</p> <ul style="list-style-type: none"> • require blades for all paddles (for example used for kayaks or paddle boards) to be painted in rescue orange to ensure visibility. <p>Key changes sought and reasons (apply rule to sheltered waters):</p> <ul style="list-style-type: none"> • amend proposal to include 'sheltered waters' in clause 24 to ensure visibility. 	<p>Current bylaw:</p> <ul style="list-style-type: none"> • requires paddle craft six metres or less in length beyond sheltered waters to be visible to other vessels. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • clarify the current rule by requiring the paddle craft to be clearly visible to any other water users more than 200 metres away • continue to allow the operator to choose the method of ensuring visibility (for example by using high visibility equipment, flags or lights). <p>General comments:</p> <ul style="list-style-type: none"> • making one form of high visibility equipment mandatory may impose unnecessary compliance costs or be overly restrictive. 	<p>That the proposal about paddle craft visibility Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback topic on Matheson Bay	Staff comment (information to assist deliberations)	Panel recommendation
<p>Matheson Bay</p> <p>2 email responses.</p> <p>Key changes sought and reasons (reserve Matheson Bay for swimmers and non-power-driven vessels):</p> <ul style="list-style-type: none"> • Matheson Bay area should be reserved for swimmers and non-power-driven vessels only <ul style="list-style-type: none"> ○ the area has become congested with the use of jet-ski's in the same area as swimmers, posing significant risks to public safety. ○ the bay is popular for swimming, with many people swimming out to a pontoon. This has become increasingly dangerous with jet-ski's frequently using the area around the pontoon. 	<p>Current and proposed new bylaw:</p> <ul style="list-style-type: none"> • does not restrict uses in Matheson Bay. <p>General comments:</p> <ul style="list-style-type: none"> • changes sought will minimise risks of collisions and accidents and ensure public safety. 	<p>That the proposal about Matheson Bay Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Moorings	Staff comment (information to assist deliberations)	Panel recommendation
<p>Moorings</p> <p>3 email responses.</p> <p>Key changes sought and reasons (notification of mooring approval transfer)</p> <ul style="list-style-type: none"> • yacht/boat clubs and mooring organisations submit that mooring owners should only be required to notify the Council rather than seeking approval to share a mooring (3). 	<p>Current and proposed bylaw:</p> <ul style="list-style-type: none"> • requires Council's approval before a current holder of a mooring license can transfer the mooring approval to another person. <p>Proposal seeks to:</p> <ul style="list-style-type: none"> • continue to approve the transfer of mooring licenses on a case-by-case basis which enables Council to efficiently manage and keep track of mooring license holders. 	<p>That the proposal about moorings Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Kite boarding (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Kite boarding (Pah beach, Great Barrier Island) 1 email responses.</p> <p>Key changes sought and reasons (create direct access lane for kite boarders to enter and exit)</p> <ul style="list-style-type: none"> • create a designated ‘channel’ for kite boarders on Pah beach to enter and exit the water ○ kite boarding on Great Barrier Island is posing significant safety risks to swimmers. 	<p>Current and proposed new bylaw:</p> <ul style="list-style-type: none"> • does not restrict kite boarding on Great Barrier Island • prohibits any vessel (including kite boards) from exceeding a speed of 5 knots within 50 metres of any other vessel or person in the water • breach of the rule carries a maximum fine of \$200. 	<p>That the proposal about kit boarding Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

Public feedback on Personal flotation Devices (PFDs) (number of comments in brackets)	Staff comment (information to assist deliberations)	Panel recommendation
<p>Personal Flotation Devices 5 email responses.</p> <p>Key changes sought and reasons (remove exemption to PFD rule for vessels)</p> <ul style="list-style-type: none"> • remove exemption to the rule that requires a PFD to be worn at all times on a vessel six metres or less in length² • remove rule which exempts stand up paddle boarders (SUP) from wearing a PFD. <p>Key changes sought and reasons (adding age requirement and swimming capabilities to PFD exemption clause)</p> <ul style="list-style-type: none"> • consider passengers swimming ability when permitting the removal of lifejackets • exemption to the PFD rule should only be for those on board that are over the age of 16. 	<p>Current and proposed new bylaw:</p> <ul style="list-style-type: none"> • the proposal retains existing rules relating to the compulsory wearing of PFDs on vessels six metres and during times of heightened risk • the person in charge may allow a person to remove their PFD after considering all relevant circumstances. This would include a person’s swimming capability or age amongst all other relevant safety precautions • exceptions include SUPs wearing a leg rope and to kite, sail or paddle boarders wearing wet suits. 	<p>That the proposal about personal flotation devices Either [Panel to decide] be adopted as publicly notified. OR be amended to [Panel to insert]. OR be rejected and the proposal amended to [Panel to insert]. AND Reasons include to [Panel to insert].</p>

² Clause 20(2) gives the person in charge of a vessel the discretion to remove PFDs only when having considered all relevant circumstances, they are satisfied that there would be no reduction in safety to any other person onboard the vessel.

Other additional matters

Additional matters from Director of Maritime New Zealand	Staff comment (information to assist deliberations)	Panel recommendation
<p>Feedback from Director of Maritime New Zealand Key comments and changes sought</p> <ul style="list-style-type: none"> review key definitions, maps and drafting style is in line with Maritime regulations reference other relevant safety plans in explanatory notes ensure drafting structure is consistent throughout Bylaw. 	<ul style="list-style-type: none"> in line with proposal 8, updates to the bylaw including definitions and drafting style seeks to provide clarity The panel may if wishes direct staff to incorporate. 	<p>That the changes sought by the Director of Maritime New Zealand Either [Panel to decide] be accepted. OR be accepted in part to [Panel to insert]. OR be rejected. AND Reasons include to [Panel to insert].</p>
<p>Additional matters from Staff</p> <p>Staff recommended amendments Key comments and changes recommended</p> <ul style="list-style-type: none"> replace picture on cover page to reflect users of Auckland's navigable waters correct clause references, grammar and spelling correct clauses to align with infringements 	<ul style="list-style-type: none"> The panel may if wishes direct staff to incorporate. 	<p>That the changes recommended by staff Either [Panel to decide] be accepted. OR be accepted in part to [Panel to insert]. OR be rejected. AND Reasons include to [Panel to insert].</p>

ATTACHMENT B
STATEMENT OF PROPOSAL

Helping to protect the public

Minimising risk of accidents, nuisance and damage within Auckland's navigable waters

navigation safety, personal floatation devices, activities, restricted access, identification of vessels, moorings, large vessels, dangerous activities, pilots



Statement of Proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021 and associated controls.

Public consultation takes place from **16 November 2020** to **14 February 2021**.

1 Have your say

Helping to protect the public

Every day people use Auckland's navigable waters for both recreation and business, for example boating, kayaking, kite boarding, swimming, fishing, and ferrying people and cargo.

The number of people and variety of uses of Auckland's navigable waters can increase the risk of accidents, nuisance and damage. For example, jet skis in swimming areas, illegally moored vessels and explosive cargo.

What Auckland Council does

We make rules to minimise the risk of accidents, nuisance and damage within Auckland's navigable waters.

The existing rules are set in the [Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2014 / Auckland Council Navigation Safety Bylaw 2014](#) and associated controls.

These rules are in addition to national rules contained in the [Maritime Transport Act 1994](#) and [Maritime Rules](#) (in particular [Part 91](#)). We also rely on other legislation to protect marine mammals ([Marine Mammals Protection Act 1978](#)), to protect the environment ([Resource Management Act 1991](#)) and for the safe use of vessels for hire ([Health and Safety at Work \(Adventure Activities\) Regulations 2016](#)).

Improving navigation rules

We recently checked how the rules are working and identified improvements.

The main proposals are to:

- increase the maximum speed limit on the Waitemata Harbour Zone to 18 knots to allow faster movement of vessels (including public transport vessels), but still ensure travel at a safe speed
- clarify existing rules, including about swimming, events and support vessels
- make new rules about novel craft (for example a motorised surfboard)
- make new specified areas and conditions of use for Tamaki Entrance and Commercial Port Area
- amend existing rules about carrying a means of communication on vessel, to carrying at least two independent forms of communication on a vessel
- align rules about the use of Ōrākei Basin with current accepted practices
- remove rules about licensing of commercial vessels for hire and marine mammal protections as these are more appropriately addressed in separate legislation
- update the format and wording of the rules to be easier to read and understand.

We want to know what you think

Starting on **16 November 2020** through to **14 February 2021** we want you to tell us what you think about the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021 and associated controls.

Visit www.aucklandcouncil.govt.nz/have-your-say for more information, give your feedback and find out where you can drop in to a 'Have your say' event.

2 What is the Bylaw

[Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2014, Auckland Council Navigation Safety Bylaw 2014](#) and associated controls were made on 31 July 2014.

The purpose of the Bylaw is to help minimise the risk of accidents, nuisance and damage on Auckland’s navigable waters.

Navigation Safety Bylaw 2014 and associated controls

<p>General Navigation Safety Requirements</p> <p>Persons in charge, minimum age, speed, seaworthiness and collision prevention.</p>	<p>Carriage and wearing of Personal Flotations Devices</p> <p>Carriage, wearing in times of risk, wearing on small vessels and exemptions.</p>
<p>Activities</p> <p>Swimming, towing of persons, dive operations, wake, use of vessel engine, access lanes, reserved areas and conduct</p>	<p>Operating Requirements</p> <p>Obstructions, discharges, navigations aids, sound and light signals, communication, visibility, identification, aircraft and anchorages.</p>
<p>Licenses, permits and administrative matters</p> <p>Jet ski registration, moorings, licenses, maintenance and construction requirements, hot works and bunkering.</p>	<p>Large vessels</p> <p>Navigating with inoperative equipment, duties, moving prohibited zone, areas of restricted access and automatic identification systems.</p>
<p>Specific restrictions in lanes, zones and areas</p> <p>Restrictions and exemptions for certain zones around Auckland such as Motuihe Channel and Waitemata Harbour.</p>	<p>Large commercial operations</p> <p>Regulations of tankers, hazardous cargoes and works, fuel oil transfers and other dangerous materials.</p>
<p>Pilot and Pilot exempt master operations</p> <p>Regulates log transits in a pilotage area, passage plans and bridge team compositions.</p>	<p>Licensing of commercial vessels for hire or reward</p> <p>Vessels to be licensed, application for licenses and conditions of license.</p>
<p>Controls and demarcations specified under the Bylaw</p>	
<p>Enforcement powers, penalties, offences, exemptions, transitional provisions and revocation.</p>	
<p>Exceptions</p> <p>If acting under direction of the Harbourmaster, an enforcement officer or police officer For all: Statutory powers under the Maritime Transport Act 1994</p>	

3 What council proposes to change

Improving navigation rules

We recently checked how the rules are working and identified improvements.

We are proposing to better minimise the risk of accidents, nuisance and damage within Auckland's navigable waters by making a new Ture ā-Rohe Urungi Āhuru / Navigation Bylaw and associated controls.

Major proposals in comparison to the existing Bylaw and associated controls are:

Main proposals	Reasons for proposal
<p>Increase the maximum speed limit on the Waitematā Harbour Zone to 18 knots (currently 12 knots)</p> <p>Alternative speed limits</p> <p>Council has heard a range of views regarding speed limits within the Waitematā Harbour Zone and is seeking feedback on a lower or higher speed limit than the proposed 18 knots. For example, the current 12 knots or an alternative like 15 knots.</p>	<ul style="list-style-type: none"> to allow vessels to operate at a higher safe speed limit to better reflect the use of the area by fast ferries to allow fast ferries to operate at higher known speeds to safely maximise public transport (instead of seeking exemptions to the current speed limit).
Clarify existing rules, including swimming, events and (New) support vessels	<ul style="list-style-type: none"> to improve certainty.
Make new rules about novel craft, for example a motorised surfboard	<ul style="list-style-type: none"> to help minimise safety risks.
Make new specified area and conditions of use for Tamaki Entrance and Commercial Port Area	<ul style="list-style-type: none"> to help minimise safety risks.
Amend existing rules about carrying a means of communication on vessel, to carrying at least two independent forms of communication on a vessel	<ul style="list-style-type: none"> help minimise safety risks.
Align rules about the use of Ōrākei Basin with current accepted practices	<ul style="list-style-type: none"> to reflect the current practices displayed on the signs at the Basin. No changes are proposed to the current use.
Remove rules about Commercial Vessels for Hire and Reward	<ul style="list-style-type: none"> to avoid duplication with the Health and Safety at Work (Adventure Activities) Regulations 2016.
Remove rules about speed around Marine Mammals	<ul style="list-style-type: none"> to avoid duplication with the Marine Mammals Protection Act 1992.
Update the format and wording of the Bylaw and associated controls	<ul style="list-style-type: none"> to align with current best practice drafting standards to make the rules easier to read and understand.

If you want to know more:

Appendix A shows what the proposed new Bylaw would look like, **Appendix B** provides a copy of the existing Bylaw and **Appendix C** provides a comparison between the existing and proposed new Bylaw.

4 How we implement the Bylaw

Graduated approach to compliance

The Harbourmaster undertakes proactive and reactive patrols of Auckland's navigable waters and uses a graduated approach to Bylaw compliance. For example:

- the initial response to lower risk issues (for example unregistered personal watercraft) may use education, advice and informal warnings
- there is a 'no excuses' approach to offences relating to personal flotation devices (life jackets) or other offences that directly or imminently risk public safety or damage to property. In these situations, formal directions and infringement fines may be issued.

Penalties for breaches of a bylaw rule could include infringement fines of up to \$1000 or a maximum \$20,000 court fine.

If offences escalate to a criminal threshold the Harbourmaster involves the Police or Maritime New Zealand.

Making controls and giving approvals

Both the existing and proposed new Bylaw use **controls** and **approvals** to effectively manage navigation.

Controls are specific rules the Harbourmaster can make. For example, a control can specify a reserved area or access lane within any navigable water in order to prohibit or restrict any activity and to ensure that adequate safety precautions have been made.

Approvals are when a person must get permission from the Harbourmaster before undertaking certain activities. For example, applications for mooring licences and registration of jet skis.

5 How we got here

Decisions leading to the proposed changes

The [Local Government Act 2002](#) requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that a bylaw is not inconsistent with the other legislation such as the [Maritime Transport Act 1994](#) and [New Zealand Bill of Rights Act 1990](#).

The existing Navigation Safety Bylaw 2014 is due to expire on 31 July 2021.

We reviewed the existing Bylaw and associated controls by engaging with stakeholders and undertaking research. This was reported in our findings and considered options at meetings in March and June 2020.



This statement of proposal was approved for public consultation by the Governing Body on 29 October 2020 to commence the process to make a new Navigation Bylaw and associated controls.

Go to www.aucklandcouncil.govt.nz/have-your-say for copies of the above decisions, including findings and options considered, as required by legislation.

6 We want your input

You have an opportunity to tell us your views

We would like to know what you think about the proposed new Navigation Bylaw and associated controls.

Give us your feedback

Starting on 16 November 2020 through to 14 February 2021 we are asking for feedback on the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021 and associated controls.

You can give your feedback:

- at one of our 'Have your say' events – visit our website for details
- online at our website www.aucklandcouncil.govt.nz/have-your-say

Visit www.aucklandcouncil.govt.nz/have-your-say for more information.

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Appendix A: Proposed new navigation bylaw and associated controls



Ture ā-Rohe Urungi Āhuru 2021

Navigation Bylaw 2021

(as at DD month 2021)

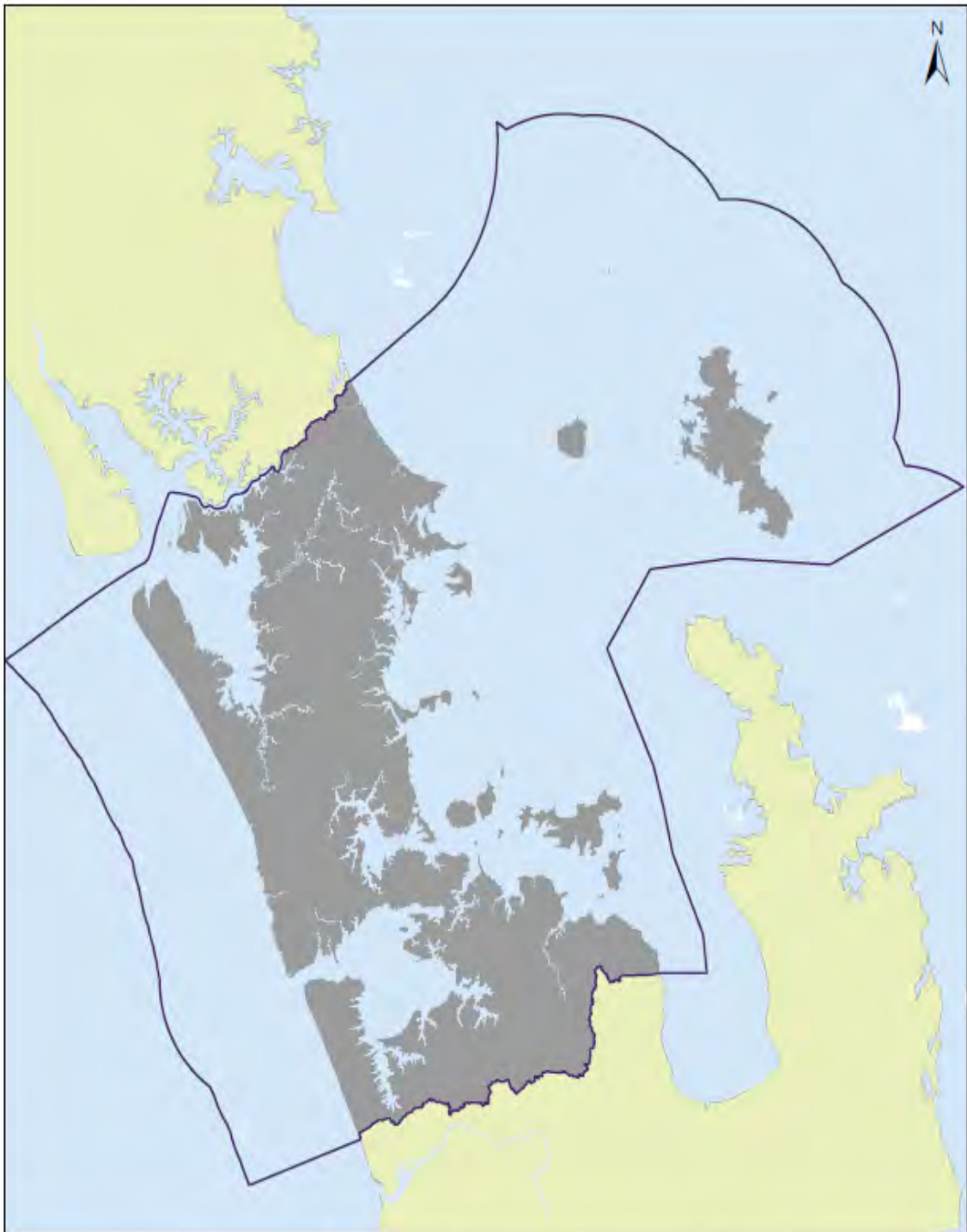
made by the Governing Body of Auckland Council

in resolution **GB/2020/##**

on DD month 2021

Bylaw made under section 145 of the Local Government Act 2002 and section 33M of the Maritime Transport Act 1994.

The Auckland Region



Summary

This summary is not part of the Bylaw but explains its general effects.

The purpose of this Bylaw is to help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable water.

The Bylaw seeks to achieve this in Part 2 by specifying general responsibilities of persons within navigable waters and the following specific responsibilities about –

- the carriage and wearing of personal flotation devices on recreational vessels
- how to undertake certain activities
- the use of restricted areas, access lanes, prohibited and restricted anchorages, reserved areas and special reserved areas
- when near large vessels, vessels carrying explosive substances or bulk oil, or Explosive Safety Zones
- ensuring vessels are seaworthy, identifiable and having appropriate equipment
- the need to register personal water craft
- the need to get a licence for and to maintain moorings
- operating a large vessel
- operating a vessel carrying explosive substances or bulk oil, or undertaking bunkering or hot works operations
- pilot and pilot exempt master operations.

Other parts of this Bylaw assist with its administration by –

- stating the name of this Bylaw, when it comes into force and where it applies in clauses 1, 2 and 3
- stating the purpose of this Bylaw and defining terms in clauses 4 and 5
- providing transparency about how council makes controls and the approval process in Part 3
- referencing council's powers to enforce this Bylaw, including powers to remove vessels and to seek monetary and imprisonment penalties in Part 4
- ensuring relevant controls and approvals under Te Kaunihera o Tamaki Makaurau Ture ā-Rohe Urungi Āhuru 2014/ the Auckland Council Navigation Safety Bylaw 2014 continue to apply in Part 5.

The Bylaw is part of a wider maritime legislative framework. The Bylaw does not seek to duplicate or be inconsistent with these regulations which includes –

- rules about the speed of vessels around marine life addressed in the [Marine Mammals Protection Act 1978](#). This Act is enforced by the Department of Conservation who can be contacted by phone at 0800 DOC HOT (0800 362 468)
- rules about the licensing of commercial vessels for hire or reward addressed in the [Health and Safety at Work \(Adventure Activities\) Regulations 2016](#)
- rules about environmental protection addressed in the [Resource Management Act 1991](#) and [Auckland Unitary Plan](#).

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1 Title

- (1) This Bylaw is the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021.

2 Commencement

- (1) Clauses 1, 2 and 3 and Part 5 of this Bylaw comes into force on 31 July 2021.
- (2) Parts 1, 2, 3 and 4 comes into force 90 days after the date on which regulations specifying which breaches of the Bylaw are infringement offences under section 330 of the Maritime Transport Act 1994 come into force.

3 Application

- (1) This Bylaw applies to Auckland.

Part 1 Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires:

Aircraft means any machine (except an unmanned aerial vehicle (UAV)) that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth.

Related information about UAVs

UAVs include drones and model aircraft. Within navigable waters UAVs must comply with Part 101 and 102 of the Civil Aviation rules.

Anchor/anchoring/anchored means the temporary securing of a vessel to the bed of navigable water by means of an anchor, cable or other device that is removed with the vessel when it leaves the site or anchorage.

Anchorage in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of vessels to the bed of navigable water, whether the place is reserved for such purposes by the Harbourmaster or not.

Auckland has the meaning given by [section 4\(1\)](#) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled [LGC-Ak-R1](#). The boundaries were formally adopted by [Order in Council](#) on 15 March 2010, and came into effect on 1 November 2010.

Automatic Identification Systems (AIS) means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation.

Beach means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.

Board sports means any board sport, including windsurfing, sailboarding, kiteboarding, stand up paddle boarding, knee boarding, body boarding, surfing and foiling where the means of propulsion is by wind, waves or other natural forces, or where no mechanical or electrical means of propulsion is used.

Buoy means a float secured to the seabed serving as an aid to navigation or locational mark, or to indicate a mooring, reef or other hazard.

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.

Council means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

Emergency response vessel means any vessel approved by the Harbourmaster for use in emergency response and may include police, customs, Harbourmaster, naval, port company, coastguard and surf lifesaving vessels, and club patrol or rescue vessels (when supervising club activities).

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

Foreshore means any land covered and uncovered by the ebb and flow 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.

Harbourmaster, for the purposes of this Bylaw, means the person appointed in section 33D of the Maritime Transport Act 1994 or any person delegated or authorised to act on their behalf (including enforcement officer and honorary enforcement officer).

Hot work operations includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

Impede the passage means to cause a vessel or aircraft, whether by action or inaction on the part of another vessel or person, to alter course, alter speed or stop, or to prepare to do something that would not otherwise be done.

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

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

Moor/moored means:

- (a) the securing of any vessel alongside a wharf, quay, jetty or pontoon or similar structure 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.

Mooring means any weight or article (for example a swing or pile mooring) laid in or on the foreshore, seabed or the bed of a waterway for the purpose of securing a vessel and includes any chain, wire, rope, buoy, or other device attached or connected to the weight but excludes an anchor that is removed with the vessel when it leaves the site or anchorage.

Mooring site means the area designated by the Harbourmaster within a mooring zone for use by a mooring licence holder, and includes the swing area around the mooring.

Mooring zone means an area defined by the council as a mooring zone under the Auckland Unitary Plan where vessel moorings are laid but does not include an anchorage.

Navigable waters mean any waters in Auckland whether coastal or inland which are able to be navigated.

Navigational 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 restrict or prevent navigation of a vessel or cause a hazard to people.

Passenger ferry means a ferry operating or en route to operate a scheduled service registered with Auckland Transport.

Person in charge of a vessel means –

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

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

- (a) a standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids:
- (b) a national or international standard that the [Director](#) is satisfied substantially complies with a standard in NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines applicable to such buoyancy aids.

Power-driven vessel means any vessel propelled by machinery or batteries (not wind or waves). Non-power-driven vessel has the opposite meaning.

Recreational vessel has the same meaning as defined in Maritime Rules Part 91: Navigation Safety Rules and as pleasure craft as defined in the Act.

Related information about recreational vessels

Under Maritime Rule 91 **pleasure craft** means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include—

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as fishing vessel or for the carriage of passengers or cargo for hire or reward:

Seaworthy in relation to a vessel means a vessel that the Harbourmaster considers is in a fit condition of readiness to safely undertake a voyage. **Unseaworthy** has the opposite meaning.

Sheltered waters are waters within 200 metres of the shore which are protected from any wind, currents or waves that could cause the vessel to be blown or swept out into open waters or into danger or being swamped.

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

Structure means:

- (a) any building, equipment, device, or other facility, fixed to land or bed of a waterbody; and
- (b) includes slipways, jetties, pile moorings, swing moorings, 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 navigation aids.

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

Support vessel means any vessel used for coaching, marshalling and rescue attendance for a sporting event, training activity, ceremonial or other authorised customary event.

Surfboard means any type of board that is used for surf riding.

Tanker means a vessel with a compartment or compartments that are specially constructed for bulk carriage of oil products or noxious liquid substances and

- (a) has oil products or noxious liquid substances on board; or
- (b) is not rendered or certified gas-free.

Towing for the purpose of this bylaw means the towing of a person or object behind a vessel but does not include the towing of a vessel by another vessel.

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

Vessel means every description of a ship, boat or a craft used in navigation on the water, whether or not it has any means of propulsion; and includes a:

- (a) barge, lighter, or other like vessel;
 - (b) 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) submarine or other submersible;
 - (d) [seaplane](#) while on the surface of the water;
 - (e) [personal watercraft](#) (for example a jet ski);
 - (f) raft;
 - (g) [paddle craft](#);
 - (h) any board used for board sports.
- (2) Unless the context requires another meaning, a term or expression that is defined in the Maritime Transport Act 1994 or [Maritime Rule](#) and used in this Bylaw, but not defined, has the meaning given by [the Act](#) or Rule.
 - (3) Related information and links to webpages do not form part of this Bylaw and may be inserted, changed or removed without any formality.
 - (4) The [Interpretation Act 1999](#) applies to this bylaw.
 - (5) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law (for example Maritime Rules).

Part 2

Responsibilities of persons within Auckland's navigable waters

Subpart 1 – General responsibilities of persons within navigable waters

6 The person in charge of a vessel must be responsible

- (1) A person on board must be nominated as the person in charge of the vessel before undertaking a voyage.
- (2) The person in charge is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel (for example the carriage and wearing of personal floatation devices).
- (3) The person in charge must not be under the influence of alcohol or a drug, or both, to such an extent that the person is incapable of having proper control of the vessel.

7 A person must be at least 15 years old to operate a power-driven vessel

- (1) The owner of a power-driven vessel able to exceed a proper speed of 10 knots must not allow a person under the age of 15 years to operate the vessel.
- (2) Any person 15 years or older on board a vessel in (1) must not allow a person under the age of 15 years to operate the vessel.
- (3) A person under the age of 15 years must not operate a vessel in (1).
- (4) However, this clause does not apply if –
 - (a) that person is under the direct supervision of another person who is –
 - (i) 15 years of age or older;
 - (ii) in immediate reach of the controls; and
 - (iii) not the person responsible for observing another person being towed.
 - (b) the person has obtained an approval from the Harbourmaster or Director (for example to allow the person to participate in an organised event).

8 Vessels must not exceed certain speed limits

- (1) A person must not operate a vessel at a proper speed exceeding 5 knots within:
 - (a) 50 metres of any other vessel or person in the water;
 - (b) 200 metres of the shore or of any structure;
 - (c) 200 metres of any vessel that is displaying Flag A (diver flag);
 - (d) any specific area made under clause 60(1)(a) (for example a restricted area) as having a 5 knot speed limit; or
 - (e) any mooring zone.
- (2) A person must not operate a vessel at a speed exceeding 5 knots while another person has any portion of their body extending over the fore part, bow or side of that vessel.
- (3) However, the speed limits in (1)(a) does not apply to –
 - (a) a large vessel that cannot be safely navigated at that speed;



- (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by –
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non-profit organisation involved in sail training or racing;
 - (c) a vessel training for or participating in competitive rowing, paddling or surf lifesaving;
 - (d) a support vessel for rowing or paddling in 3(c) if the vessel's duties cannot be performed at that speed;
 - (e) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel if the vessel's duties cannot be performed at that speed; or
 - (f) a vessel operating in a specific area made under clause 60(1)(a) (for example a reserved area) that allows for a higher speed limit.
- (4) However, the speed limits in (1)(b) does not apply to –
- (a) a vessel operating in a specific area made under clause 60(1)(a) (for example an access lane, restricted area or reserved area) that allows for a higher speed limit.
 - (b) any board sport carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the individual sport; or
 - (c) a vessel in 3(a), (c), (d), (e) and (f).

Related information about speeds around marine mammals

- rules about the speed of vessels around marine life addressed in the [Marine Mammals Protection Act 1978](#). This Act is enforced by the Department of Conservation who can be contacted by phone at 0800 DOC HOT (0800 362 468).

9 The person operating a vessel must comply with collision prevention regulations

- (1) A person operating a vessel must comply with all Maritime Rules about collision prevention (for example [Maritime Rule Part 22: Collision Prevention](#)).

10 Accidents or incidents must be reported

- (1) The owner or person in charge of a vessel must provide a report if the vessel is involved in an [accident](#) or [incident](#) on navigable water that results or could result in –
- (a) damage to another vessel, a navigation aid or any structure;
 - (b) a vessel to be sunk or grounded;
 - (c) a vessel to become unseaworthy; or
 - (d) injury to any person.
- (2) The report in (1) must be provided to the Director and Harbourmaster –
- (a) verbally as soon as possible; and
 - (b) in writing as soon as practicable.
- (3) The report in (1) must include –
- (a) the name and contact details of the person in charge of every vessel involved;
 - (b) the name and contact details of any person injured;
 - (c) a full description of any injury to any person;

- (d) a full description of any damage to any vessel, navigation aid or structure; and
- (e) any other details requested by the Director or Harbourmaster.

Related information about reporting collisions and accidents

- The Director of Maritime New Zealand can be contacted by email: enquiries@maritimenz.govt.nz
- The Harbourmaster can be contacted by phone [09 362 0397](tel:093620397) or email harbourmaster@at.govt.nz.

11 Berthing, mooring, anchoring or leaving vessels requires approval in certain circumstances

- (1) The owner or person in charge of a vessel must obtain prior approval of –
 - (a) the facility owner to leave the vessel unattended at any structure (for example a wharf, ramp or pontoon);
 - (b) the Harbourmaster in relation to using a mooring in clause 38;
 - (c) the Harbourmaster to anchor the vessel overnight in the same bay or within one nautical mile of the previous overnight anchorage for longer than 14 days in a 28 day period; or
 - (d) the Harbourmaster to leave a vessel on the foreshore (for example between mean high and low water springs), unless the vessel is six metres or less in [length overall](#) and left on the foreshore for a period of 48 hours or less.

Related information about leaving vessels on a beach

- The Auckland Council [Public Safety and Nuisance Bylaw](#) also requires that a person must not leave a boat (including dinghy and tender) on a beach above mean low water springs in a Council controlled public place unless –
 - the boat is left temporarily for the purposes of accessing land provided the boat does not cause a safety risk, nuisance, damage, obstruction, disturbance, or interference to any person in their use or enjoyment of that public place; or
 - Council has given prior written approval.

12 Vessels must be adequately secured when not underway

- (1) The owner or person in charge of a vessel not underway must –
 - (a) ensure the vessel is securely berthed, anchored or moored; and
 - (b) maintain a person on board to keep watch if notified by the Harbourmaster and in accordance with any requirements on the notice.

13 Unoccupied vessels must not cause a danger or risk to public safety

- (1) The owner of a vessel must ensure that vessel does not cause a danger or risk to public safety when unoccupied on any navigable water (for example by breaking free from or dragging its mooring, obstructing or endangering another vessel, becoming unseaworthy or sinking).

14 A person must not cause an obstruction or hazard

- (1) A person must not –
 - (a) obstruct the navigation of any navigable waters (for example the passage of vessel or approach of a vessel to a wharf, pier, quay, jetty, pontoon, landing place, boat ramp, slipway, navigation channel or mooring);

- (b) cut, break, destroy, or unlawfully detach a vessel from its anchor, mooring or securing to a wharf, quay, jetty or pontoon or similar structure; or
 - (c) impede the passage of an aircraft in the process of landing or taking off on navigable waters.
- (2) However, (1)(a) does not apply if the Harbourmaster has given prior written approval.
- (3) A person must not cause or allow any thing to be placed, left behind, dropped or discharged in, over or near any navigable waters (for example an anchored or moored vessel, stabilizers, booms, cranes, davits, cargo, fishing apparatus, equipment, material or matter) that may –
- (a) restrict or cause a danger to the navigation of any vessel;
 - (b) create a hazard to any vessel at anchor or on a mooring;
 - (c) cause injury or death to any person;
 - (d) cause damage to any vessel or any property; or
 - (e) restrict the use of any lawfully established mooring (for example in this Bylaw or under the Resource Management Act 1991).

15 Wake of recreational vessel or thing towed must not cause a hazard

- (1) The person in charge of a recreational vessel must ensure the wake from the vessel or from any person or object being towed does not –
- (a) prevent other people from safely using the navigable water;
 - (b) cause danger or risk of damage to other vessels, structures, or navigation aids; or
 - (c) cause any risk of harm to any other person.

16 Use of propulsion system at berthing structures and ramps must not cause a hazard

- (1) The person in charge of a vessel at a wharf, quay, jetty, pontoon, similar structure, or ramp must not operate that vessel's propulsion system in a way that may:
- (a) damage any vessel, structure, property, or [navigational aid](#);
 - (b) scour the bed of a navigable water in a way that affects navigation safety;
 - (c) affect the navigation of any other vessel; or
 - (d) harm any person.
- (2) However, (1) does not prevent use of the propulsion system for the safe berthing or departure of the vessel.
- (3) If the operation of a large vessel's propulsion system is a test, the person in charge must also ensure that a [crew](#) member:
- (a) is stationed both forward and aft on the vessel prior to and during the testing of the propulsion system; and
 - (b) warns all persons or vessel's in the immediate vicinity about the test.

17 A person must not erect, interfere with or tie a vessel to a navigational aid

- (1) A person must not –
- (a) erect a navigation aid (for example a beacon, navigation mark, buoy or light);
 - (b) erect a light or structure that may be mistaken as a navigation aid;

- (c) damage, remove, deface or otherwise interfere with a navigation aid; or
 - (d) tie a vessel to any navigation aid.
- (2) However, (1) does not apply if –
- (a) the Harbourmaster or Director has given prior written approval; or
 - (b) the Harbourmaster requires a person to erect or maintain a navigation aid.

Subpart 2 – Responsibilities for carriage and wearing of personal flotation devices on recreational vessels

18 Personal floatation devices must be carried

- (1) The person in charge of a recreational vessel must, at the time of use, have sufficient personal floatation devices for each person on board that are –
- (a) in a readily accessible location;
 - (b) of an appropriate size for each person on board; and
 - (c) in good working condition.
- (2) However, a personal floatation device is not required if –
- (a) the vessel is a stand-up paddle board being used to ride breaking waves and the person is attached by a leg rope or leash;
 - (b) the vessel is a sailboard (for example a windsurfer, kite board or similar vessel that is propelled by a sail and operated by a person standing upright on a board) and that person is wearing a wetsuit; or
 - (c) an exception applies under Maritime Rules.

Related Information about Maritime Rule exemptions for personal floatation devices

[Maritime Rule](#) exemptions to the carriage of floatation devices on recreational vessels apply to:

- any surfboard or similar unpowered craft
- recreational diving from a vessel of 6 metres or less in length overall within five miles of the shore when wearing a full body wetsuit
- training or participating in a sporting event supervised under a safety system approved by the Director of Maritime New Zealand
- a foreign water sports team carrying or wearing a personal floatation device approved in their country
- a commercial raft
- sporting event, training activity or ceremonial event, or other organised recreational activity where a support vessel is carrying enough personal floatation devices or buoyancy aids or where the Harbourmaster has given its written approval.

19 Personal floatation devices must be worn in times of heightened risk

- (1) The person in charge of a recreational vessel must ensure every person on board is wearing a properly secured personal floatation device of an appropriate size for that person when:
- (a) tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of person on board; and
 - (b) crossing a bar (for example at the entrance to the Manukau Harbour).

20 Personal floatation devices must be worn on recreational vessels six metres or less in length

- (1) A person on a recreational vessel of six metres or less in length overall must at all times wear a properly secured personal floatation device of an appropriate size for that person.
- (2) However, (1) does not apply if the person in charge of the vessel specifically states that the device does not need to be worn after –
 - (a) considering all relevant circumstances; and
 - (b) determining that there would be no reduction in safety to any person on board.
- (3) However, (1) will reapply if directed by the Harbourmaster.

21 Personal floatation devices must be worn when being towed

- (1) The person in charge of a vessel towing any person must ensure the person being towed is wearing a properly secured personal flotation device of an appropriate size for that person.
- (2) The person being towed by a vessel must wear a properly secured personal flotation device of an appropriate size for that person.
- (3) However, a person being towed is not required to wear a personal flotation device if an exception applies under Maritime Rules.

Related Information about exemptions in Maritime Rules

[Maritime Rule](#) exemptions to wearing of personal floatation devices when being towed apply to:

- training for any trick water skiing element of a sporting event of an approved national sporting organisation
- participating in a sporting event of an approved national sporting organisation
- towing at a speed of less than 5 knots.

Subpart 3 – Responsibilities of persons undertaking certain activities

22 A person must not swim, jump or dive in certain areas

- (1) A person must not swim, jump or dive –
 - (a) from or within 50 metres of a wharf, quay, jetty, pontoon, boat ramp or similar structure when a vessel is approaching manoeuvring alongside or departing;
 - (b) within any navigational channel (for example a marked channel) leading to a wharf, quay, jetty; or
 - (c) in any area specified by the Harbourmaster (for example in a restricted area or a special reserved area in clause 31).

23 Area between Surf Life Saving flags is for bathing, swimming or body boarding

- (1) A person within navigable waters between red and yellow Surf Life Saving New Zealand patrol flags and 200 metres of the shore may only bathe, swim or body board.
- (2) However, this does not apply to any vessel operated by Surf Life Saving New Zealand.
- (3) A person must be authorised by Surf Life Saving New Zealand to place patrol flags on a beach.

24 Paddle craft must be visible when used beyond sheltered waters

- (1) A person using a [paddle craft](#) of six meters or less in length overall (for example kayak, stand up paddle board or waka) beyond sheltered waters, must ensure the craft is clearly visible to any other water user more than 200 metres away (for example by using high visibility equipment, flags or lights).

25 Duties when towing a person or being towed for recreational purposes

- (1) The person in charge of a vessel that is towing another person on water skis, wake board, sea biscuit, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object, must –
 - (a) have at least one other person on board who is 10 years of age or older who is responsible for immediately notifying the person in charge of every mishap that occurs to the person being towed;
 - (b) not tow that person when required to not exceed a speed of 5 knots in clause 14(1) (for example within 50 metres of another vessel);
 - (c) not tow that person or object between sunset and sunrise; and
 - (d) immediately recover any object that has been dropped.
- (2) However, a dropped object does not need to be immediately recovered if the object –
 - (a) does not cause a danger to any other person or vessel; or
 - (b) is clearly visible to any other person or vessel in the vicinity.
- (3) A person must not allow themselves to be towed except in the circumstances described in (1) and (2).

26 Dive operations must display Flag A

- (1) A person diving (for example scuba diving, free diving or spear fishing) must ensure Flag A (diver flag) is displayed.
- (2) The person in charge of a vessel from which a person is diving must ensure Flag A is displayed.
- (3) Where the person is diving without a vessel, the flag must be displayed on a buoy in close proximity to that person.
- (4) The flag must be no less than 600 millimetres wide by 600 millimetres high.
- (5) The flag must be able to be clearly identified more than 200 metres away by the person in charge of a vessel or the person responsible for keeping watch on a vessel.

27 Support vessels must remain in the immediate vicinity

- (1) The person responsible for providing support vessels for rowing or paddling must ensure at least one support vessel that is capable of providing adequate assistance in the event of an emergency is in the immediate vicinity of an individual rower or paddler at all times
- (2) The person in charge of a support vessel for rowing or paddling must remain in the immediate vicinity of the rowers or paddlers at all times.



28 Events, training and other organised water activities may require approval

- (1) This clause applies to a person who intends to conduct a sporting, ceremonial or customary event, training activity or other organised water activity within navigable waters.
- (2) A person in (1) must obtain an approval from the Harbourmaster if –
 - (a) the activity requires temporary suspension of any clause in this Bylaw (for example a speed limit);
 - (b) the activity requires temporary installation of course markers or similar structures in the water;
 - (c) the person wants or the Harbourmaster requires the activity to be subject to a special reserved area control;
 - (d) the person or Harbourmaster considers the activity is likely to affect the normal operation of another vessel or person.

Related information about approvals for certain organised water activities

- Other approvals may be required. The Harbourmaster approval focusses on navigation safety while other approvals may focus on [insert].
- Information about approvals for events (for example the New Zealand Ocean Swim series) is available from council's [website](#).
- For other organised water activities contact Harbourmaster by email harbourmaster@at.govt.nz.

29 Aircraft must obtain approval to take off or land from or on navigable waters, vessels and structures in the coastal marine area

- (1) A person in charge of an aircraft (for example a seaplane or helicopter) must obtain the approval of Harbourmaster to take off or land that aircraft or attempt to do either, from or on any –
 - (a) navigable water;
 - (b) vessel; or
 - (c) wharf, quay, jetty or pontoon or structure within the coastal marine area.
- (2) However, this clause does not apply in an emergency.

30 Activities must comply with prohibitions or restrictions

- (1) A person must comply with any prohibitions or restrictions made in clause 60(1)(d) for an activity (for example use of a new type of vessel to ensure adequate precautions are taken to protect public safety or to avoid damage).

Subpart 4 - Use of restricted areas, access lanes, prohibited and restricted anchorages, reserved areas and special reserved areas

31 Use of specific areas must comply with conditions of use

- (1) A person (including a person operating a vessel) must comply with all conditions of use to enter, remain or use any of the following specific areas in this table –

Type of specific area	Example
(a) restricted area	<ul style="list-style-type: none"> an area in which vessels or persons may use subject to compliance with any conditions; an area allocated to the anchorage for vessels carrying explosive substances or bulk oil; or an area in which large vessels are restricted from entering.
(b) access lane	<ul style="list-style-type: none"> an area allocated to persons being towed or vessels to land or depart from the shore.
(c) prohibited anchorage	<ul style="list-style-type: none"> an area in which vessels must not anchor.
(d) restricted anchorage	<ul style="list-style-type: none"> an area in which vessels may anchor provided they are ready for immediate departure.
(e) reserved area	<ul style="list-style-type: none"> an area allocated to a specific activity such as water skiing or swimming.
(f) special reserved area	<ul style="list-style-type: none"> an area allocated to sporting events, training activity, ceremonial or customary events or other organised water activity.

Related information about specific areas and conditions of use

- The Harbourmaster has defined 13 restricted areas, 24 access lanes, six prohibited anchorages, one restricted anchorage, and 14 reserved areas.
- A full list, maps and conditions of use of specific areas are attached after the Bylaw as related information.

Subpart 5 – Responsibilities to ensure the vessel is seaworthy, identifiable and have appropriate equipment on board

32 Vessel must be seaworthy

- (1) A person in charge of a vessel that is anchored or moored within navigable waters must ensure the vessel is seaworthy at all times.
- (2) A person must not operate an unseaworthy vessel within navigable waters.
- (3) However, (1) and (2) does not apply if –
- the Harbourmaster has given prior written approval;
 - the Harbourmaster has directed that vessel be moved or removed from navigable waters; or

- (c) in an emergency or following an accident or incident to –
 - (i) to clear a main navigation channel;
 - (ii) to prevent further damage; or
 - (iii) to position the vessel in a safe anchorage or mooring.

33 Vessel identification must be clearly displayed

- (1) The person in charge of a vessel must ensure appropriate identification is displayed on that vessel.
- (2) For power-driven vessels four metres or more in length overall and non-power-driven vessels six metres or more in length overall, the identification must –
 - (a) be displayed when on any navigable waters;
 - (b) be displayed above the waterline on each side of the vessel;
 - (c) be unique to the vessel;
 - (d) not be the brand, make or model of the vessel;
 - (e) use letters from the English alphabet, numbers or a combination of both;
 - (f) ensure all characters in (f) are 90 millimetres or more in height; and
 - (g) be legible by day from a distance of at least 50 metres.
- (3) For [personal water craft](#) (for example a jet ski), the identification must –
 - (a) be the number issued by the Harbourmaster or local authority in clause 36; and
 - (b) displayed on a prominent place on the craft above the waterline.
- (4) For all other vessels (for example non-power-driven vessels less than six metres in length overall), the identification must include the name and contacts details of the owner displayed somewhere on the vessel.

34 Vessel must have appropriate navigational and communication equipment

- (1) The person in charge of a vessel must ensure appropriate equipment is on board for the duration of any intended voyage to –
 - (a) [navigate](#) safely; and
 - (b) communicate using two independent forms of communication at any time with a land-based person from any area where the vessel is intended to be operated.

Examples

- A kayaker paddling near the shore may use their voice and a mobile phone in a floating dry case.
 - A powerboat fishing on the Hauraki Gulf may use a mobile phone and a VHF radio.
-

- (2) The equipment in (1) must be in good working condition.
- (3) However, (1) does not apply to a person participating in a sporting event or training activity if there is a support vessel present that complies with (1).

35 Lights, sirens and sounds must only be used for intended purpose

- (1) A person must only use a light, siren or other sound prescribed in a Maritime Rule for the purpose prescribed in that rule unless –
 - (a) it is being tested for the purpose prescribed in a Maritime Rule;
 - (b) it is a blue light or siren operated by police, customs or Harbourmaster

- (c) it is a purple flashing light used for the minimum time possible to actively respond to an accident or incident;
 - (d) it is used for a sporting or celebration event in locations where there will be no confusion to any other person about the navigation safety signal; or
 - (e) the Harbourmaster has given prior written approval.
- (2) A person using a purple flashing light in (1)(c) must comply with all applicable laws the same as any other member of the public.
- (3) The person in charge of a fast passenger ferry must display an orange flashing light on a prominent place of the vessel where it can best be seen from all directions when the vessel is making way.

Subpart 6 – Responsibilities of a person in relation to personal watercraft

36 Personal watercraft must be registered and display identification prior to use

- (1) The owner of a [personal watercraft](#) (for example a jet ski) must register the craft with –
- (a) the Harbourmaster; or
 - (b) another local authority in New Zealand that issues an identification to be displayed on the craft.
- (2) A person must not operate a personal watercraft on navigable waters unless it displays a current identification.

37 The Harbourmaster must be notified of any change in ownership

- (1) The registered owner of a personal watercraft must notify the Harbourmaster within 14 days of the craft being sold or disposed of.

Related information about personal watercraft, registration and change in ownership

- Information on how to register and change ownership details with the Harbourmaster can be viewed at at.govt.nz/boating-marine/jetskis-personal-watercraft/.
- A personal water craft is defined by the Maritime Transport Act as a power-driven ship that has a fully enclosed hull, does not take on water if capsized and is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

Subpart 7 - Responsibilities of a person in relation to moorings

38 Approval required to lay, use or to leave unoccupied any mooring

- (1) A person must obtain an approval from the Harbourmaster before –
- (a) **laying a mooring;**
 - (b) **using a mooring** for a vessel;
 - (c) **using the mooring for another vessel** not included in the approval;
 - (d) **transferring the approval** to another person; and
 - (e) **leaving the mooring unoccupied** for more than six months within any 12 month period.
- (2) However, (1) does not apply if the mooring has a resource consent.

Related information about approvals related to moorings

- More information about moorings (including the location of mooring zones and application forms for a mooring licence) can be viewed at at.govt.nz/boating-marine/moorings/.
- New pile moorings in a mooring zone and moorings outside of a mooring zone are regulated under the [Auckland Unitary Plan](#) through the resource consents process and not this Bylaw.

39 Moorings must be maintained and certified to be in good condition

- (1) The person that has an approval or resource consent to use a mooring must –
 - (a) ensure that mooring is maintained in good condition to the satisfaction of the Harbourmaster;
 - (b) ensure that mooring complies with any controls made in clause 60(1)(c) about the construction and maintenance of moorings;
 - (c) carryout any maintenance required by and within a period specified by the Harbourmaster; and
 - (d) ensure that mooring has a current mooring inspection certificate from a mooring service provider approved by the Harbourmaster.
- (2) The person in (1) must pay for any costs associated with maintenance of the mooring in this clause (for example inspection and replacement of components).

Related information about maintenance of moorings

A list of approved mooring service providers can be viewed on the Harbourmasters [website](#).

40 Mooring must be removed if approval cancelled

- (1) The person whose approval to lay or use a mooring has been cancelled under clause 69(2)(b), must remove the mooring if notified by the Harbourmaster and within a period specified in the notice.

Subpart 8 - Responsibilities of a person in charge of a large vessel

41 Automatic Identification System to be installed and used in certain circumstances

- (1) The [owner](#) of a commercial fast vessel must install an Automatic Identification System on the vessel if notified by the Harbourmaster.
- (2) The system in (1) must be installed within the timeframe specified in the notification.
- (3) A person in charge of a commercial fast vessel must have on board and use a fitted and operational Automatic Identification System within a [pilotage area](#) during times of restricted visibility (for example fog or heavy rain).
- (4) A person in charge of a large vessel must have on board a fitted and operational Automatic Identification System at all times.

42 Inoperative equipment must be notified to the Harbourmaster

- (1) The person in charge of a large vessel must notify the Harbourmaster of any inoperative or faulty navigational or manoeuvring equipment –
 - (a) at least 24 hours or if this is not possible as soon as practicable, before the vessel enters any navigable waters in Auckland or departs from any berth or anchorage in Auckland; and
 - (b) as soon as practicable after identifying the equipment as inoperative or faulty if the vessel is moving within any navigable waters in Auckland.
- (2) Notification must be in a manner required by the Harbourmaster.

43 Operating with inoperative equipment in a pilotage area requires approval

- (1) The person in charge of a large vessel with inoperative or faulty navigational or manoeuvring equipment must obtain the approval of the Harbourmaster before the vessel navigates within a pilotage area.

Related information about how to contact the Harbourmaster for clauses 42 and 43

- Notification and requests for approval for:
 - departing vessels may be made to “Auckland Harbour Control” on VHF channel 12
 - inbound vessels may be made by email to harbourcontrol@poal.co.nz.

44 Commercial fast vessels may require a Navigation Safety Operating Plan

- (1) The person in charge of a commercial fast vessel must operate in accordance with a Navigation Safety Operating Plan if required by the Harbourmaster.
- (2) The Navigation Safety Operating Plan must be approved by the Harbourmaster.
- (3) The person must not operate the vessel without an approved plan.

45 Vessel must not transit the Manukau Harbour bar at night

- (1) The person in charge of a large vessel must not allow that vessel to transit the Manukau Harbour bar between sunset and sunrise.

46 Approval required to enter certain areas and to anchor

- (1) The person in charge of a large vessel must obtain the approval of the Harbourmaster before the vessel –
 - (a) enters a restricted area made under clause 31 that limits the access of large vessels; and
 - (b) anchors in any navigable waters in Auckland.

Related information about areas where large vessels are restricted

- Restricted areas are in [Kawau](#), [Whangaparapara](#), [Fitzroy](#) and [Mahurangi Estuary](#).
- Maps of these areas are attached after the Bylaw as related information.

Subpart 9 - Responsibilities of a person in charge of a vessel carrying explosive substances or bulk oil, or undertaking bunkering or hot works operations

47 Vessels must provide notice of pending arrival

- (1) The person in charge of a vessel that has on board an [explosive](#) substance or bulk [oil](#) must notify the berth operator and the Harbourmaster at least 48 hours prior to the vessels expected arrival at the pilot boarding station.
- (2) The notification must include full details of all explosive substance or bulk oil on board (for example the hazard classification, net quantity, packing group, stowage position) and whether the substance or oil is for discharge or transit.

Related information about notification

- The Harbourmaster may be notified by telephone 09 362 0397 or email harbourmaster@at.govt.nz.

48 Vessels must display signals

- (1) The person in charge of a vessel that has on board, or who intends to load or discharge an explosive substance, bulk oil or an empty receptacle that contained an explosive substance or bulk oil, must –



- (a) display code [Flag B](#) (taking on or discharging explosive substance) on a prominent place of the vessel where it can best be seen from all directions between sunrise to sunset; and
- (b) display an all-round red light at the masthead or where it can best be seen from all directions between sunset and sunrise.

49 Vessels must maintain a safe distance from other vessels

- (1) The person in charge of a vessel carrying an explosive substance must not allow that vessel to approach within 200 metres of any other vessel.
- (2) The person in charge of a tanker must not allow that vessel to be berthed within 30 metres of any other vessel.
- (3) However, the vessel may be closer to another vessel–
 - (a) to bunker;
 - (b) with the written approval of the Harbourmaster; or
 - (c) to assist that other vessel in an emergency.

50 Vessels must berth or anchor at approved locations

- (1) The person in charge of a vessel that has on board, or who intends to load or discharge an explosive substance must:
 - (a) berth the vessel at a facility that complies with relevant legislation and regulations; or
 - (b) anchor the vessel in an Explosives Safety Zone made under clause 60(1)(a); and
 - (c) comply with any directions of the Harbourmaster in relation to the movement and placement of the vessel.
- (2) The person in charge of a tanker must obtain an approval from the Harbourmaster to berth or anchor the vessel.

Related information about Explosive Safety Zones

- Examples of berthing facilities include locations at the [ports](#) of Auckland and Onehunga.
- Explosive Safety Zones are located in the [Auckland Outer Harbour \(Motuihe Explosives Anchorage\)](#) area, [Auckland Inner Harbour](#) (No.6 inner harbour anchorage) area and [Kauri Point Wharf](#) area.
- Maps of the Explosive Safety Zones are attached after the Bylaw as related information.

51 Duties of person in charge of the tanker when in port

- (1) A person in charge of a tanker must –
- (a) comply with relevant legislation, regulations, codes and guides;
 - (b) berth or anchor the vessel at locations specified in clause 50;
 - (c) ensure any tanks containing products are closed, except when opened for loading or discharging; and
 - (d) ensure sufficient motive power and minimum safe manning to enable the vessel to be moved immediately from the berth in case of fire or other emergency.

Related information about tankers

- Examples of relevant legislation, regulations, codes and guides may include the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT), and ICS Tanker Safety Guide Chemicals.

52 Bunkering operations must be carried out safely

- (1) A person conducting bunkering operations to or from a vessel must –
- (a) notify the Harbourmaster at least 24 hours before the commencement of the operations; and
 - (b) comply with relevant Maritime Rules and Plans.
- (2) The person must not commence or must stop bunkering operations if required by the Harbourmaster due to safety concerns.
- (3) The person in (2) must obtain an approval from the Harbourmaster before commencing or recommencing operations.

Related information about bunkering operations

- The form and contact details to notify the Harbourmaster of any bunkering operation may be viewed on the Harbourmaster's [website](#).
- Examples of relevant plans in (1)(b) may include the vessel's Shipboard Oil Pollution Emergency Plan or the bunkering supplier's Tier 1 Transfer Plan.

53 Hot works operations must be carried out safely

- (1) This clause applies to –
- (a) the person in charge of a vessel on which hot works operations are to be carried out; and
 - (b) the person who intends to conduct hot works operations on a vessel.
- (2) A person in (1) must before the commencement of the operations –
- (a) obtain the written approval of the owner or manager of the berth at which the operations are to be conducted;

- (b) ensure the operations do not occur at the same time as any bunkering operations involving the vessel; and
 - (c) ensure all precautions have been taken to detect, prevent, and extinguish fire that could result from the operations on the vessel or elsewhere until the operations are complete.
- (3) A person conducting hot work operations on a vessel must comply with relevant codes of practice.

Related information about hot works operations

- Examples of relevant codes in clause 53(2) may include the current edition of the Code of Safe Working Practices for Merchant Seafarers.

Subpart 10 - Responsibilities of a person near large vessels, vessels carrying explosive substances or bulk oil, or Explosive Safety Zones

54 Vessels must not impede a large vessel in a pilotage area

- (1) The person in charge of a vessel under 500 gross tonnage in a pilotage area must not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.
- (2) The person in charge of a vessel must not navigate the vessel within the moving prohibited zone of a large vessel that is in a pilotage area.
- (3) A moving prohibited zone is an area of navigable water around a large vessel that –
 - (a) extends 100 metres to each side or the width of the marked channel, whichever is the lessor distance; and
 - (b) continues at the width in (a) to 100 metres astern and 500 metres ahead of the vessel; and
 - (c) follows the line of the marked or buoyed channel when changing course.
- (4) However, (2) does not apply to the pilotage area within the Tamaki River.

Related information about pilotage areas

- Pilotage areas are defined in [Maritime Rule 90](#) and apply to Auckland and Manukau.

55 Vessels must be a safe distance from vessels with an explosive substance

- (1) The person in charge of a vessel must not allow that vessel to approach within 200 metres of any other vessel carrying, loading or discharging an explosive substance.
- (2) However, the vessel may be closer than 200 metres –
 - (a) to load or discharge that other vessel, including transshipment;
 - (b) with the written approval of the Harbourmaster; or
 - (c) to assist that other vessel in an emergency.

56 Vessels restricted from entering Explosive Safety Zones

- (1) The person in charge of a vessel must obtain the written approval of the Harbourmaster before the vessel enters an Explosives Safety Zone if –
 - (a) there is a vessel anchored or berthed in the zone; and
 - (b) that vessel is displaying code Flag B (taking on or discharging explosive substance) or an all-round red light.



Subpart 11- Responsibilities of pilot and pilot exempt master operations

57 Navigation must be within marked channels in a pilotage area

- (1) The person in charge of a large vessel must navigate the vessel within marked channels in a pilotage area.

58 Passage plan must be used and safely carried out in a pilotage area

- (1) A pilot or pilot exempt master must use a passage plan for every intended voyage and vessel movement.
- (2) The person in charge of a large vessel within a pilotage area must ensure the bridge team (for example the number and composition of crew members on the bridge) is sufficient to safely carry out the passage plan.
- (3) When determining the bridge team, the person in (2) must have due regard to the need to steer, operate manoeuvring equipment, visually monitor progress and position of the vessel, and use all available aids to navigation.

59 Log of transits in a pilotage area

- (1) A pilot or pilot exempt master must keep a log of each time they conducted a vessel in a pilotage area between 1 April and 31 March of every year.
- (2) The log must be in a form and manner required by the Harbourmaster.
- (3) The log must be provided for the year ending 31 March to the Harbourmaster by the 30 April every year.

Part 3

Controls and Approvals

Subpart 1 Controls

60 The Harbourmaster may make controls about navigation safety

- (1) The Harbourmaster may make a control for one or more of the following purposes –
 - (a) to identify one or more of the specific areas in clause 31 and specify conditions of use;
 - (b) to prescribe the construction and maintenance of any type of mooring (for example the weight, size and length of mooring components); and
 - (c) to prohibit or restrict any activity to ensure adequate precautions are taken to achieve the purpose of this Bylaw.
- (2) A control in (1) may –
 - (a) prohibit, restrict, allow or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (b) apply to all activities or to any specified category of activity;
 - (c) apply to Auckland or to a specified part of Auckland;
 - (d) apply at all times or at any specified time or period of time.

Related information about controls

- The Harbourmaster has identified # restricted areas, # access lanes, # prohibited anchorages, # restricted anchorages and # reserved areas.
- A list, maps and conditions of use of these areas are attached after the Bylaw as related information.
- In making a control, the Harbourmaster must comply with the decision-making requirements under [Subpart 1 of Part 6](#) of the Local Government Act 2002.

Subpart 2 Approvals

61 This subpart applies to people who must obtain an approval

- (1) This subpart applies to a person who –
 - (a) must obtain a form of approval for any matter specified in this Bylaw;
 - (b) wants to obtain the prior written approval of the Harbourmaster; or
 - (c) wants an exemption from any requirements of this Bylaw.
- (2) For the purposes of (1)(b), this subpart applies with all necessary modifications as if that renewal or review was an application for an approval.

62 Applications for an approval must include required information and fees

- (1) A person to whom this subpart applies must make an application that complies with the requirements of the Harbourmaster, including –
 - (a) the form and manner of the application;
 - (b) the information in the application or any further information; and
 - (c) being accompanied by any fee.
- (2) Without limiting (1), the Harbourmaster may require an application to include information on one or more of the following matters in this table.

Placing moorings	
(a)	Description of the mooring location and features.
(b)	Specifications of the mooring.
Use of mooring for another vessel	
(c)	Vessel name, type, length overall, size and owner contact details.

63 Applications are considered against relevant matters

- (1) The Harbourmaster when considering an application for an approval –
 - (a) will have regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this Bylaw; and
 - (b) may inspect vessels or locations related to the application for the purposes for which the approval is given.
- (2) Without limiting subclause (1), the Harbourmaster may consider an application for an approval against one or more of the following matters in this table.

Placing and using moorings	
(a)	Suitability of the applicant.
(b)	If there is adequate space at the mooring site for the proposed mooring and vessel.
(c)	If the mooring is of adequate specifications to accommodate the proposed vessel to be moored.
(d)	If the vessel is over 15 metres in length overall (vessels over 15 metres are likely to exceed standard mooring design specifications and create additional risks).
(e)	If the vessel can be safely navigated to and from the mooring site.
(f)	If the mooring site, mooring or its use may cause a public health or safety risk (for example to other activities in the surrounding area, congestion or from jostling for position or other unsafe practices between vessels).
Transfer of mooring approval to another person	
(g)	If all fees (including any transfer fee) are fully paid.
(h)	If the mooring has a current inspection certificate required in this Bylaw.
(i)	If the mooring specification and design are adequate to accommodate the vessel to be moored.
(j)	If the person applying agrees to the terms and conditions specified in the original approval.
Exemptions	
(k)	The effects of the exemption on public health and safety.

64 Applications may be granted or declined

- (1) The Harbourmaster may grant or decline an application for an approval having regard to the matters in clause 63.
- (2) Applications for approval under clause 38 to use a mooring for vessels over 15 metres in length overall will only be approved in exceptional circumstances.

65 Conditions may be imposed if an application is granted

- (1) If an application is granted, the Harbourmaster may impose any conditions considered appropriate to achieve the purpose of the Bylaw.
- (2) Without limiting subclause (1), the Harbourmaster may impose any one or more of the conditions in this table.

Placing and using moorings	
(a)	The location and construction of the mooring, including compliance with any controls made in clause 60(1)(c).
(b)	The specific vessel that may be attached to the mooring.
(c)	The type, size and length overall of vessel that may be attached to the mooring.
(d)	The design and specifications of the mooring.
(e)	Specific conditions applying to vessels over 15 metres in length overall (for example insurance, inspection and maintenance checks of vessel and mooring, mooring design specifications).
(f)	The type of buoy or float to mark the location of the mooring when a vessel is not attached.
(g)	Payment of an annual fee (for example by 30 June each year).
Placing and using moorings (maintenance)	
(h)	The maintenance of the mooring, including compliance with any controls made in clause 60(1)(c).
(i)	The inspection of the mooring, including payment of any associated fees.
(j)	Having a current mooring inspection certificate.

Events, training and other organised water activities

- (k) The payment of any costs associated with the any special reserved area (for example costs associated with the demarcation of the area).

66 Duration of an approval is no more than 12 months

- (1) The duration of an approval is for a period up to 12 months or for a shorter duration if associated with a single instance or specified in the approval.

67 Transfer of approvals not allowed

- (1) An approval under this Bylaw applies only to the person who obtained it and is not transferable to any other person unless the approval expressly provides otherwise.

68 Approval holder must carry and comply with conditions of the approval

- (1) A person who has obtained an approval in this subpart must –
- (a) be carried on the person or on board the vessel;
 - (b) be able to produce the approval immediately at the request of the Harbourmaster or police officer; and
 - (c) ensure compliance with the approval and any conditions of the approval.

Part 4

Enforcement powers, offences and penalties

69 The Harbourmaster may take action for failure to comply with an approval

- (1) This clause applies to a person who has been granted an approval that –
- (a) fails to comply with the approval;
 - (b) fails to comply with any condition of the approval;
 - (c) in relation to a mooring approval –
 - (i) fails to carry out maintenance within the period specified by the Harbourmaster; or
 - (ii) does not have a current mooring inspection certificate;
 - (d) provided inaccurate information on any application which materially influenced the decision made on the application; or
 - (e) the Harbourmaster has reason to believe public health or safety has, or may be, adversely affected.
- (2) The Harbourmaster may take one or more of the following actions against the person to whom this clause applies –
- (a) issue a written warning which may be considered as evidence of prior breach of this Bylaw during any subsequent review of the approval;
 - (b) a review, suspension or cancellation of the approval;
 - (c) use of statutory powers in Part 5; and
 - (d) use of statutory penalties in Part 5.

70 Statutory powers may be used to enforce this Bylaw

- (1) The Harbourmaster may use its powers under the Maritime Transport Act 1994, Maritime Rules, and Local Government Act 2002 to enforce this bylaw.

Related information about maintenance of enforcement powers

The Harbourmaster has the power to –

- direct any vessel or person to take any action to ensure compliance with this bylaw
- move or remove a vessel that is unseaworthy or causing a hazard
- cause any floating, submerged, or stranded object to be moored, unmoored, anchored, secured, unsecured, placed, or removed
- cause a ship to be moored, unmoored, anchored, secured, unsecured, placed, or removed, or to weigh anchor
- seize a vessel using a mooring for which a mooring licence has been cancelled (including where the annual licence fee has not been paid)
- seize an unoccupied vessel that has broken free from or dragging its mooring, obstructing or endangering another vessel, becoming unseaworthy or sinking
- sell or dispose of a vessel and recover any costs if the owner fails comply with the Bylaw and pay any costs associated with the seizure, impoundment, transport and storage.

(section 33F(1)(e) Maritime Transport Act 1994 and sections 164, 167 to 168 Local Government Act 2002)

71 Removal of construction

- (1) The Harbourmaster may under section 163 of the Local Government Act 2002 –
- (a) remove or alter a work or thing that has been constructed in breach of this Bylaw (for example when an approval to lay or use the mooring has not been obtained or has been cancelled, or when a mooring does not have a current mooring inspection certificate); and
 - (b) recover any costs of removal or alteration from the person who committed the breach.

72 A person can be penalised for not complying with this Bylaw

- (1) A person who fails to comply with this Bylaw commits an offence and is liable to a penalty under the [Maritime Transport Act 1994](#) or [Local Government Act 2002](#).
- (2) However, a person does not commit an offence if the person proves that the failure to comply was due to compliance with the directions of the Harbourmaster, or a police officer.

Related information about penalties

A person who is convicted of an offence against a bylaw is liable to a fine not exceeding:

- \$1000 for any infringement offence specified under Maritime Transport Act 1994.
- \$20,000 under [section 242](#) of the Local Government Act 2002 (as reprinted on 1 July 2018).

73 The Harbourmaster and Council are not liable for damage to vessels

- (1) The Harbourmaster and Council is not liable for any damage or loss that may arise to any vessel or other property caused by –
- (a) the Harbourmaster securing a vessel to a mooring;

- (b) the Harbourmaster seizing or storing a vessel;
- (c) a vessel that has not been securely moored; or
- (d) a third party; a natural disaster or event, natural processes, or any other cause to a vessel that has been securely moored.

Part 5

Savings and transitional provisions

74 The Auckland Council Navigation Safety Bylaw 2014 continues to apply

- (1) This clause relates to Te Kaunihera o Tamaki Makaurau Ture ā-Rohe Urungi Āhuru 2014/ the Auckland Council Navigation Safety Bylaw 2014.
- (2) The bylaw in (1) continues to apply in its entirety until Parts 1, 2, 3 and 4 comes into force.
- (3) Controls made using the bylaw in (1) (for example the Motuihe Channel fast passenger ferry lane) continue to apply in their entirety until the date when Parts 1, 2, 3 and 4 of this Bylaw comes into force or the date the control is amended, replaced or revoked by the Harbourmaster.
- (4) Any approval (for example, licence or exemption) made using the bylaw in (1) continues to apply until the expiration date in that approval or until it is reviewed, suspended, withdrawn or revoked by the Harbourmaster.
- (5) Any compliance or enforcement action by council under the bylaw in (1) that was not completed prior to when Parts 1, 2, 3 and 4 of this Bylaw comes into force will continue to be actioned under the bylaw in (1) as if it were still in force and as if this Bylaw had not been made.

75 Applications for approval to be processed under this Bylaw

- (1) Any application for a licence, consent, permit, dispensation, permission or other form of decision under the bylaw in clause 74(1) that was not approved or declined before the date when Parts 1, 2, 3 and 4 of this Bylaw comes into force, will continue to be processed as if it had been applied for under this Bylaw.

Related information, Bylaw history

Date	Description
1 November 2010	Made legacy bylaws about navigation safety (Section 62 Local Government (Auckland Transitional Provisions) Act 2010)
1 November 2010	Commencement of legacy bylaws about navigation safety (Section 62 Local Government (Auckland Transitional Provisions) Act 2010)
03 December 2013	Review of legacy bylaws about navigation safety completed (RBC/2013/8)
19 December 2013	Proposal to make new bylaw about navigation safety and to revoke legacy bylaws (GB/2013/159)
31 July 2014	Made the Auckland Council Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014 (GB/2014/66)
October 2014	Public notice of making of the Auckland Council Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014 and revocation of legacy bylaws
25 October 2014	Commencement of Auckland Council Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014 and revocation of legacy bylaws (GB/2014/66)
17 March 2020	Review of Auckland Council Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014 completed (REG/2020/16)
29 October 2020	Proposal to make a new bylaw about navigation safety (GB/2020/##)
[dd Month 2021]	Made the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021 (GB/2020/##)
[dd Month 2021]	Public notice of making of the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021
31 July 2021	Commencement of the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021 (GB/2021/##) and revocation of the Auckland Council Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014 (section 160A Local Government Act 2002)

Related information, next bylaw review

This Bylaw must be reviewed by [dd Month] 2026. If not reviewed by this date, the Bylaw will expire on [dd Month] 2028.

Find out more: **phone 09 301 0101**
Or visit at.govt.nz/boating-marine





Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021

(as at **DD month** 2021)

made by the Harbourmaster

on **DD month** 2021

Controls made under clause 60 of the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi
Āhuru 2021 / Auckland Council Navigation Bylaw 2021.

1 Title

- (1) This control is the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021.

2 Issuing authority

- (1) This control is made under clause 60 of the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Bylaw 2021.

3 Commencement

- (1) This control comes into force on the same date as Part 3 of the Bylaw.

4 Application

- (1) This control applies to Auckland.

5 Purpose

- (1) This control identifies specific areas and specifies the conditions of use in those areas.

6 Interpretation

- (1) In this control, unless the context otherwise requires:

Bylaw means the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021.

Markers means buoys, posts or signs used to indicate a demarcated area.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Bylaw and is used, but not defined, in this control has the meaning given by the Bylaw.

7 Use of specific areas within navigable waters in Auckland

- (1) In accordance with clause 60(1)(a) of the Bylaw, the Harbourmaster identifies and specifies the conditions of use of areas in Table 1.0 and associated maps.
- (2) The areas identified in (1) may be demarcated through the placement of markers.
- (3) If markers have been placed –
 - (a) the maps associated with Table 1.0 are indicative only; and
 - (b) if there is any inconsistency between the markers and maps, the markers prevail.

Table 1.0 Specified Areas and Conditions of Use

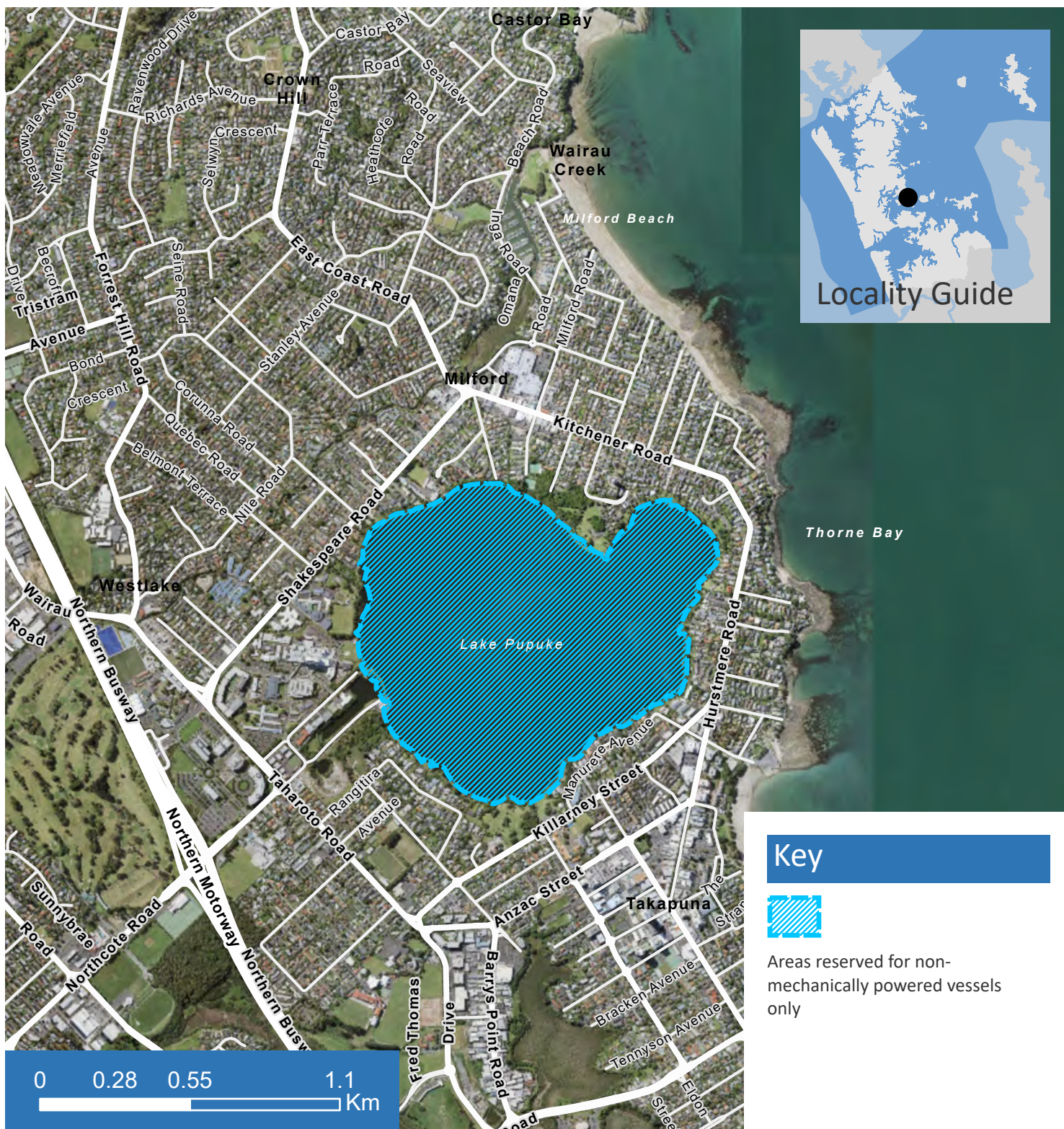
Type (purpose) of area	Location	Map	Page
Reserved area for non-power-driven vessels	Lake Pupuke	1.0	1
	Panmure Basin	1.1	2
Reserved area for swimmers and non-power-driven vessels	Point Chevalier	1.2	3
	Hellyers Creek	1.3	4
	Judges Bay	1.4	5
Reserved area for swimmers	St Heliers Beach	1.5	6
	Kohimarama	1.6	7
Reserved area for vessels towing water skiers, wake boards or sea biscuits	Panmure Basin	1.7	8
	Paremoremo Creek	1.8	9
	Henderson Creek	1.9	10
Reserved area for vessels towing water-skiers, or other motorised water sports	Lake Tomarata	1.10	11
Reserved area for vessels towing water skiers and by non-power-driven vessels	Orākei Basin		
	Reserved Area A	1.11	12
	Reserved Area B	1.12	13
Access lanes for the purpose of allowing power-driven vessels and power-driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area	WAITEMATĀ HARBOUR AND HAURAKI GULF		
	Rodney		
	Scotts Landing	2.11	18
	Martins Bay	2.12	19
	Algies Bay	2.13	20
	Snells Beach	2.14	21
	Tamatea Drive (Snells Beach)	2.15	22

Type (purpose) of area	Location	Map	Page
	Sandspit	2.16	23
	Campbells Beach	2.17	24
	Hibiscus and Bays		
	Browns Bay	2.0	15
	Matakatia Bay	2.7	36
	Stanmore Bay	2.8	37
	Manly Beach	2.9	38
	Orewa Beach	2.10	17
	Waiheke Island		
	Surfdale	2.5	34
Onetangi	2.6	35	
Motuihe Island			
Ocean Beach	2.1	16	
Wharf Bay	2.2	27	
Howick			
Eastern Beach	2.3	32	
Maraetai			
Magazine Bay	2.4	33	
MANUKAU HARBOUR			
	Cornwallis Beach	2.18	25
	Little Huia	2.19	26
	Grahams Beach	2.20	28
	Hudsons Beach	2.21	29
	Kauritutahi Beach	2.22	30
	Glenbrook Beach	2.23	31
	Hauraki Gulf	3.0	39
Prohibited anchorage			

Type (purpose) of area	Location	Map	Page
	Waiheke Island	3.1	40
	Devonport (Naval Base)	3.2	41
	Kauri Point (Naval Base)	3.3	42
	Palmer's Beach ? Great Barrier LB: request the inclusion of the anchorage site at the naval base by Palmer's Beach.		
	Tāmaki River	3.5	44
Prohibited anchorage near underwater cables and pipelines	Manukau Harbour, Waitemata Harbour, Hauraki Gulf, Kaipara Harbour, Great Barrier Island	-	-
Restricted anchorage	Waitematā Harbour	3.4	43
Explosives safety zone	Auckland Outer Harbour (Motuihe Explosives Anchorage)	4.0	45
	Auckland Inner Harbour (No.6 inner harbour anchorage)	4.1	46
	Kauri Point Wharf	4.2	47
Restricted area for limiting the access of large vessels	Kawau	5.0	48
	Whangaparapara	5.1	49
	Fitzroy	5.2	50
	Mahurangi Estuary	5.3	51

Type (purpose) of area	Location	Map	Page
Restricted area for Kowau Island Restricted Speed Area	Kowau Island, Bon Accord Harbour	6.0	52
Restricted area for Waitematā Harbour Restricted Speed Zone	Waitematā Harbour	7.0	53
Restricted area for Auckland Ferry Terminal Basin	Auckland Ferry Terminal Basin	8.0	54
Restricted area for Commercial Port	Commercial Port Area	11.0	57
Restricted area for Motuine Channel Fast Passenger Ferry Lane	Motuine Channel	9.0	55
Restricted area for Harbour Bridge Precautionary Area	Auckland Harbour Bridge	10.0	56

Lake Pupuke Map 1.0



Conditions of use

All areas unless stated

1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Panmure Basin

Map 1.1



Conditions of use

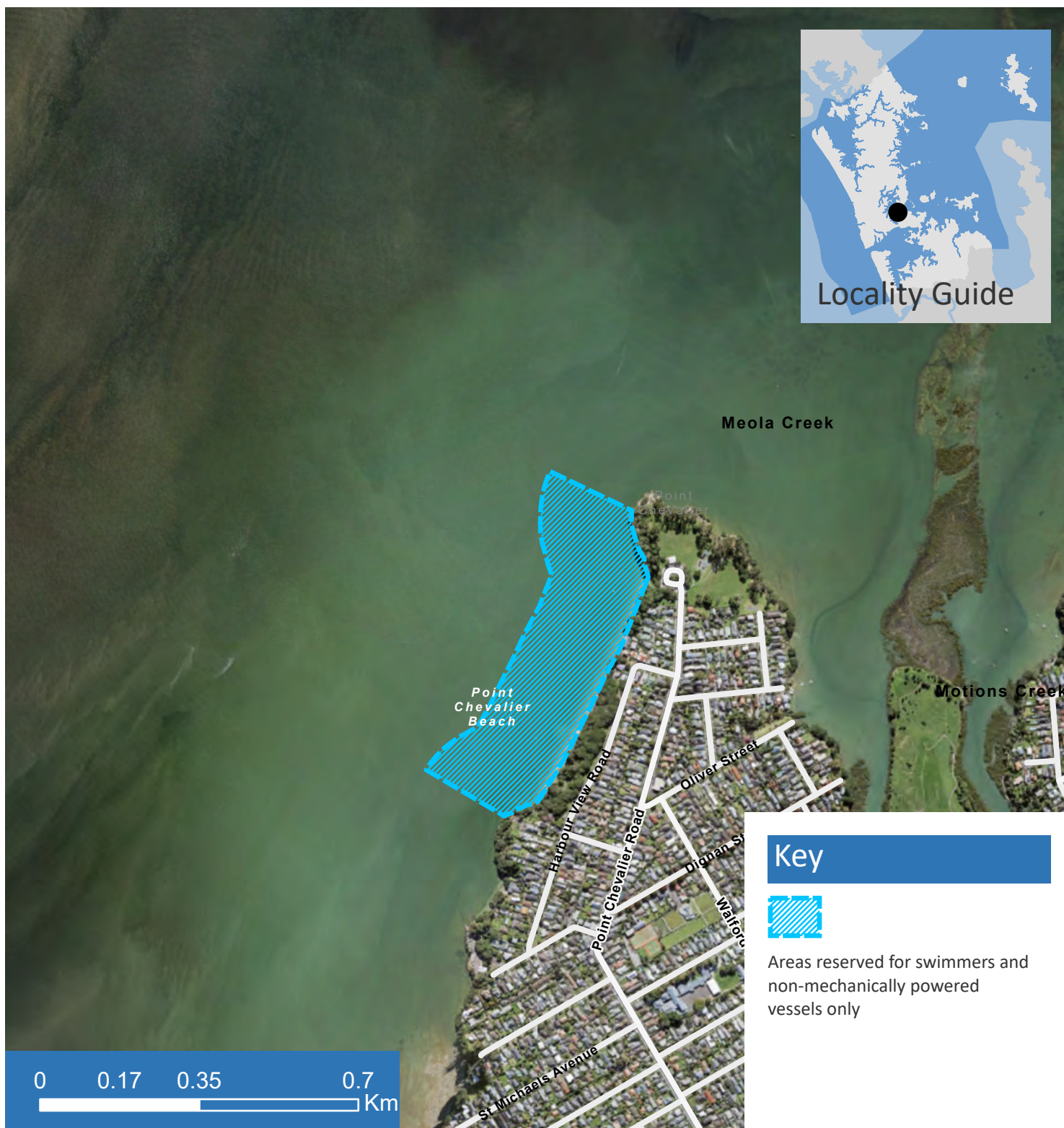
All areas unless stated

1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Point Chevalier Map 1.2



Key



Areas reserved for swimmers and non-mechanically powered vessels only

Conditions of use

All areas unless stated

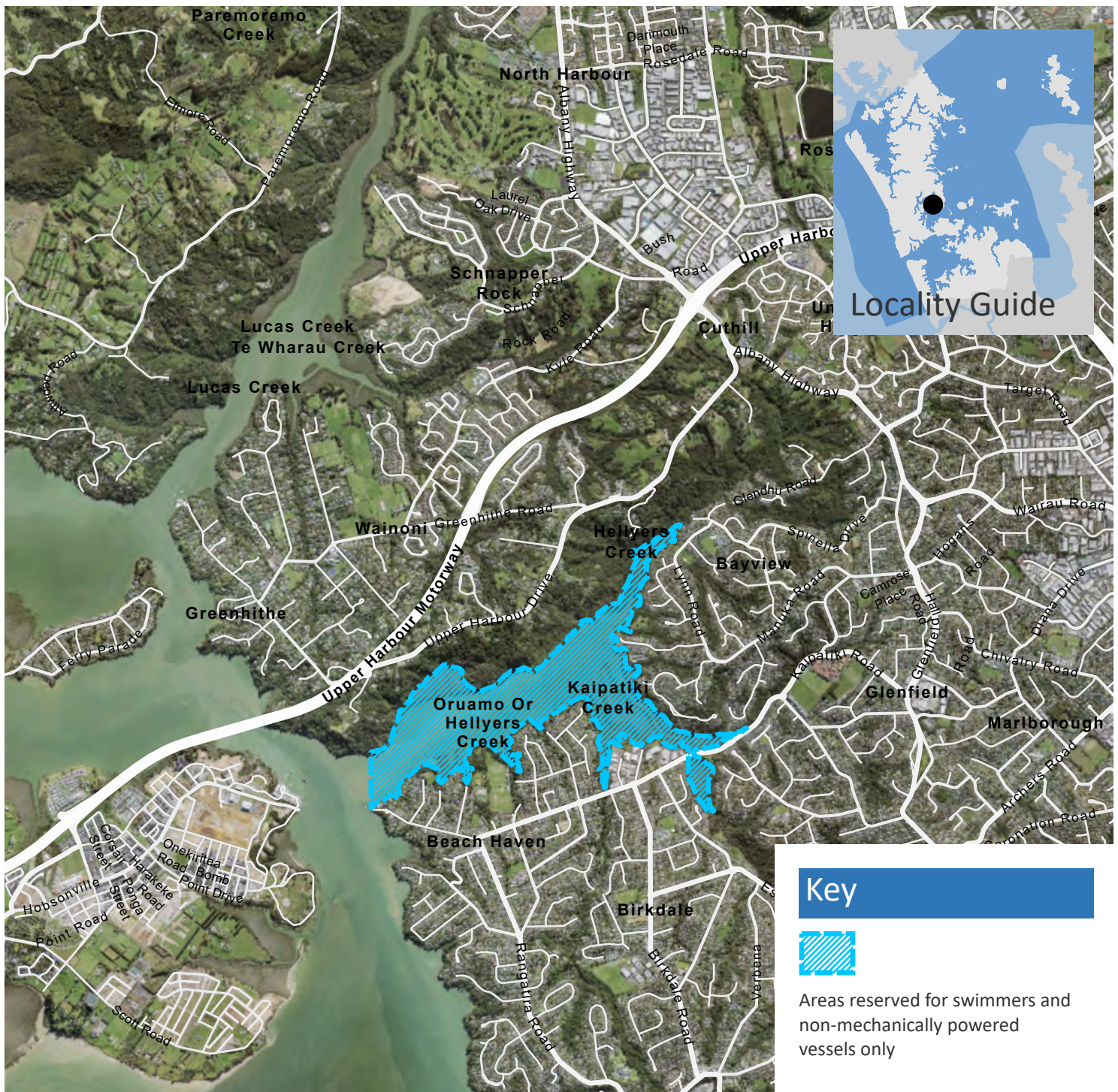
- 1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Hellyers Creek

Map 1.3



Conditions of use

- 1) Only activities stated in the purpose are allowed in the area.
- 2) However, 1) does not apply –
 - a) to a person in charge of a power-driven vessel navigating at 5 knots or less to pass through the area provided that the vessel does so by the most direct route and does not remain within the area.
 - b) if the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Judges Bay Map 1.4



Conditions of use

All areas unless stated

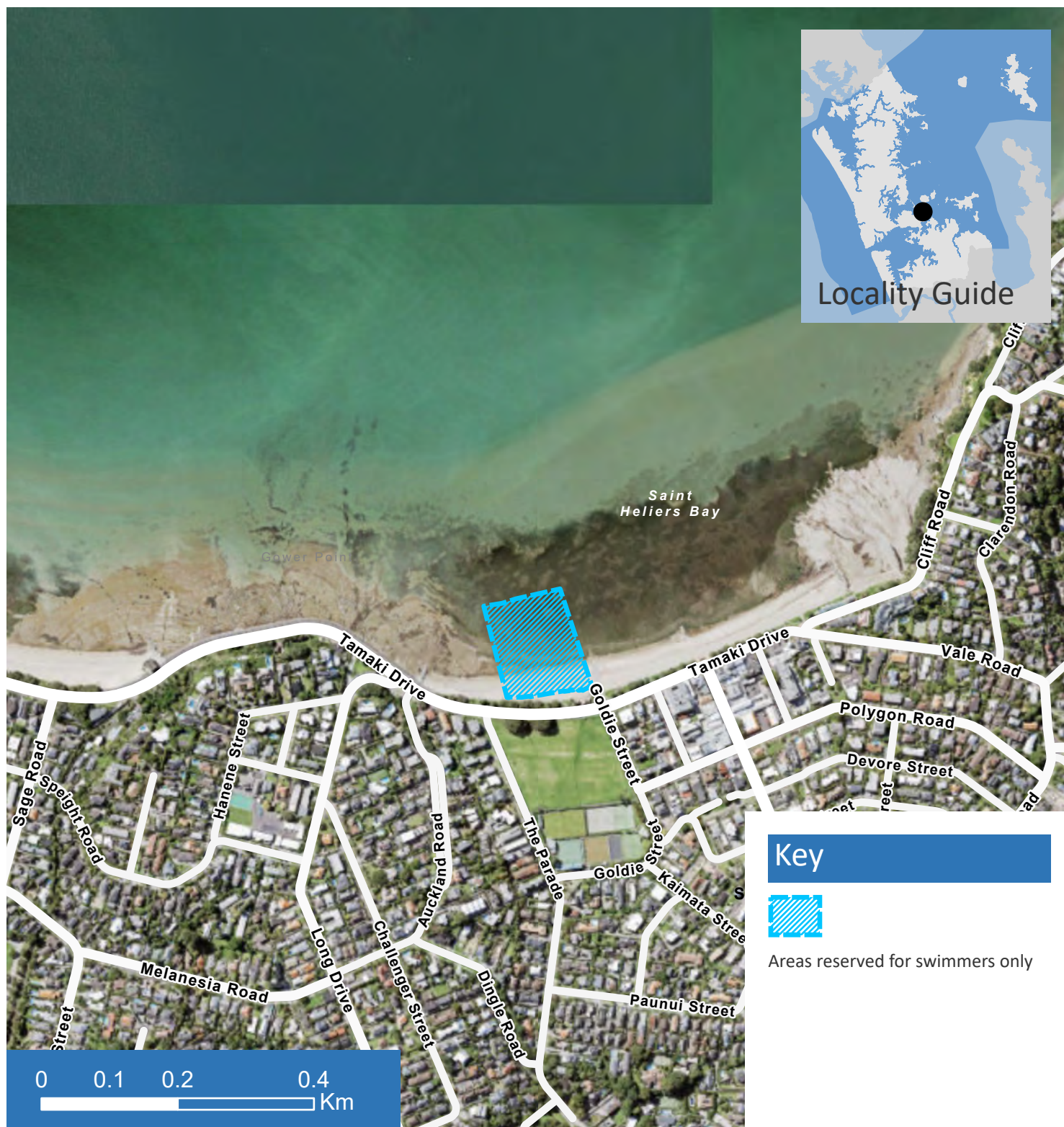
1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

St Heliers Beach

Map 1.5



Conditions of use

All areas unless stated

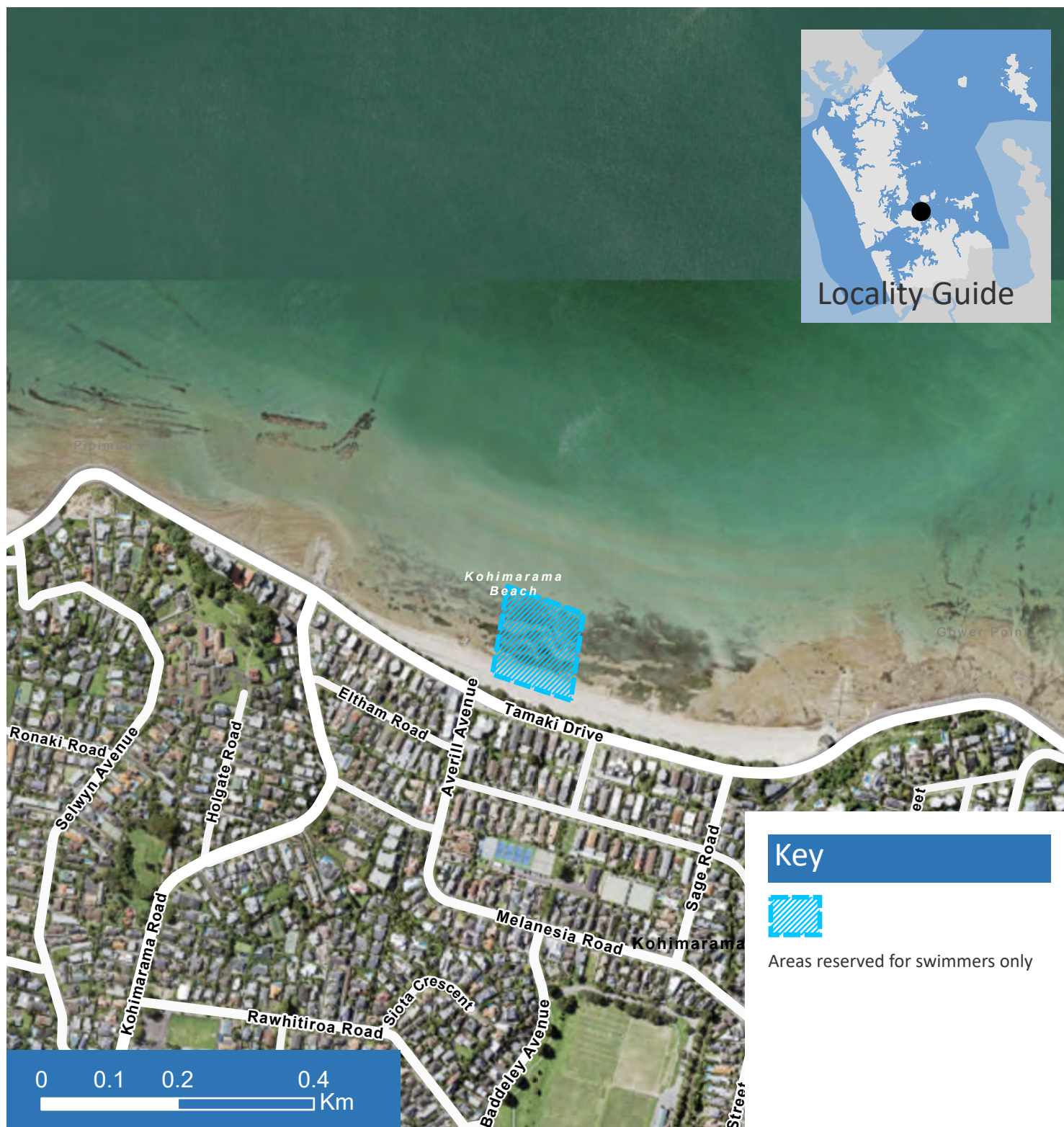
1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Kohimarama

Map 1.6



Conditions of use

All areas unless stated

- 1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Panmure Basin Map 1.7



Key



Areas reserved for vessels towing water skiers, wake boards or sea biscuits

Conditions of use

All areas unless stated

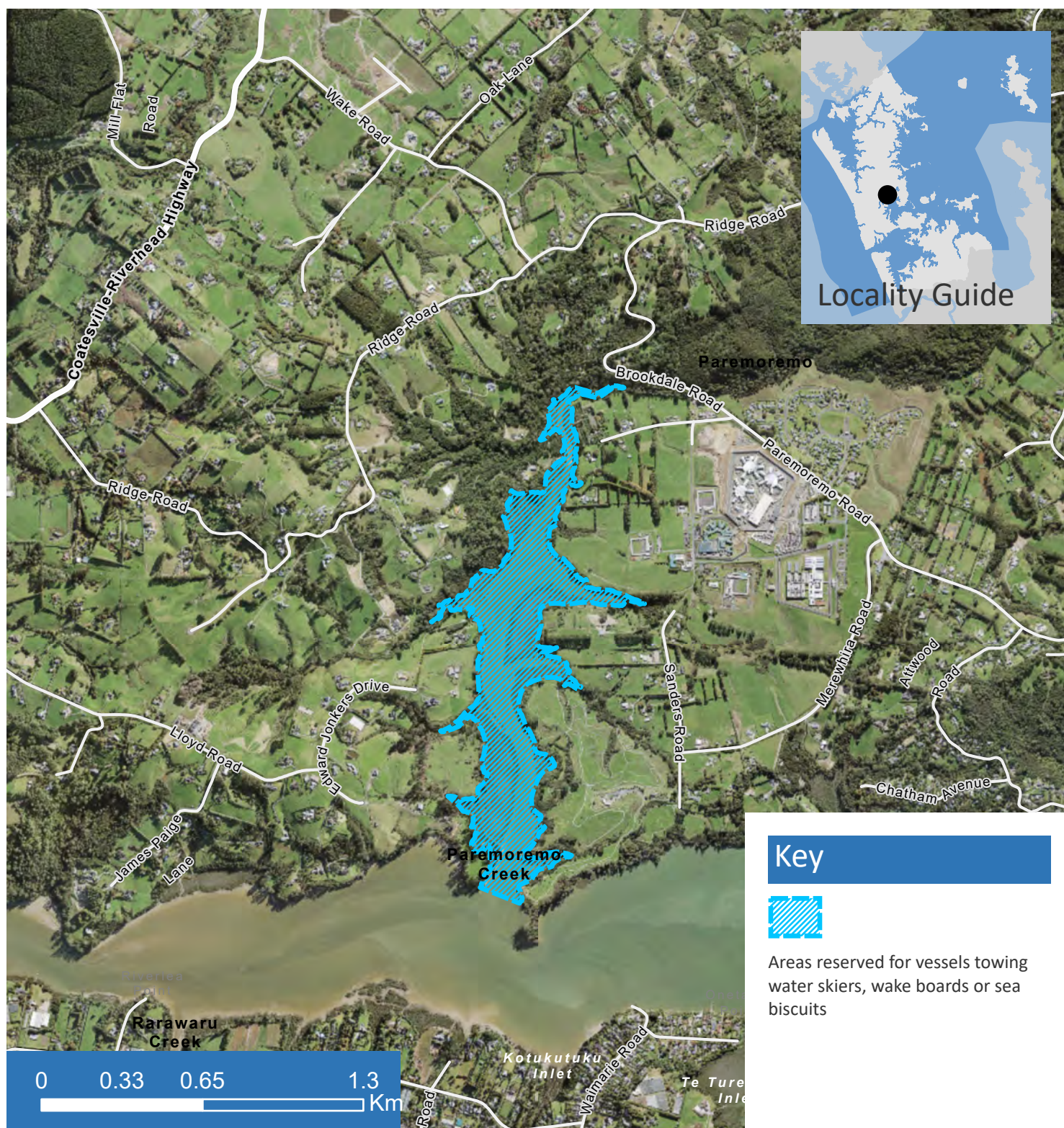
1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Paremoremo Creek

Map 1.8



Key



Areas reserved for vessels towing water skiers, wake boards or sea biscuits

Conditions of use

All areas unless stated

1) Only activities stated in the purpose are allowed in the area unless the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Henderson Creek

Map 1.9



Key



Areas reserved for vessels towing water skiers, wake boards or sea biscuits

Conditions of use

- 1) Only activities stated in the purpose are allowed in the area.
- 2) However, 1) does not apply –
 - a) to a person in charge of a power-driven vessel navigating at 5 knots or less to pass through the area provided that the vessel does so by the most direct route and does not remain within the area.
 - b) if the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Lake Tomarata

Map 1.10



Key



Area reserved for vessels towing water-skiers, or other motorised water sports

Conditions of use

- 1) Only vessels towing water-skiers or other motorised water sports activities allowed in the majority area marked on the map.
- 2) Only swimmers and non-mechanically powered vessels allowed in the small northern portion of Lake Tomarata marked on the map.
- 3) However, 1) and 2) does not apply if the Harbourmaster has given prior written approval.

Note 1: The reserved area can be identified by –

- signs in the immediate vicinity of the reserved area that clearly define the area and purpose
- black posts with white horizontal bands if the reserved area is marked on shore
- black buoys with white bands if the reserved area is marked at sea.

Orakei Basin - Reserved Area A Map 1.11



Orakei Basin - Reserved Area B Map 1.12



Conditions of use for Ōrākei Basin Reserved Areas A and B

Main purpose is for water skiing and use of non-power-driven vessels

- 1) A person must not use any vessel or undertake any activity within navigable water at Ōrākei Basin unless –
 - a) it is a power-driven vessel being used to tow a person on water skis;
 - b) it is a non-power-driven vessel; or
 - c) the council has given prior written approval.
- 2) Examples of activities that require approval in 1) include –
 - a) swimming;
 - b) fishing or placing of fishing apparatus;
 - c) any commercial purpose (for example vessel hire);
 - d) anchoring a vessel;
 - e) exclusive use of particular types of vessels;
 - f) events; and
 - g) placing any mooring, buoy or structure.
- 3) However, a person must not enter any area the council has given approval for exclusive use or an event unless that person is participating in that use or event.

Power-driven and non-power-driven vessels to use separate areas

- 4) A person in charge of a power-driven vessel towing a water skier has priority in Reserved Area A.
- 5) However, a person in charge of a non-power-driven vessel may enter Reserved Area A when it is not being used by any power-driven vessel towing a water skier.
- 6) A person in charge of a non-power-driven vessel have priority in Reserved Area B.
- 7) However, a person in charge of a power-driven vessel towing a water skier may enter Reserved Area B when it is not being used by any non-power-driven vessels.

Activities must be undertaken safely

- 8) A person water skiing must not ski within five metres of any buoy or ski jump unless approved by the Auckland Water Ski Club.
- 9) The person in charge of a power-driven vessel must –
 - a) not exceed a speed of 5 knots –
 - i) within 20 metres of any jetty or boat ramp;
 - ii) within 10 metres of the shoreline except when the vessel is using an area reserved for an event approved by the council; or
 - iii) within 50 metres of any vessel or person in or on the water; and
 - b) not exceed a speed of 35 knots (65km/h) in all other situations.

Power-driven vessels must operate in a particular way

- 10) The person in charge of a vessel towing a water skier must –
 - (a) travel in an anticlockwise direction if there is more than one power-driven vessel on the water; and
 - (b) not operate the vessel from sunset to –
 - (i) 7am on Monday to Friday inclusive;
 - (ii) 8am on Saturdays and public holidays except Good Friday and Christmas Day; and
 - (iii) 9am on Sundays, Good Friday and Christmas Day.

All other applicable Navigation Safety Bylaw and Maritime Rules apply unless there is a conflict

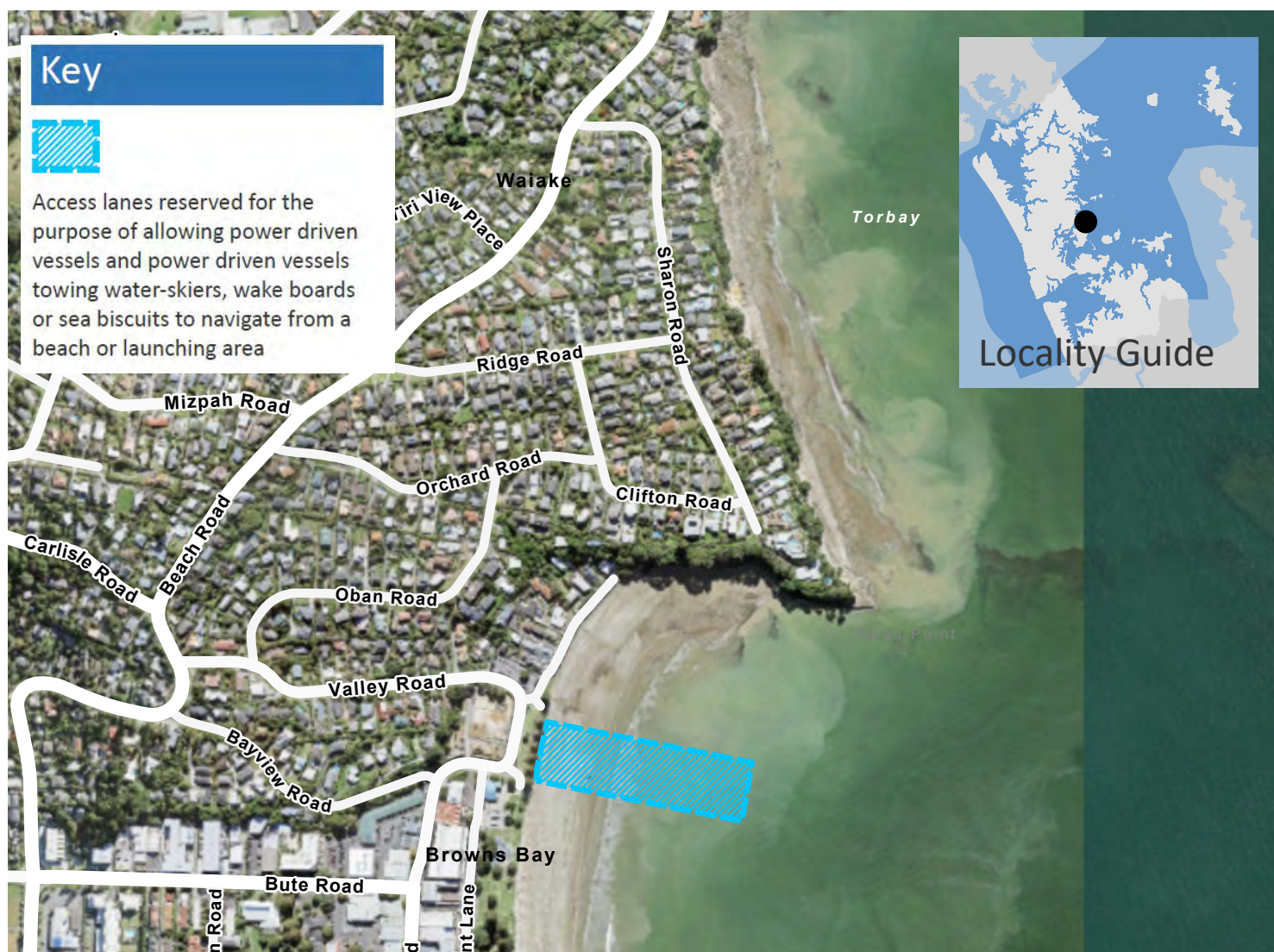
- 11) A person using Ōrākei Basin must comply with any applicable Navigation Safety Bylaw and Maritime Rules (for example in relation to personal flotation devices, 5 knot speed limit when any part of a person is extending over the edge of the vessel, and having a lookout when towing a water skier).
- 12) However, if a rule in (1) conflicts with a condition of use in this reserved area, the condition of use applies (prevails).

Vessels to come to shore when requested

The person in charge of a vessel on Ōrākei Basin must propel the vessel to shore when requested by the council.

Browns Bay

Map 2.0



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area

Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Motuihe Island - Ocean Beach

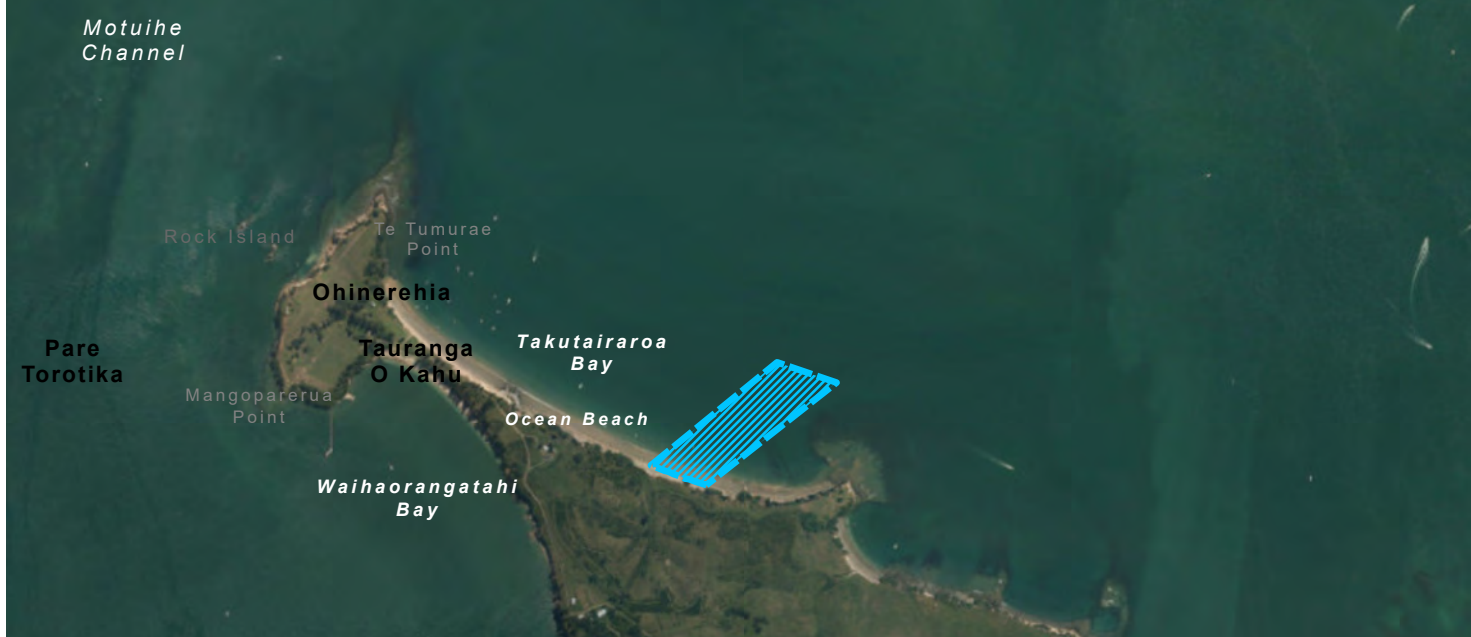
Map 2.1



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

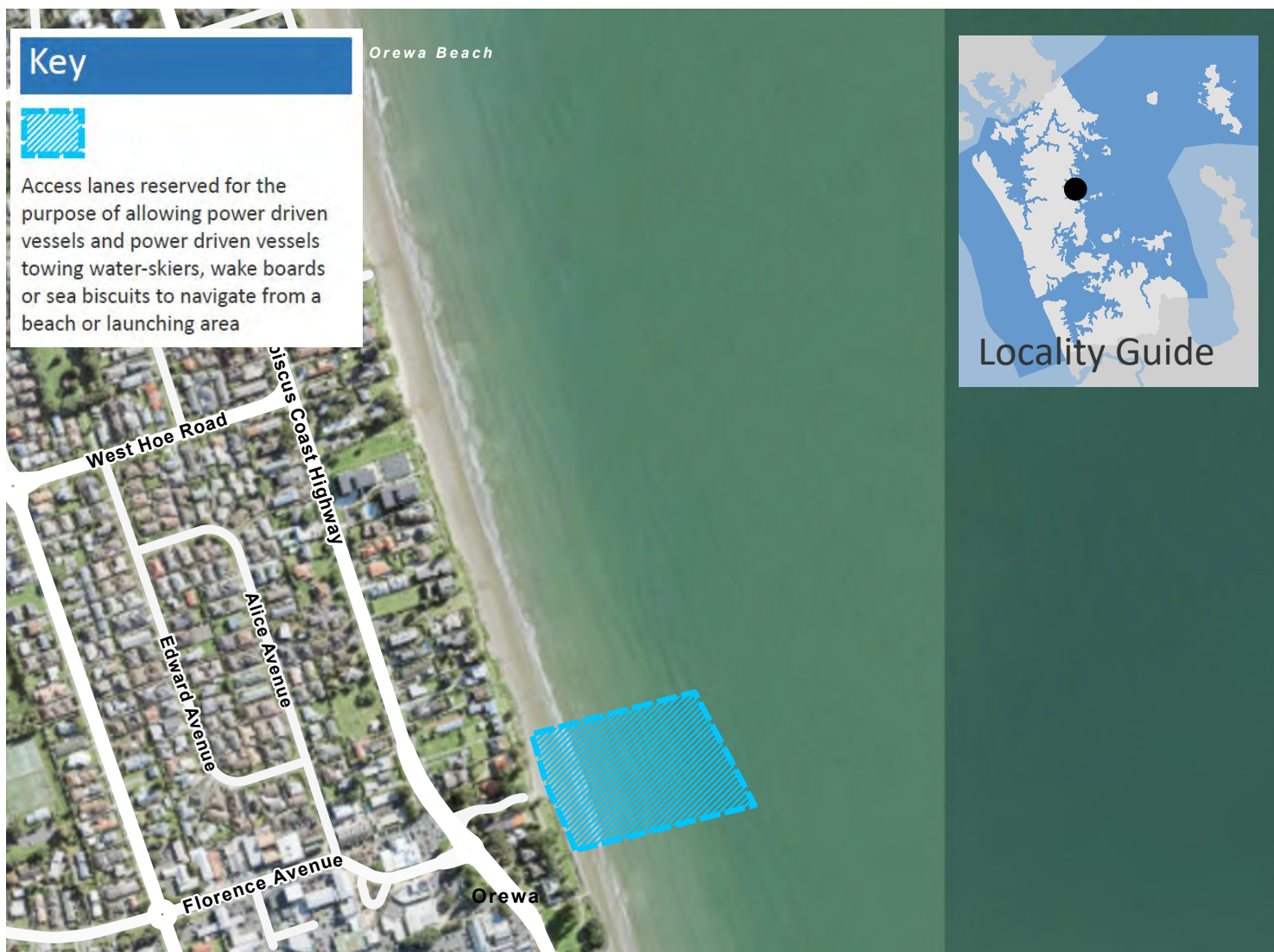
- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Orewa Beach

Map 2.10



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Scotts Landing

Map 2.11



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Martins Bay

Map 2.12



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area

Scandretts Bay

Locality Guide

Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Algies Bay

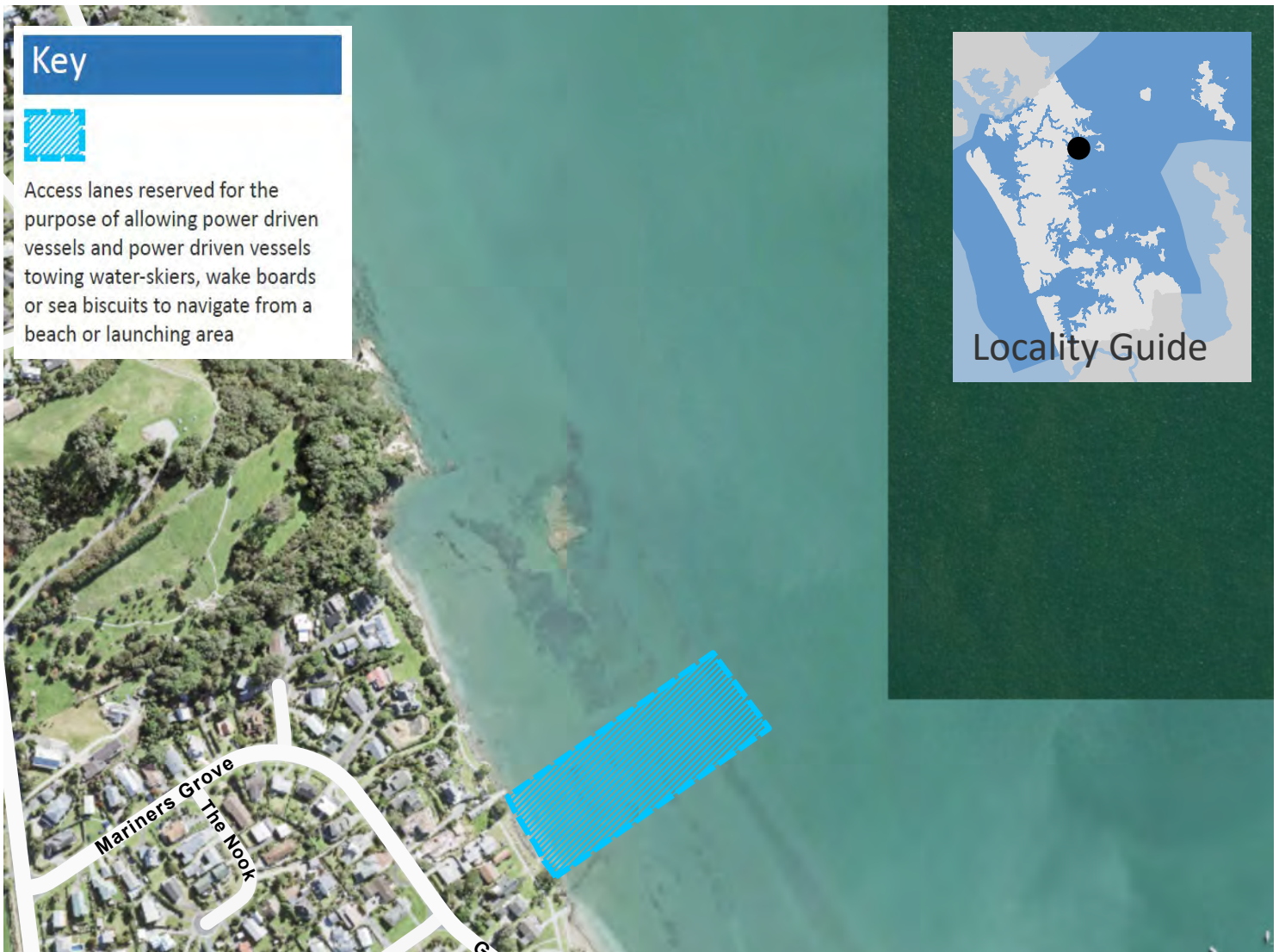
Map 2.13



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

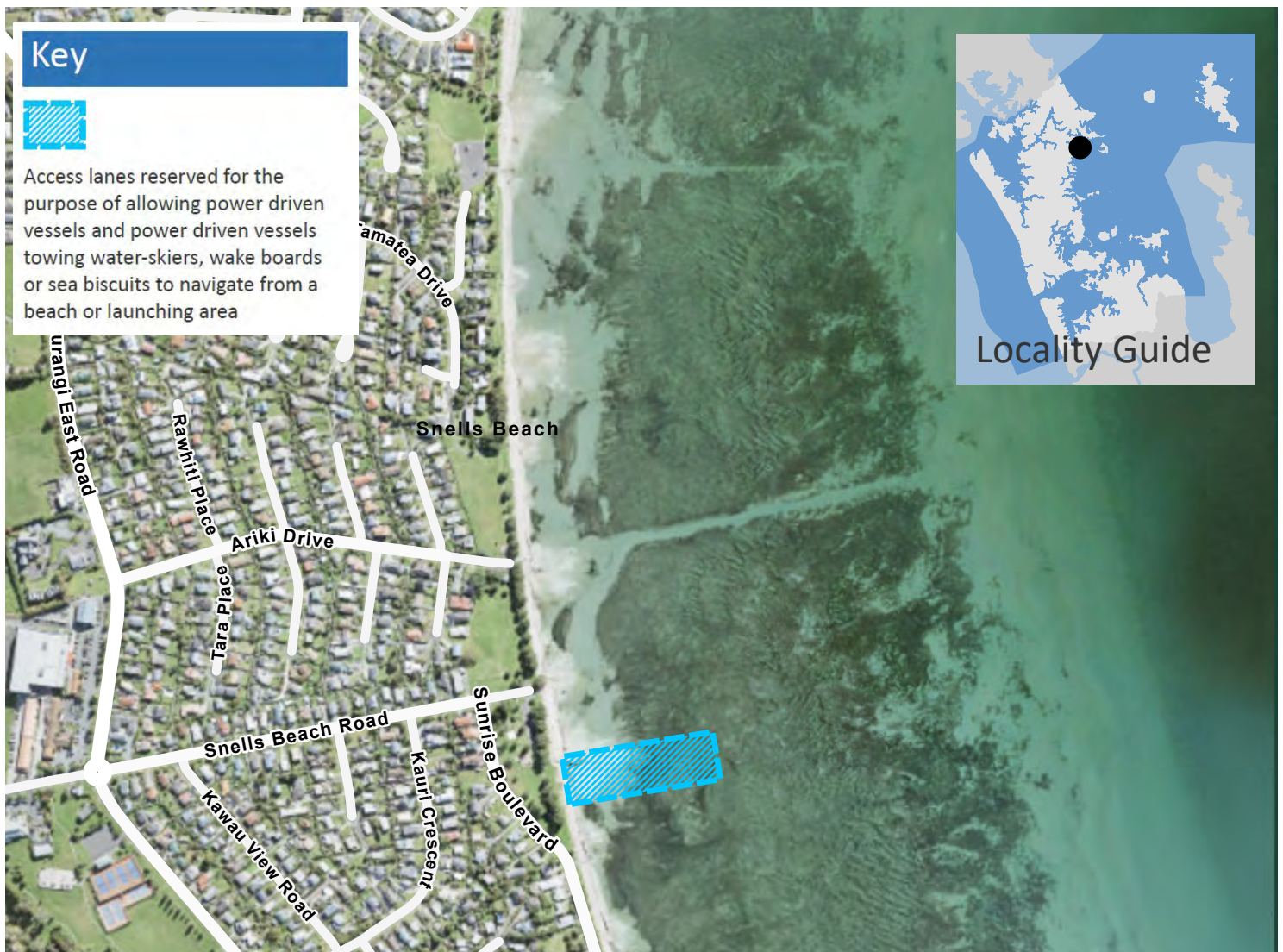
- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Snells Beach

Map 2.14



Conditions of use

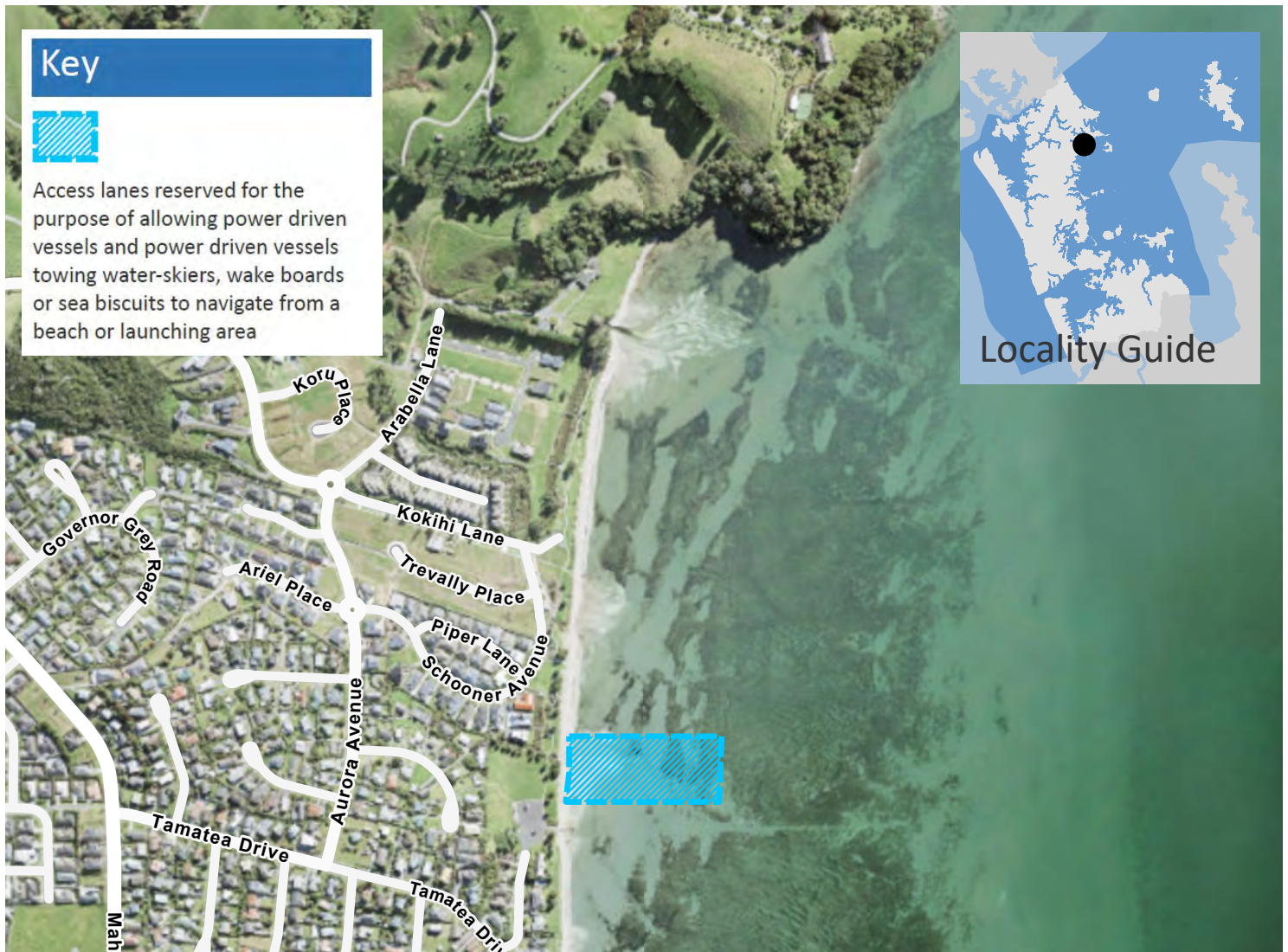
- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Tamatea Drive (Snells Beach)

Map 2.15



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Sandspit

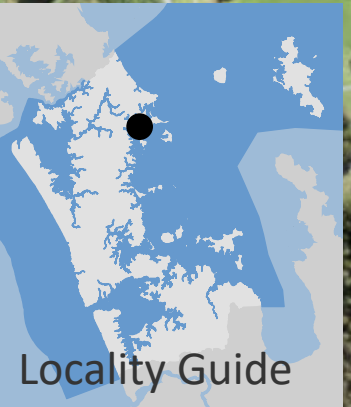
Map 2.16



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Locality Guide



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Campbells Beach

Map 2.17



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area

Locality Guide

Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Cornwallis Beach

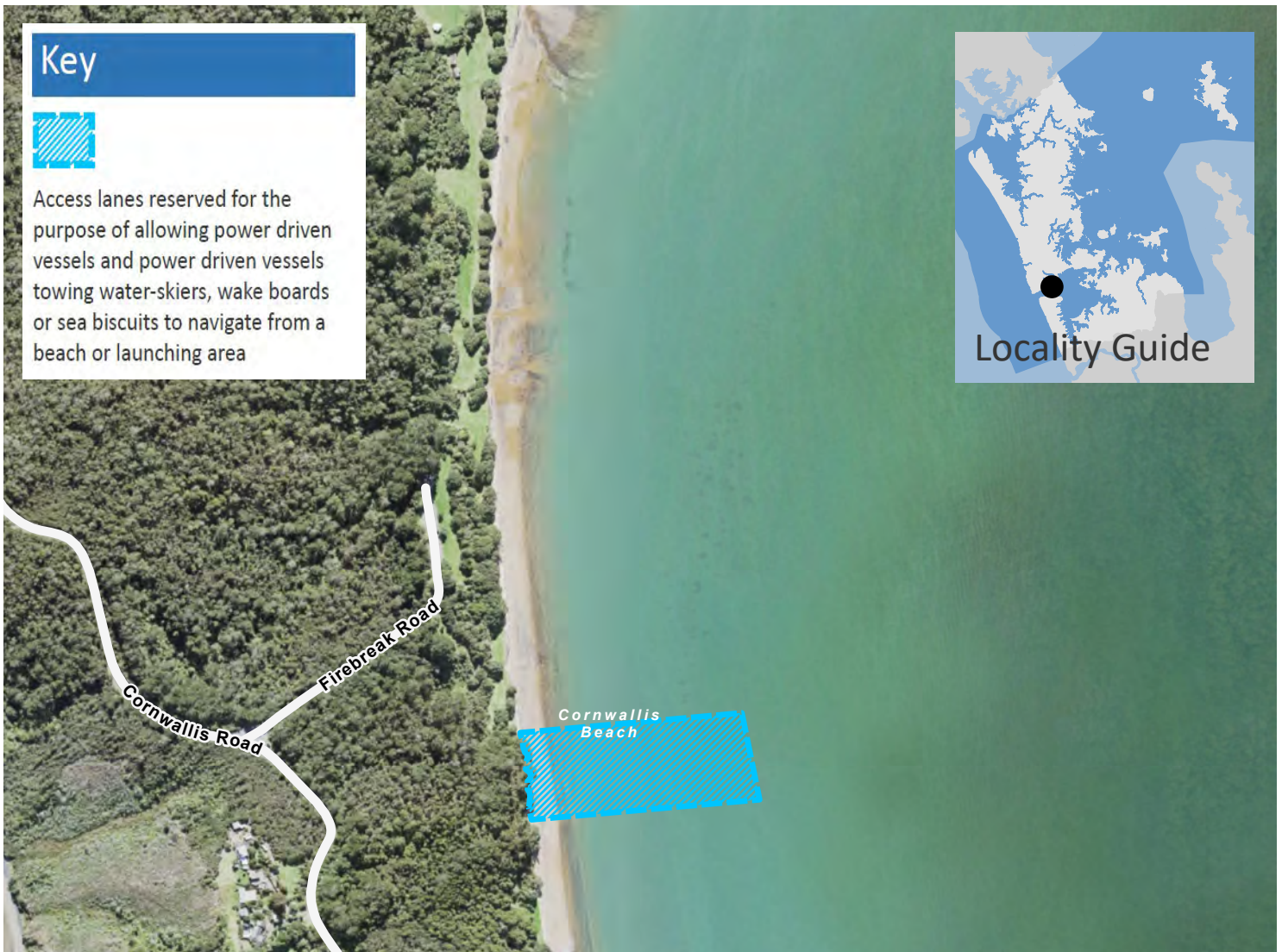
Map 2.18



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Little Huia

Map 2.19



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Motuihe Island - Wharf Bay

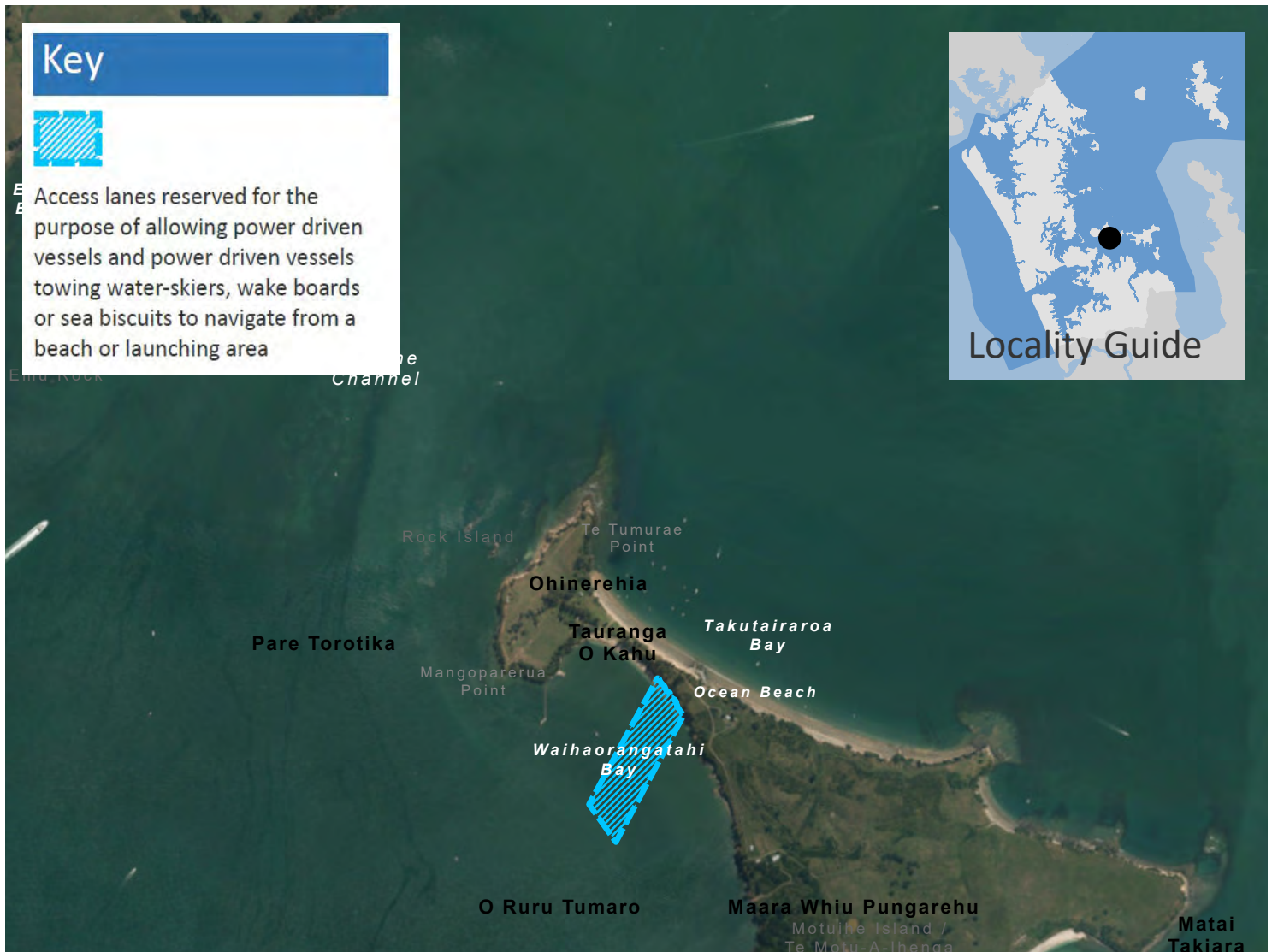
Map 2.2



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Grahams Beach

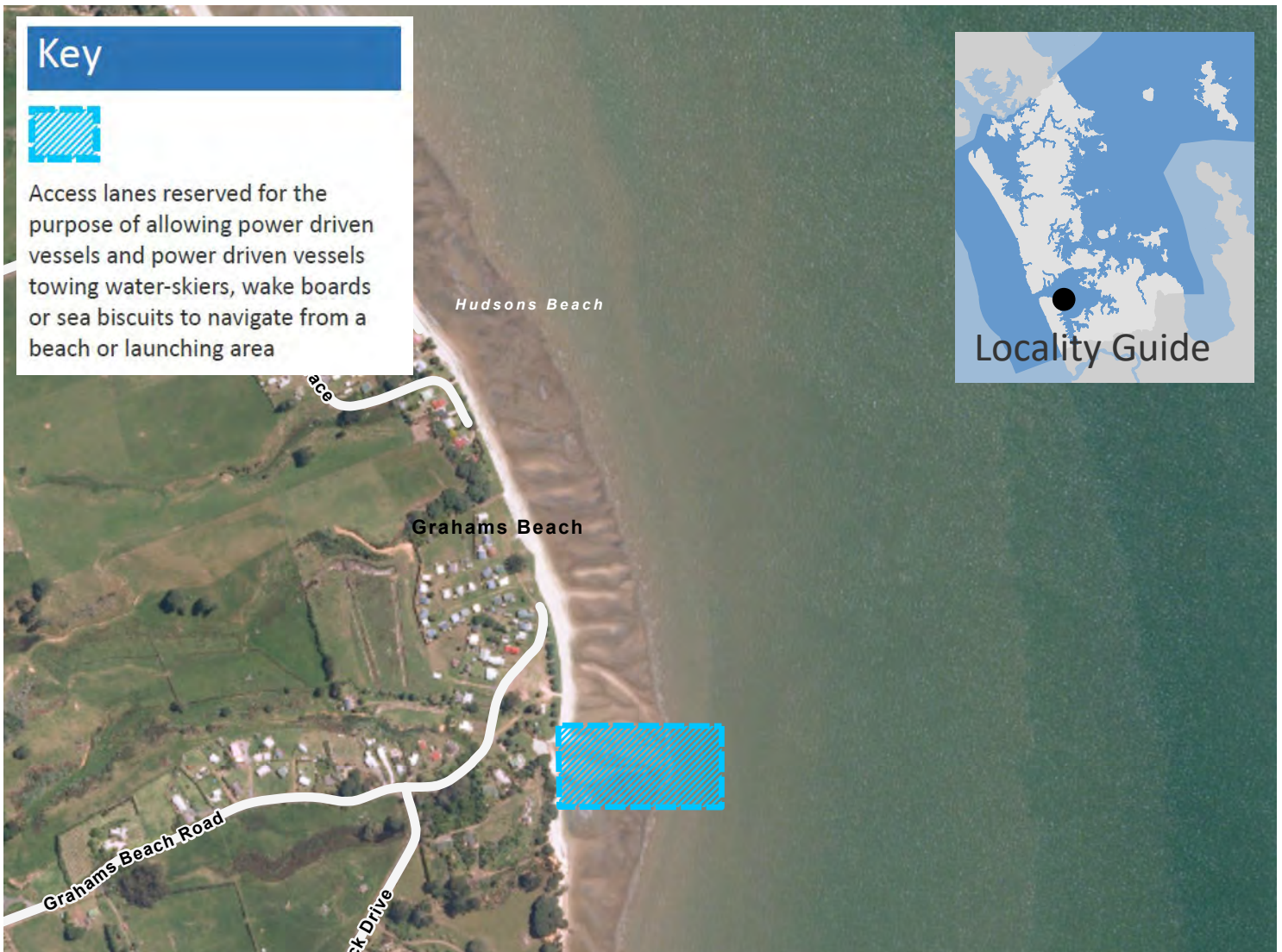
Map 2.20



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Hudsons Beach

Map 2.21



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
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- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Kauritutahi Beach

Map 2.22



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Glenbrook Beach

Map 2.23



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Eastern Beach

Map 2.3



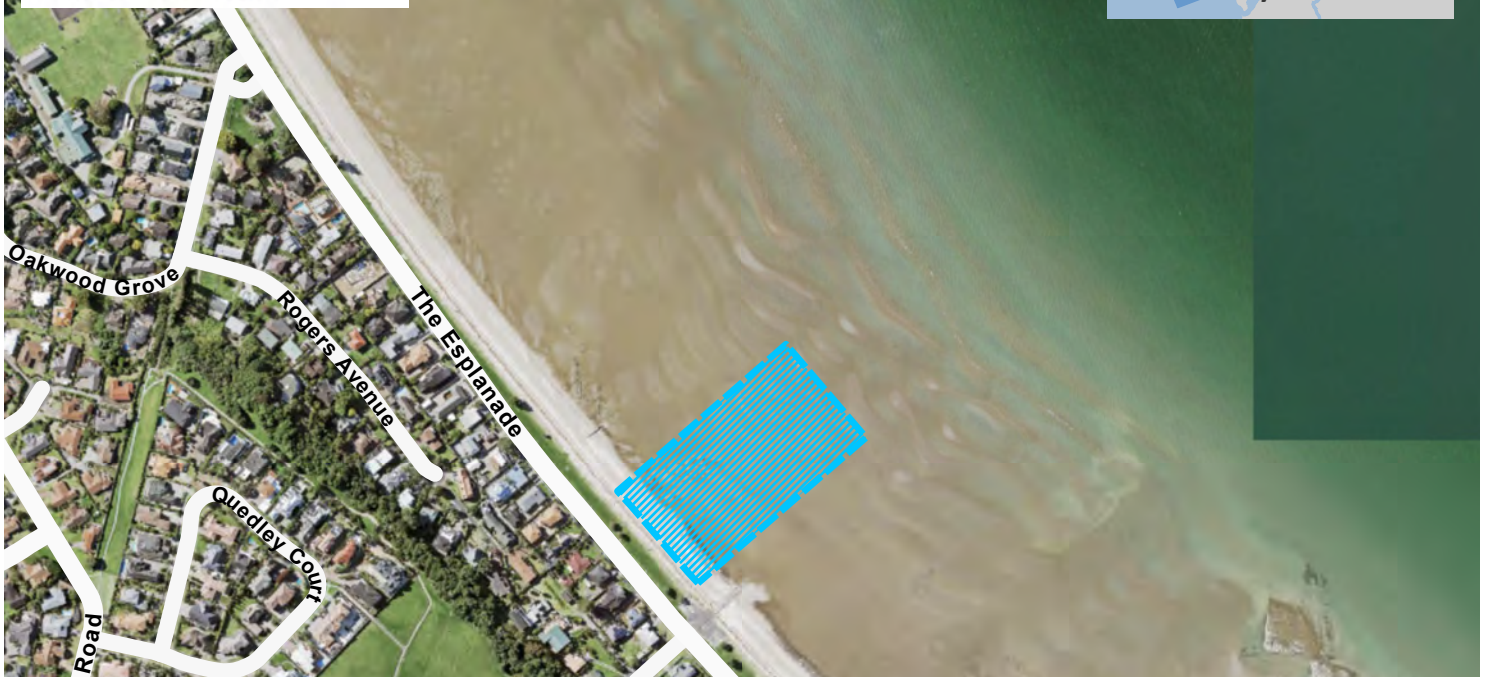
Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Locality Guide



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Magazine Bay

Map 2.4



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Locality Guide

Maretai Coast Road

Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Waiheke Island - Surfdale

Map 2.5



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area

Locality Guide

Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Waiheke Island - Onetangi

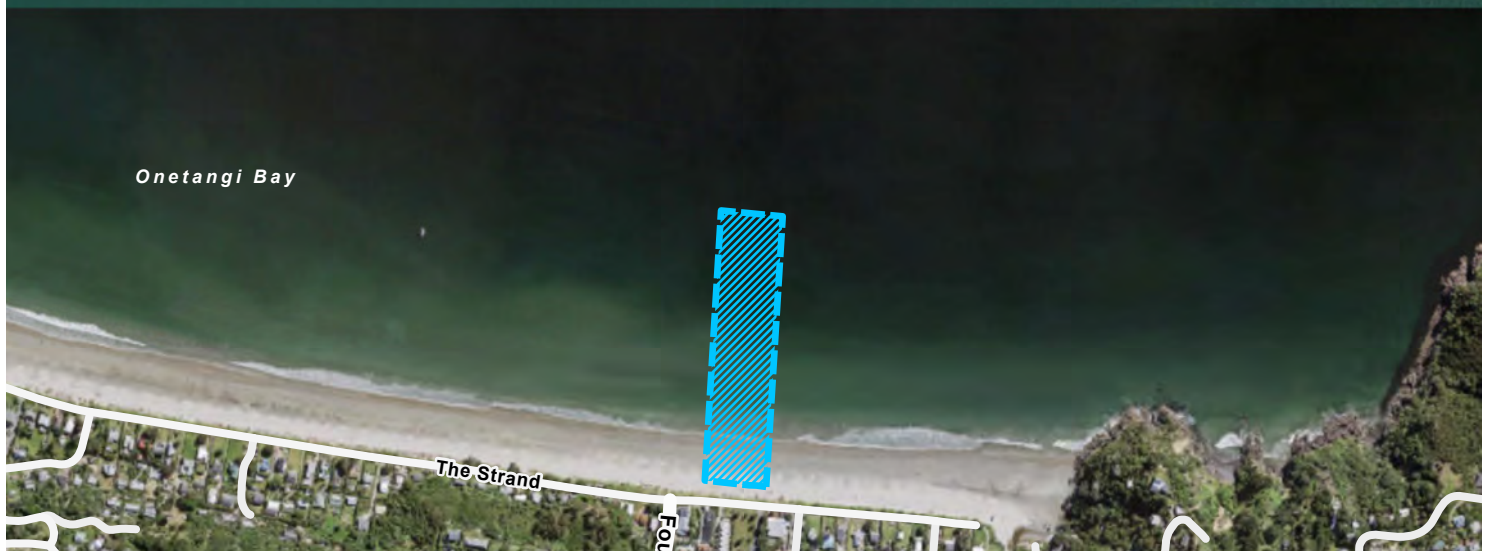
Map 2.6



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Matakatia Bay

Map 2.7



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Stanmore Bay

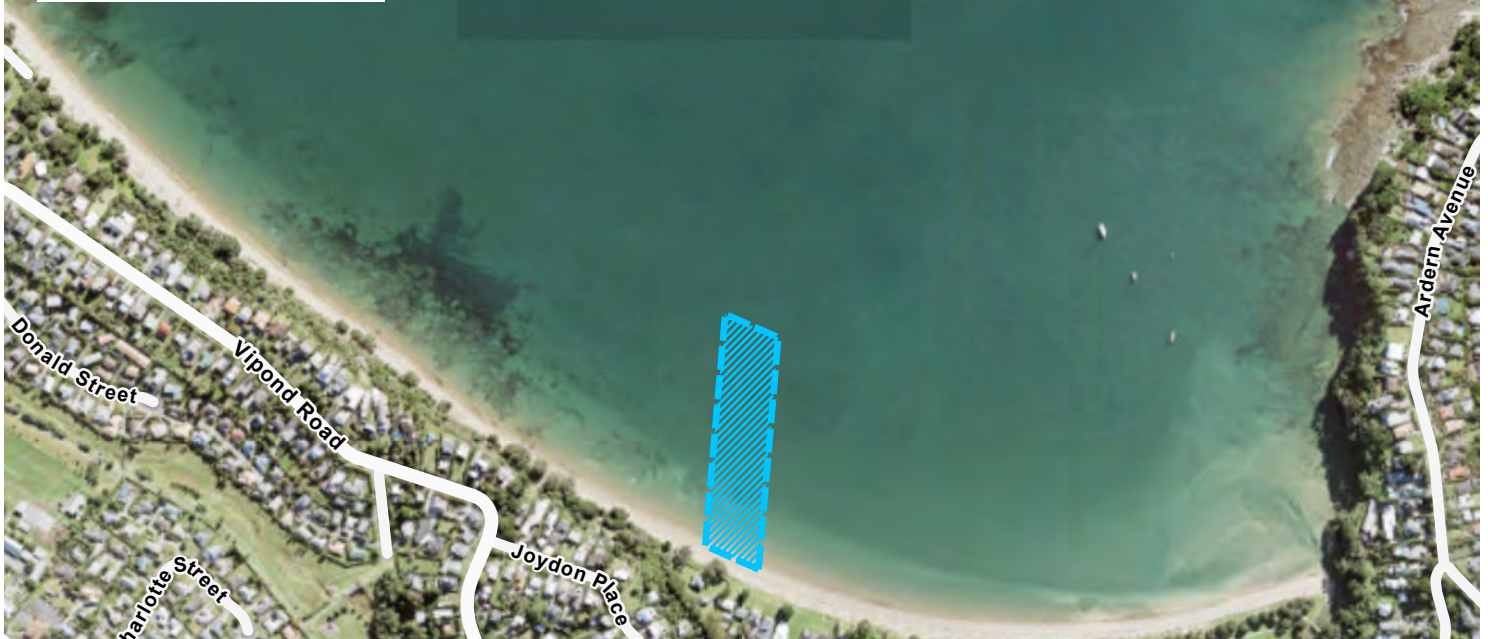
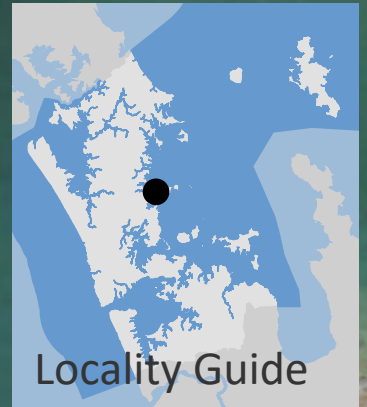
Map 2.8



Key



Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Manly Beach

Map 2.9



Conditions of use

- 1) The person in charge of a vessel –
 - a) may exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) must only enter, remain in or use the access lane for its intended purpose;
 - c) must ensure the vessel and any person or object being towed proceeds by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel;
 - d) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane;
 - e) must not obstruct any other vessel or other person in the access lane; and
 - f) must not anchor or moor the vessel in the access lane unless the Harbourmaster has given prior written approval.
- 2) any person being towed –
 - a) must ensure they and any object on which they are being towed, travel 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;
 - b) must not proceed in a manner that is dangerous to any other vessel or other person in the access lane; and
 - c) must not obstruct any other vessel or other person in the access lane.
- 3) any person not in charge or on board a vessel in (1) or being towed in (2) –
 - a) must not enter, remain in or use the access lane (for example to swim) when it is being used for its intended purpose; and
 - b) must not obstruct any vessel or other person using the access lane for its intended purpose (for example in the way of water skier landing on the shore).

Note: Access lanes can be identified by –

- orange posts with horizontal black bands on shore
- orange buoys with black bands at its outer edge
- a sign or signs in the vicinity of the access lane that state its purpose

Prohibited Anchorage Area - Hauraki Gulf

Map 3.0



Key



Areas reserved as prohibited anchorage areas

Conditions of use

- 1) A person in charge of a vessel must not anchor or moor a vessel in a prohibited anchorage unless –
 - a) the Harbourmaster has given prior written approval; or
 - b) in an emergency.

Note: There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational charts NZ 532 - Approaches to Auckland, NZ 5322 - Auckland Harbour East and NZ 5323 - Auckland Harbour West.

Prohibited Anchorage Area - Waiheke Island

Map 3.1



Key



Areas reserved as prohibited anchorage areas

Conditions of use

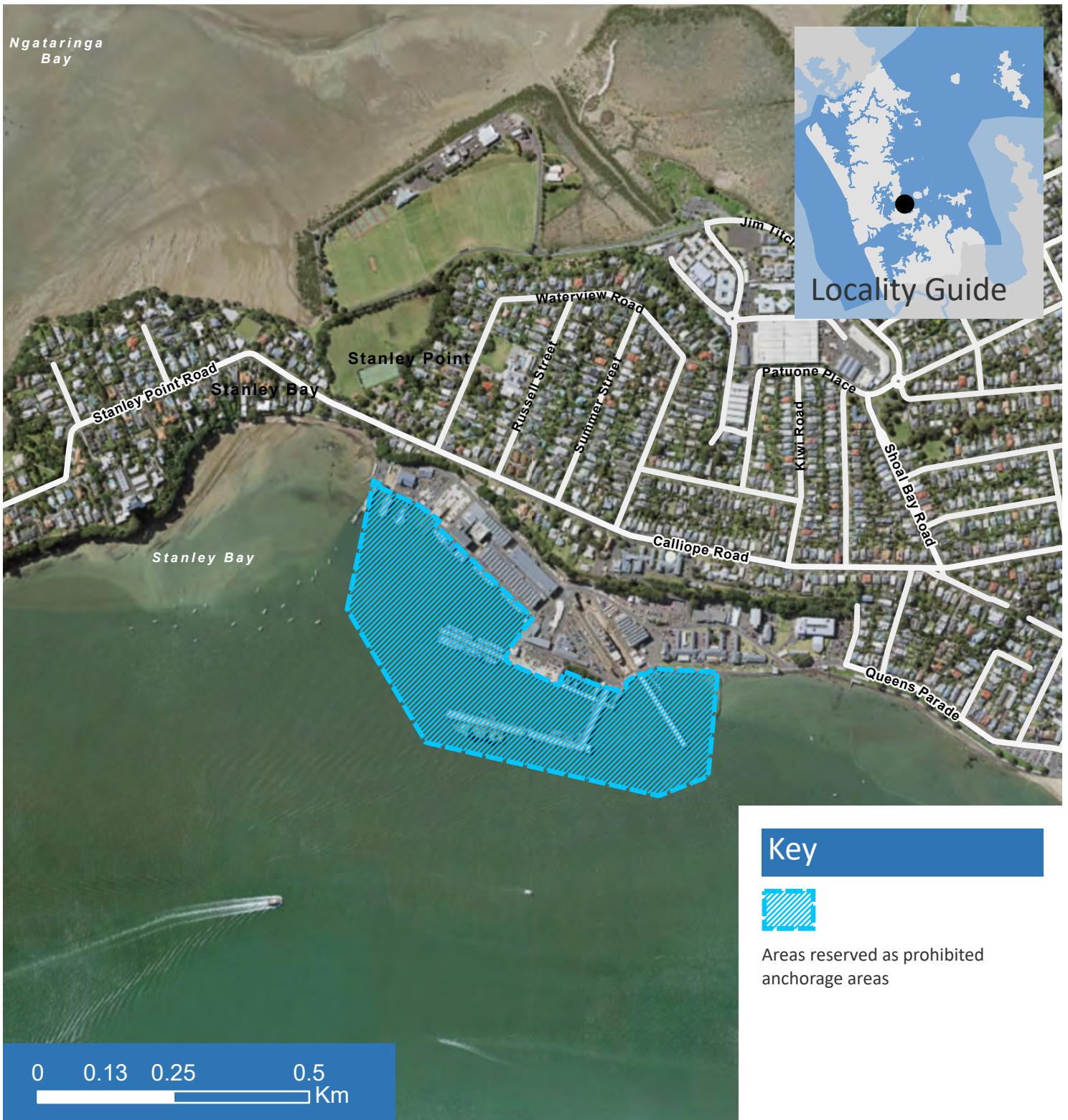
- 1) A person in charge of a vessel must not anchor or moor a vessel in a prohibited anchorage unless –
 - a) the Harbourmaster has given prior written approval; or
 - b) in an emergency.

The prohibited anchorage area is 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 (Mokemoke 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.

Prohibited Anchorage Area - Devonport (Naval Base)

Map 3.2



Key



Areas reserved as prohibited anchorage areas

Conditions of use

- 1) A person in charge of a vessel must not anchor or moor a vessel in a prohibited anchorage unless –
 - a) the Harbourmaster has given prior written approval; or
 - b) in an emergency.

There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart NZ 5322 - Auckland Harbour East.

Prohibited Anchorage Area - Kauri Point (Naval Base)

Map 3.3



Conditions of use

- 1) A person in charge of a vessel must not anchor or moor a vessel in a prohibited anchorage unless –
 - a) the Harbourmaster has given prior written approval; or
 - b) in an emergency.

There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart NZ 5323 - Auckland Harbour West.

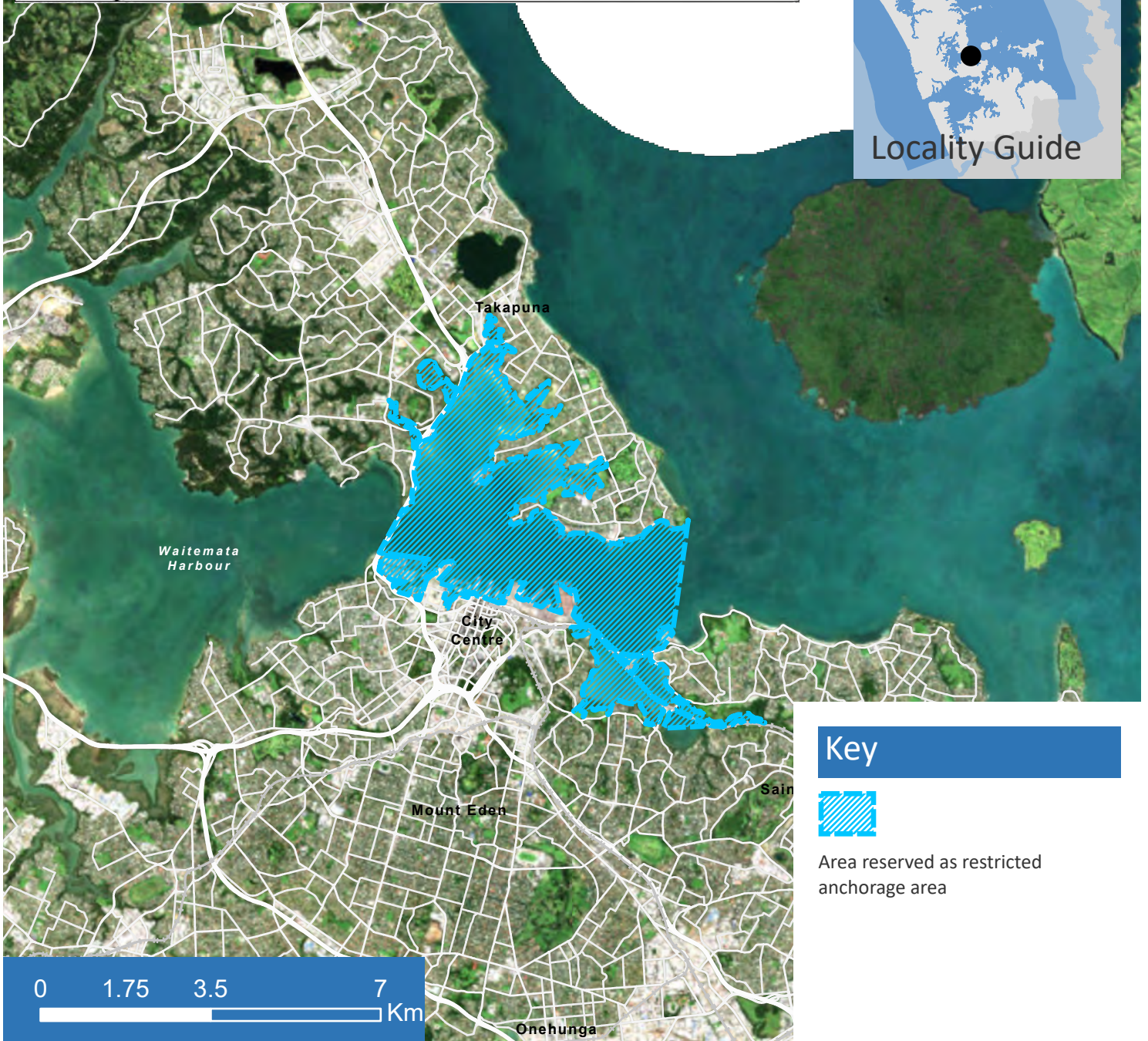
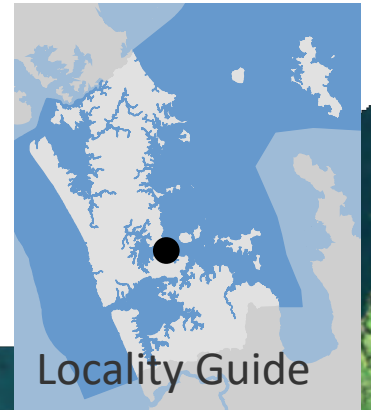
Restricted Anchorage Area - Waitemata Harbour

Map 3.4



Note

There are no markers in the sea area. The reserved anchorage area is that area of the Waitematā Harbour contained to the west of a line drawn from the eastern side of North Head to the point where Orākei Wharf joins from the land at Takaparāwha Point and east of a line drawn along the west side of the Auckland Harbour Bridge.



Key



Area reserved as restricted anchorage area

Conditions of use

- 1) The person in charge of a vessel must not anchor or moor a vessel within the area unless –
 - a) the vessel is kept ready to make immediate departure and an anchor watch on board the vessel is maintained at all times; or
 - b) the Harbourmaster has directed a commercial vessel to anchor or moor in the area; or
 - c) the Harbourmaster has given prior written approval to anchor or moor in the area for commercial, engineering, construction, or scientific purposes; or
 - d) in an emergency.

Tamaki Entrance

Map 3.5

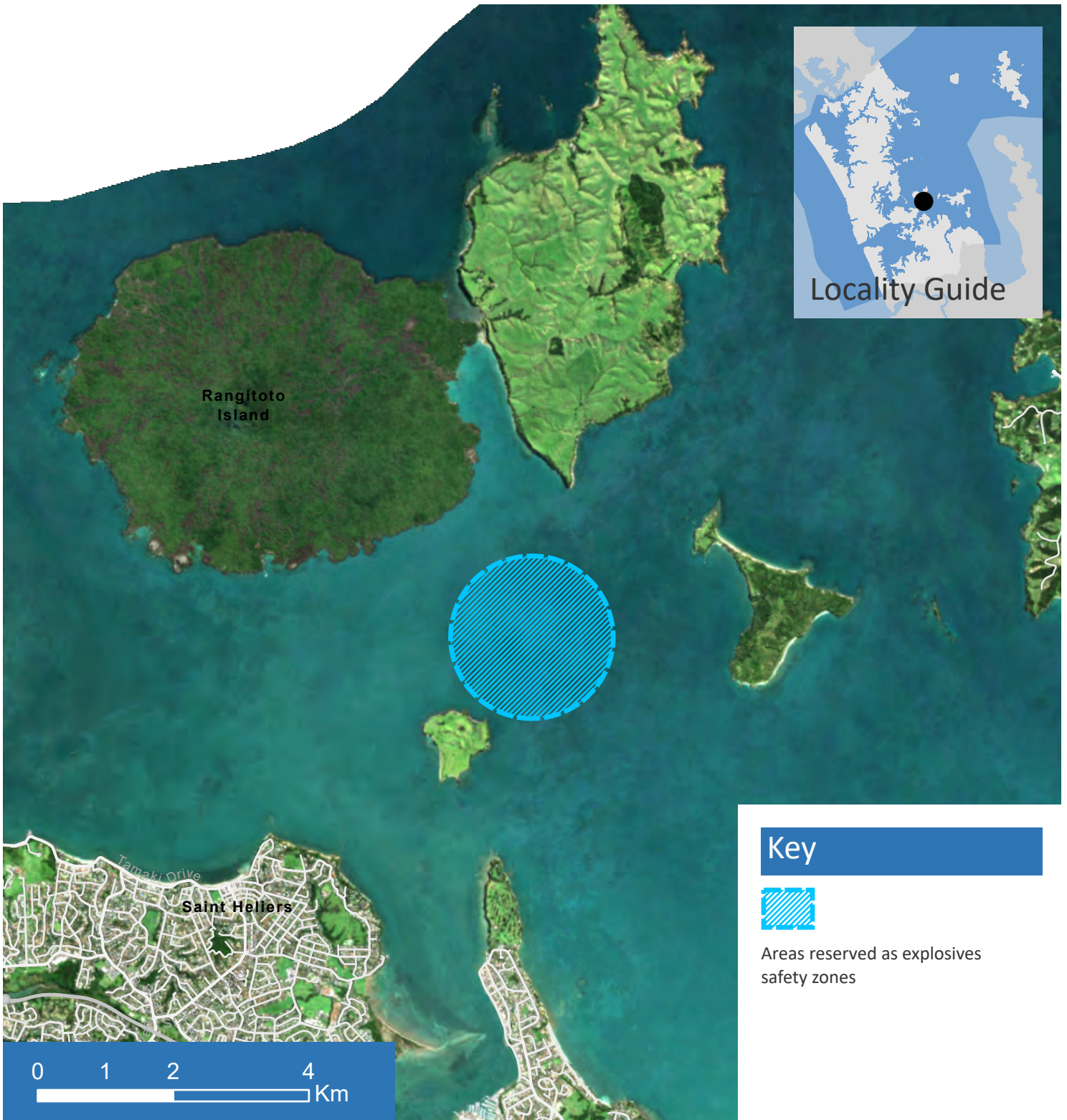


Conditions of use

- 1) A person in charge of a vessel must not anchor or moor a vessel in a prohibited anchorage unless –
 - a) the Harbourmaster has given prior written approval; or
 - b) in an emergency.

Explosives Safety Zone - Auckland outer harbour

Map 4.0



Conditions of use

- 1) The person in charge of a vessel must obtain the written approval of the Harbourmaster before entering an Explosives Safety Zone in that vessel.
- 2) However, even with approval, that person must not enter if there is a vessel anchored or berthed in the zone displaying code Flag B (taking on or discharging explosive substance) or an all-round red light.

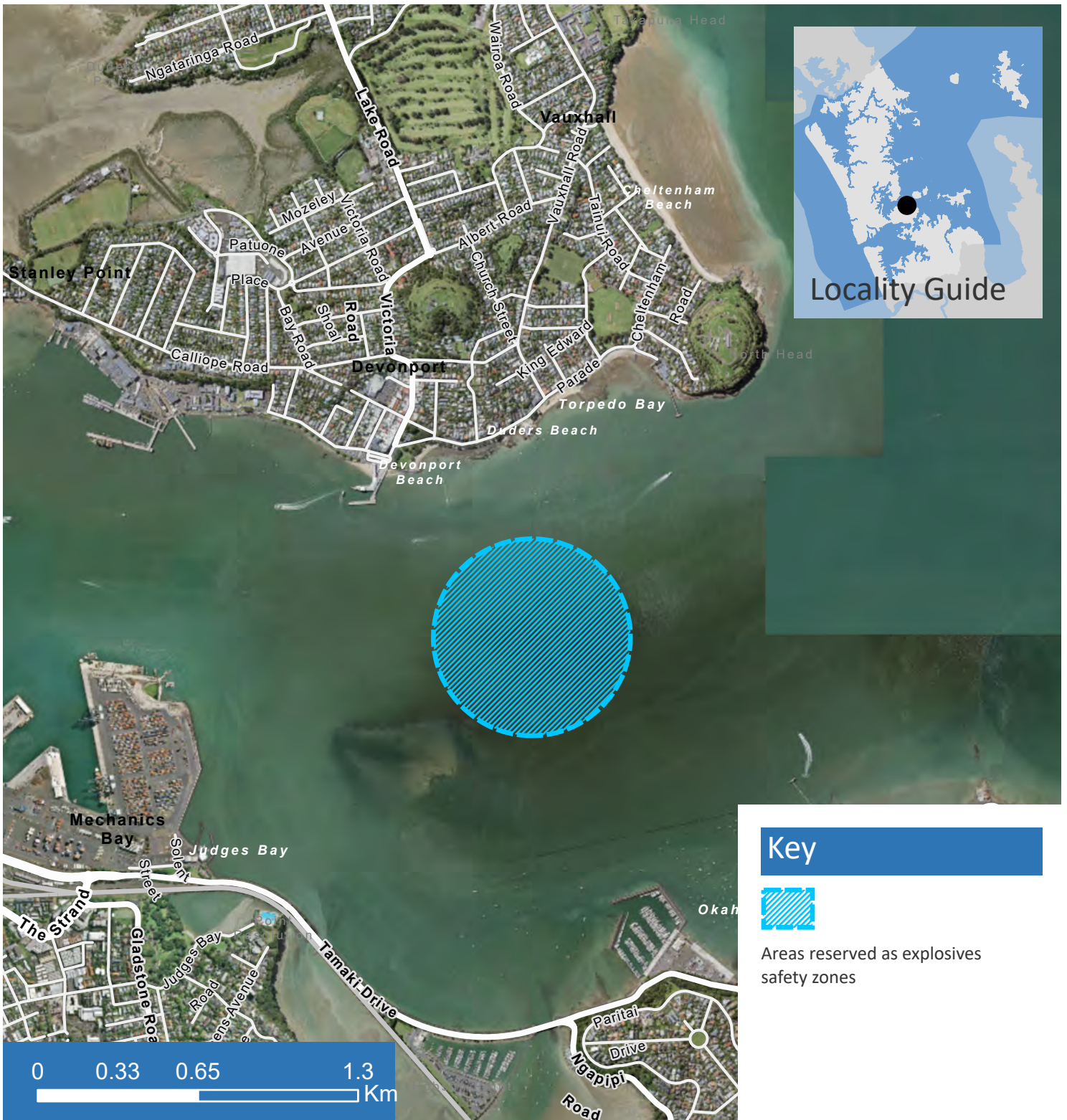


Flag B

Note: There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart: NZ 5324 - Tamaki Strait & Approaches including Waiheke Island.

Explosives Safety Zone - Auckland inner harbour

Map 4.1



Conditions of use

- 1) The person in charge of a vessel must obtain the written approval of the Harbourmaster before entering an Explosives Safety Zone in that vessel.
- 2) However, even with approval, that person must not enter if there is a vessel anchored or berthed in the zone displaying code Flag B (taking on or discharging explosive substance) or an all-round red light.



Flag B

Note: There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart: NZ 5322 - Auckland Harbour East.

Explosives Safety Zone - Kauri Point Wharf

Map 4.2



Conditions of use

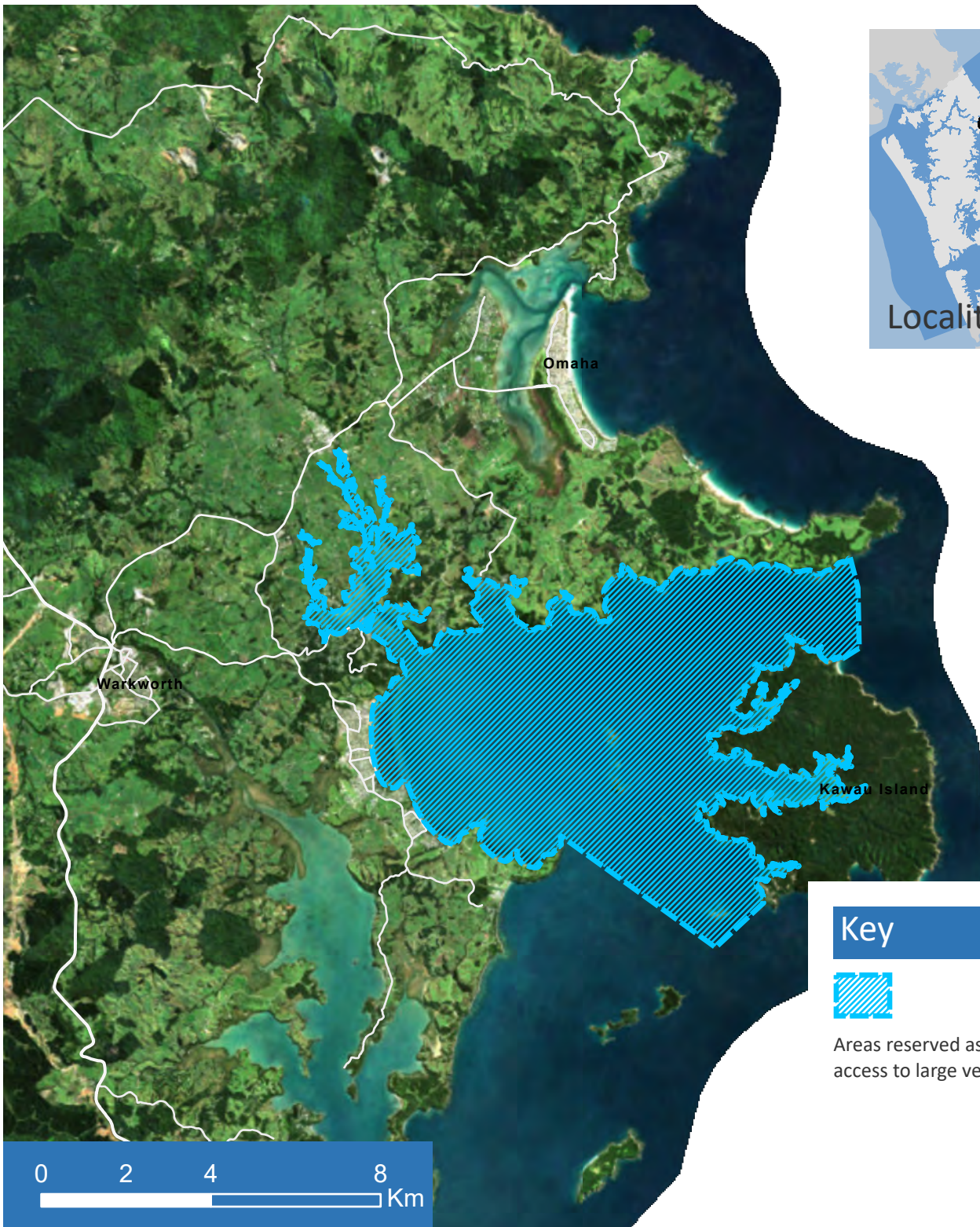
- 1) The person in charge of a vessel must obtain the written approval of the Harbourmaster before entering an Explosives Safety Zone in that vessel.
- 2) However, even with approval, that person must not enter if there is a vessel anchored or berthed in the zone displaying code Flag B (taking on or discharging explosive substance) or an all-round red light.



Flag B

Note: There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart: NZ 5323 - Auckland Harbour West.

Restricted Access to Large Vessels - Kawau Map 5.0



Key

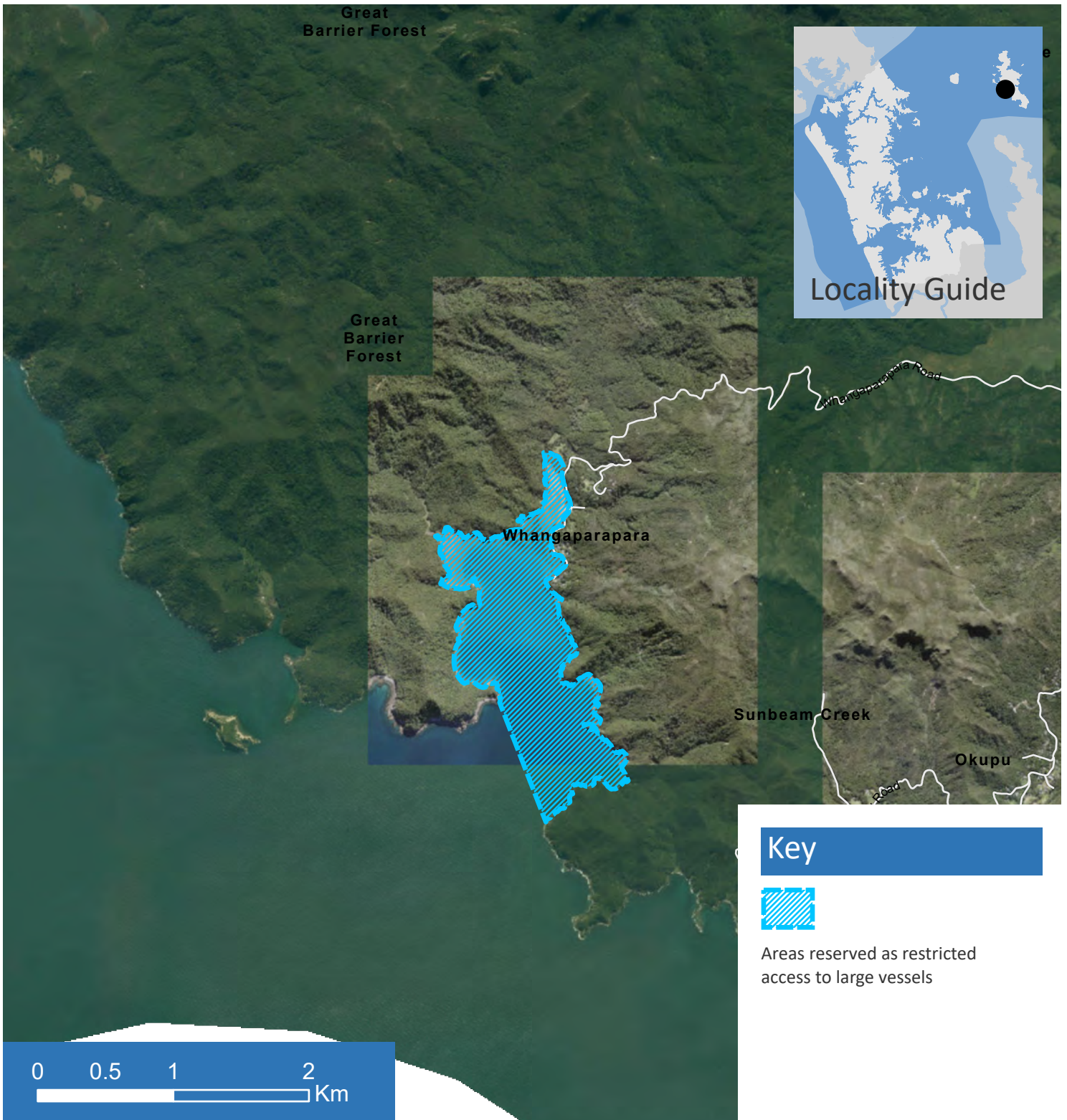


Areas reserved as restricted access to large vessels

Conditions of use

As required in clause 46, the person in charge of a large vessel must obtain the approval of the Harbourmaster before the vessel enters the restricted area.

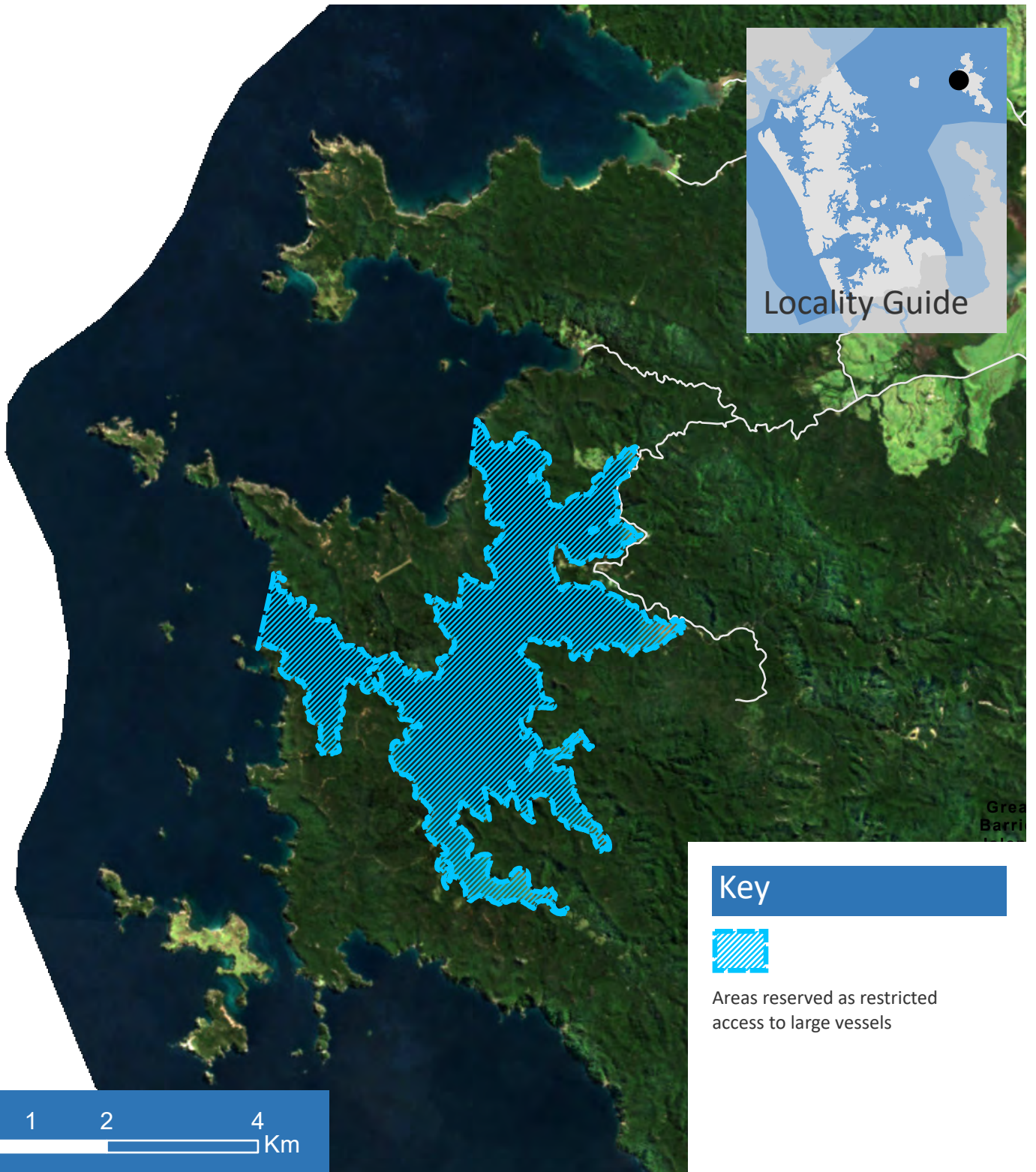
Restricted Access to Large Vessels - Whangaparapara Map 5.1



Conditions of use

As required in clause 46, the person in charge of a large vessel must obtain the approval of the Harbourmaster before the vessel enters the restricted area.

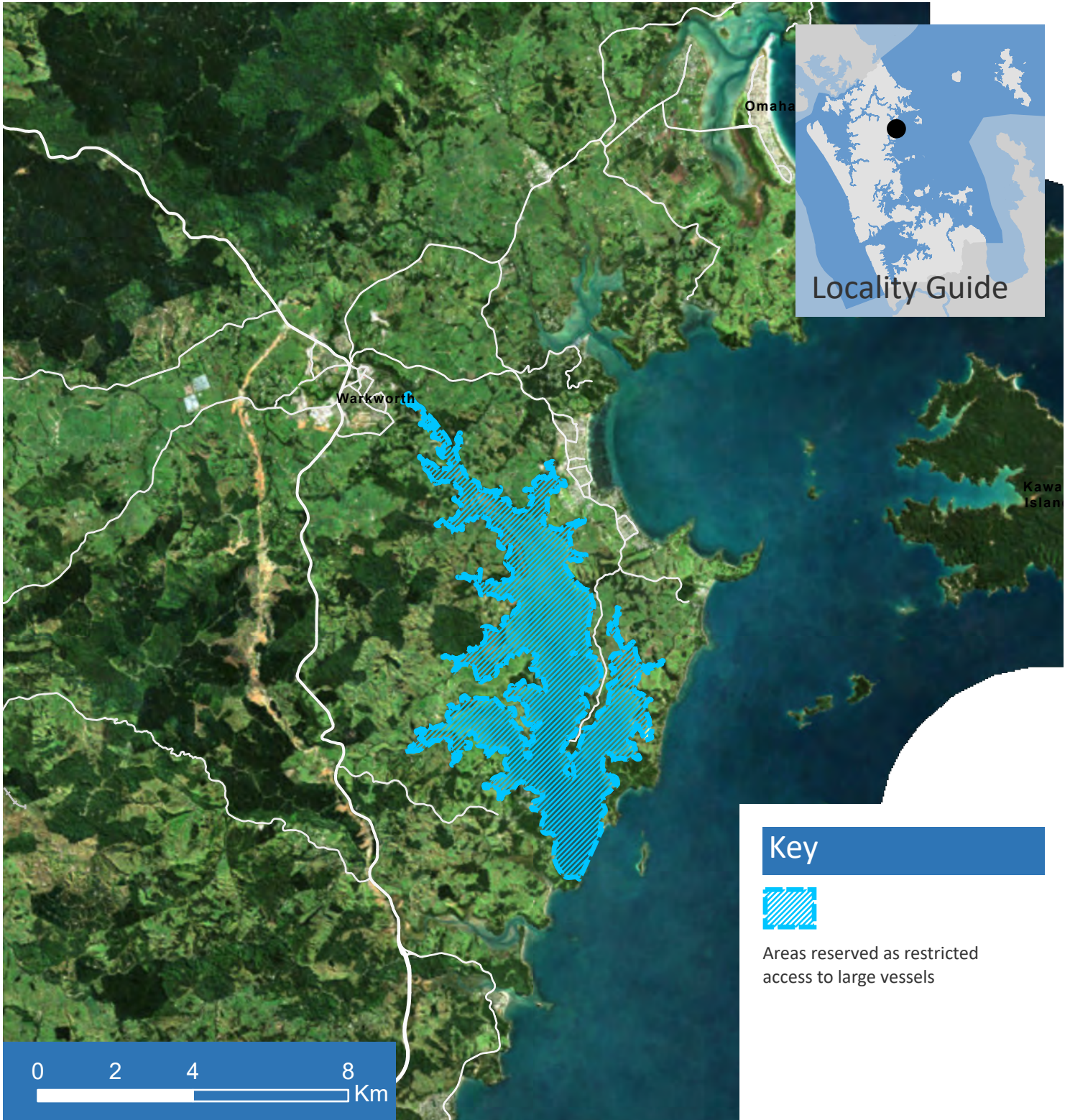
Restricted Access to Large Vessels - Fitzroy Map 5.2



Conditions of use

As required in clause 46, the person in charge of a large vessel must obtain the approval of the Harbourmaster before the vessel enters the restricted area.

Restricted Access to Large Vessels - Mahurangi Estuary Map 5.3



Conditions of use

As required in clause 46, the person in charge of a large vessel must obtain the approval of the Harbourmaster before the vessel enters the restricted area.

Restricted Speed Area - Kawau Island, Bon Accord Harbour Map 6.0



Locality Guide

Key



Area reserved as the Kawau Island Restricted Speed Area



Conditions of use

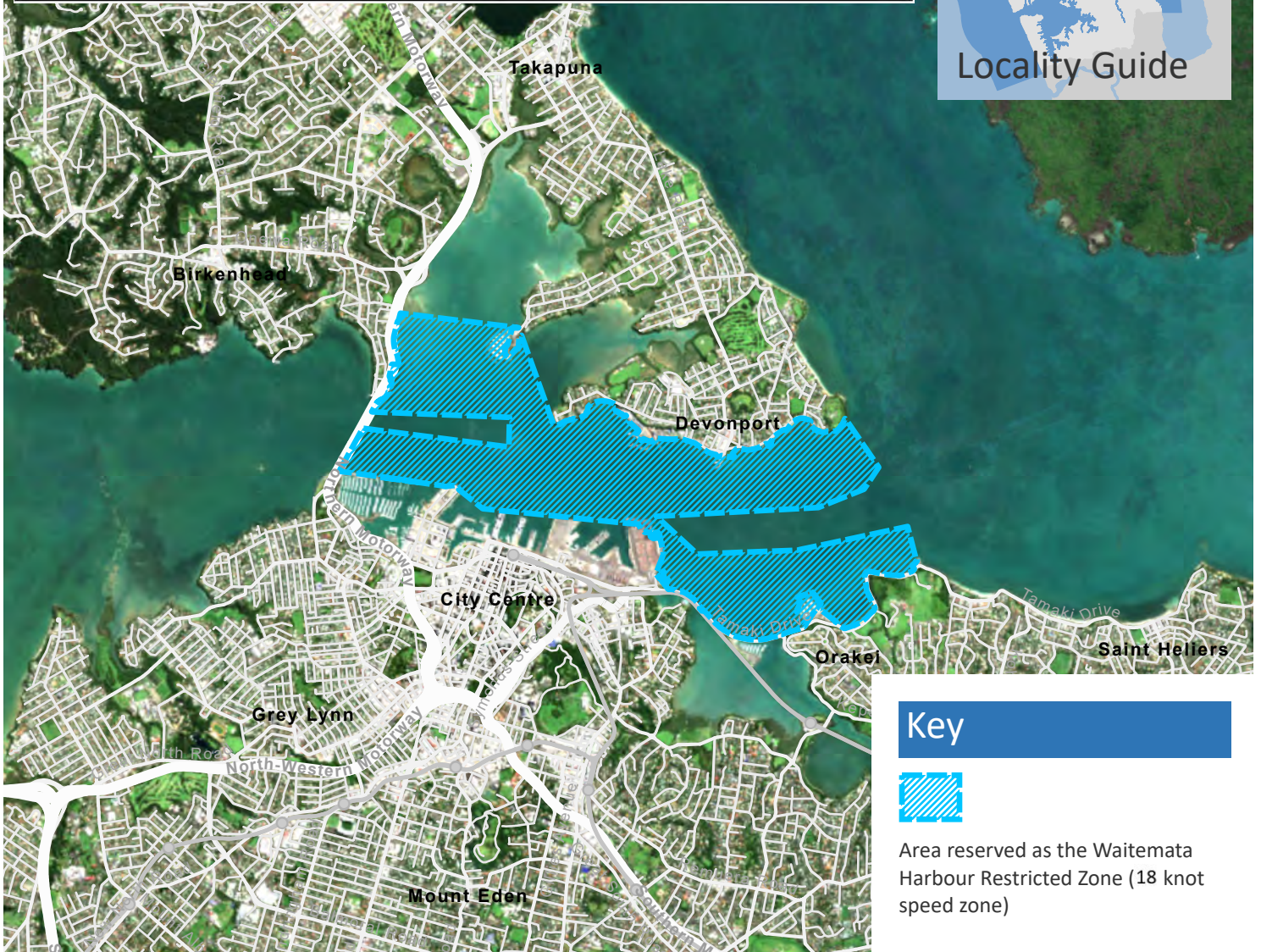
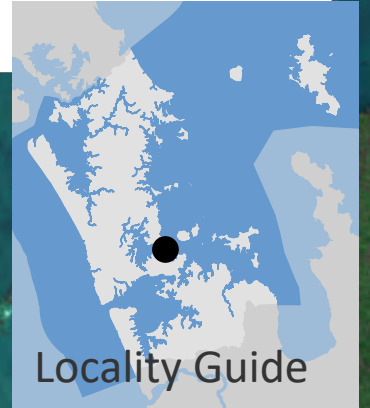
The person in charge of a vessel within the Kawau Island restricted speed area must ensure that vessel does not exceed a proper speed of 5 knots.

Waitemata Harbour Restricted Zone Map 7.0



Note: There are no markers in the sea area. The exact area is defined by the coordinates below

Lat. South	Long. East		Lat. South	Long. East	
1) 36.49.69	174.48.83	(North Head) to,	11) 36.50.10	174.44.57	(Harbour Bridge South) to;
2) 36.49.92	174.49.11	(No.17 Light by) to,	12) 36.49.81	174.44.76	(Harbour Bridge Pillar) to;
3) 36.50.01	174.49.19	(Mid Channel) to,	13) 36.49.92	174.46.00	(off Bayswater Marina) to,
4) 36.50.16	174.48.99	(Anchorage B) to,	14) 36.49.72	174.46.00	(off Bayswater Marina) to,
5) 36.50.29	174.48.61	(Anchorage 7) to,	15) 36.49.70	174.44.85	(Harbour Bridge North) then along the shoreline to,
6) 36.50.37	174.47.25	(off Ferguson) to,	16) 36.49.63	174.44.90	(Harbour Bridge North) then along the shoreline to,
7) 36.50.62	174.47.60	(Resolution Yellow By) to,	17) 36.49.03	174.45.06	(Cable Marker) to,
8) 36.50.58	174.48.44	(No.20 Light By) to,	18) 36.49.11	174.46.06	(Bayswater Cable Marker) to,
9) 36.50.41	174.49.36	(Bastion Yellow By) to,	19) 36.49.76	174.46.37	(Stanley Point) then along the shoreline to,
10) 36.50.63	174.49.44	(Bastion Point) then along the shoreline to,	20) 36.49.69	174.48.83	(North Head).



Key

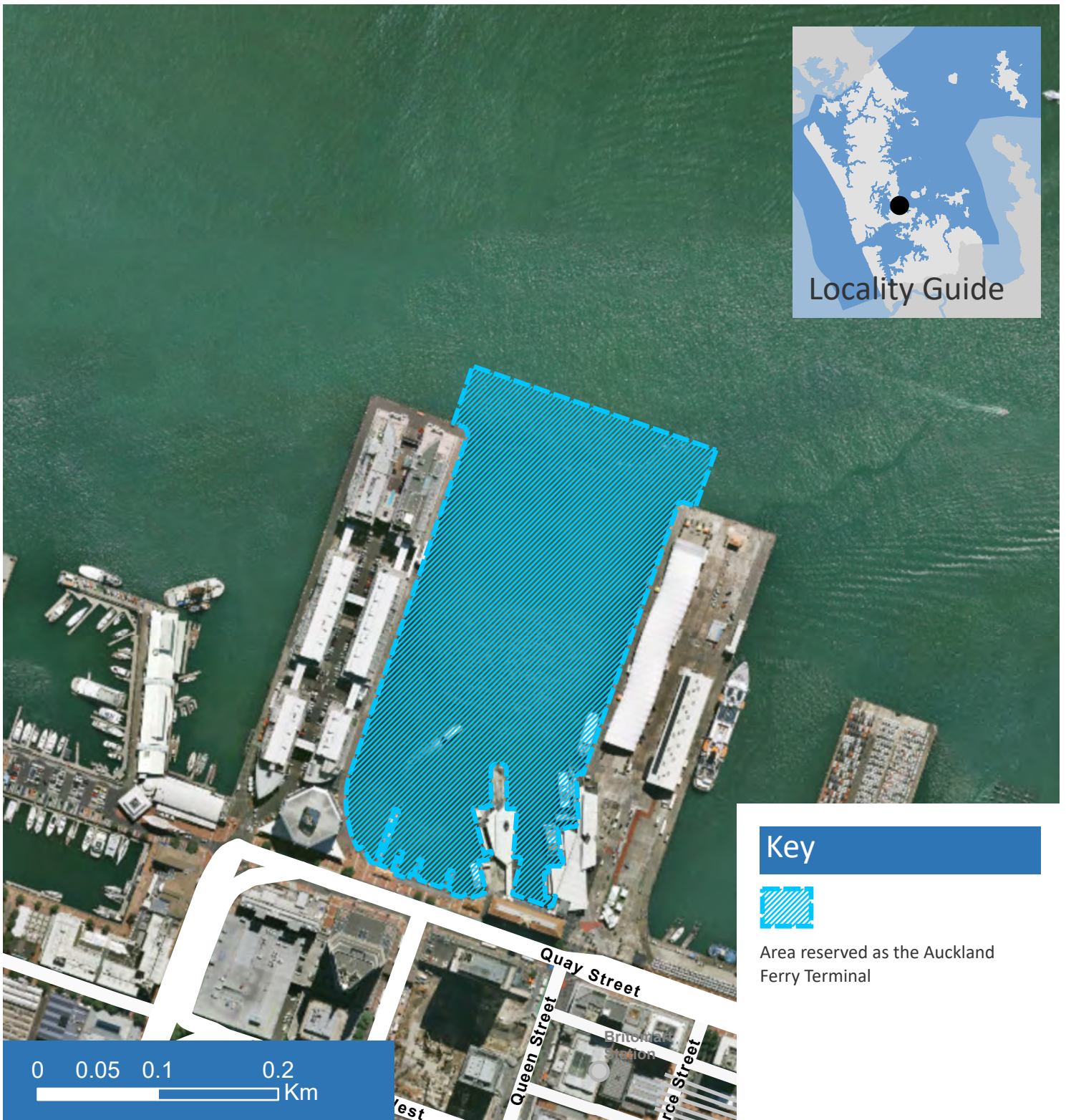


Area reserved as the Waitemata Harbour Restricted Zone (18 knot speed zone)


Conditions of use

- 1) A power-driven vessel within the Waitematā Harbour restricted zone must not –
 - a) exceed a proper speed of 5 knots within 200 metres of the shore;
 - b) exceed a proper speed of 18 knots when more than 200 metres of the shore; or
 - c) use an automatic steering device.
- 2) However, (1) does not apply to –
 - a) vessels operated by the police, customs, the Harbourmaster or other vessels approved by the Harbourmaster that are used during the performance of official duties in circumstances where persons on board are unable to undertake their duties without exceeding 18 knots; or
 - b) emergency response vessels responding to an accident or incident where there is grave and imminent danger to life or property; or
 - c) fast passenger ferries for which the Harbourmaster has granted written exemption on a scheduled passage and visibly displaying flashing orange lights.

Auckland Ferry Terminal Map 8.0



Key

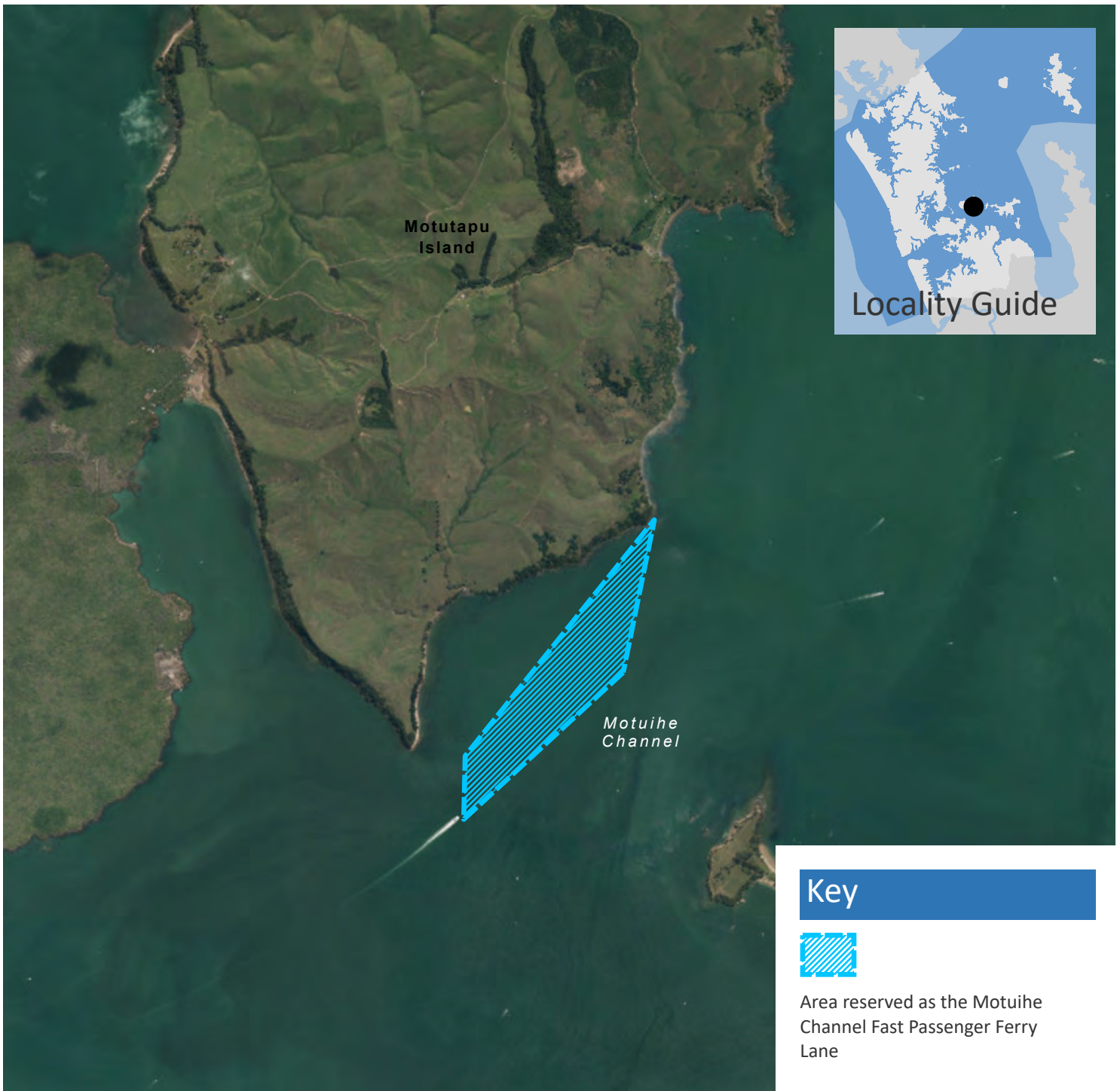
 Area reserved as the Auckland Ferry Terminal

Conditions of use

- 1) The person in charge of a vessel must not allow the vessel to enter into the Auckland Ferry Terminal Basin restricted area.
- 2) However, (1) does not apply to –
 - a) passenger ferries;
 - b) vessels authorised by the owner of a facility within the basin; or
 - c) an emergency response vessel.
- 3) No person may swim in the Auckland ferry terminal basin.

Motuihe Channel Fast Passenger Ferry Lane

Map 9.0



Key



Area reserved as the Motuihe Channel Fast Passenger Ferry Lane

Conditions of use

- 1) The person in charge of a vessel within the lane must ensure that vessel or any person on the vessel does not –
 - a) fish, set or lay any fishing apparatus;
 - b) anchor; or
 - c) impede the passage of a fast passenger ferry.
- 2) However, (1)(c) does not apply to any pilot or pilot exempt master when conducting the vessel (unless the vessel is a passenger ferry) or a **warship**.
- 3) The person in charge of a fast passenger ferry passing through the Motuihe Channel –
 - a) must use the lane at all times;
 - b) may exceed a proper speed of 5 knots within 200 metres of the shore when in the lane;
 - c) must navigate as close as safely and practicably to the edge of the lane on the starboard side of the vessel to allow safe port to port passing; and
 - d) must proceed along the fast passenger ferry lane either from Emu Point to Otahuhu point in a north-easterly or south-westerly direction.

Harbour Bridge Precautionary Area Map 10.0



Conditions of use

- 1) The person in charge of a vessel within the Auckland Harbour Bridge precautionary area must ensure their vessel or any person on their vessel does not –
 - a) impede the passage of a warship;
 - b) impede the passage of a passenger ferry;
 - c) impede the passage of a large vessel;
 - d) moor or anchor;
 - e) engage in fishing, set or lay any fishing apparatus.
- 2) The person in charge of a fast passenger ferry may not exceed a proper speed of 5 knots within 200 metres of the shore when in the Auckland Harbour Bridge precautionary area.

Commercial Port Area Map 11.0



Conditions of use

- 1) The person in charge of a vessel must not allow the vessel to enter into the Commercial Port restricted area
- 2) However, (1) does not apply to –
 - a) a vessel authorised by Harbour Control; or
 - b) an emergency response vessel.
- 3) No person may swim in the Commercial Port restricted area.

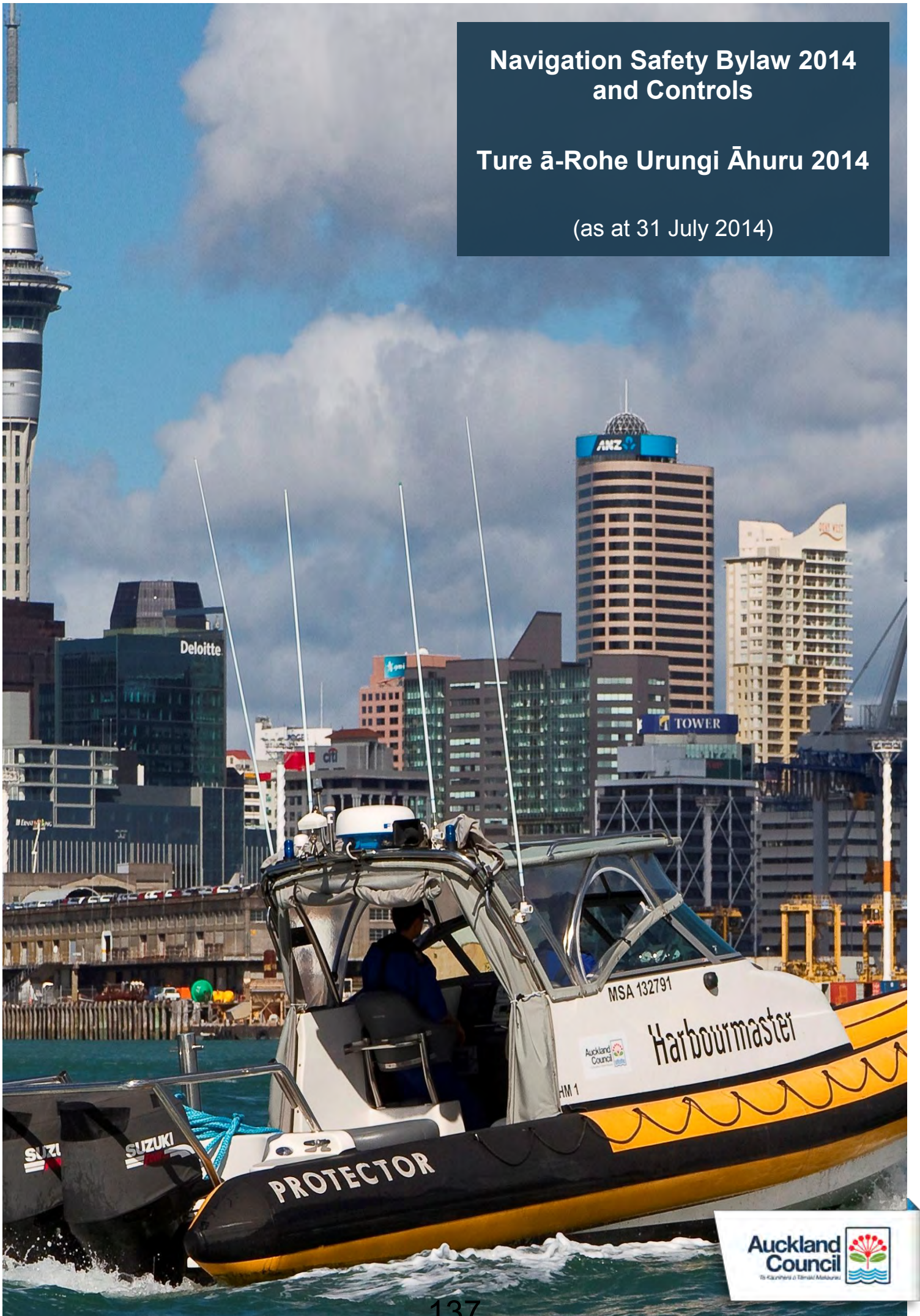
Note: Harbour Control can be contacted on VHF channel 135 or by email at harbourcontrol@poal.co.nz.

Appendix B: Existing navigation bylaw and associated controls

Navigation Safety Bylaw 2014 and Controls

Ture ā-Rohe Urungi Āhuru 2014

(as at 31 July 2014)



Pursuant to the Maritime Transport Act 1994, the Local Government Act 2002 and the Local Government (Auckland Council) Act 2009, the Governing Body of Auckland Council revokes and replaces the Auckland Regional Council bylaw about navigation safety with the following bylaw.

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1 Title

- (1) This bylaw is the Navigation Safety Bylaw 2014 / Ture ā-Rohe Urungi Āhuru 2014.

2 Commencement

- (1) This bylaw comes into force on 25 October 2014.

3 Application

- (1) This bylaw applies to Auckland's navigable waters.

Part 1 Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to:
- (a) regulate and control the use or management of vessels;
 - (b) regulate the placing and maintenance of moorings and maritime facilities;
 - (c) prevent nuisances arising from the use of vessels;
 - (d) prevent nuisances arising from the actions of persons and things on or in the water;
 - (e) reserve the use of any waters for specified persons or vessels;
 - (f) in relation to any sporting event, training activity, ceremonial or other authorised customary event,—
 - (i) prohibit or regulate the use of vessels;
 - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
 - (g) regulate and control the use of anchorages;
 - (h) prescribe vessel traffic separation and management schemes;
 - (i) specify requirements for the carriage and use of personal flotation devices and buoyancy aids on recreational vessels;
 - (j) require the marking and identification of personal water craft.

5 Interpretation

- (1) In this bylaw, unless the context otherwise requires:

Access lane means an area of water specified by the Harbourmaster under this bylaw that is marked by orange posts with horizontal black bands for landing or departing vessels or persons or objects towed by vessels.

Accident has the same meaning as in section 2 of the Act.

Act means the Maritime Transport Act 1994.

Aircraft has the same meaning as in the Civil Aviation Act 1990.

Anchor/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 removed with the vessel when it leaves the site or anchorage.

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 Harbourmaster or not.

Automatic Identification Systems (AIS) means an operational transceiver of class A or class B that complies with the requirements of the International Maritime Organisation.

Beach means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.

Board sports means any board sport, including windsurfing, sailboarding, kiteboarding, stand up paddle boarding, knee boarding, body boarding and surfing where the means of propulsion is by wind, waves or other natural forces, or where no mechanical means of propulsion is used.

Buoy means a float secured to the seabed serving as an aid to navigation or locational mark, or to indicate a mooring, reef or other hazard.

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.

Commercial vessel has the same meaning as commercial ship in the Act.

Council means the governing body of the Auckland Council or any person delegated or authorised to act on its behalf.

Crew has the same meaning as in section 2 of the Act.

Dangerous goods has the same meaning as in Maritime Rule Part 24A.

Director has the same meaning as in section 2 of the Act.

Emergency response vessel means any vessel approved by the Harbourmaster for use in emergency response and may include police, customs, Harbourmaster, naval, port company, coastguard and surf lifesaving vessels, and club patrol or rescue vessels (when supervising club activities).

Enforcement officer means a person appointed as an enforcement officer under section 33G of the Act.

Explosive substances has the same meaning as in Regulation 6 of the Hazardous Substances (Classification) Regulations 2001. For the purposes of this bylaw, explosive substances do not include a vessel's lifesaving pyrotechnics.

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

Flag A means the flag A of the International Code of Signals, being a swallow-tailed flag, or a rigid equivalent, coloured in white and blue, with white to the mast ("the diver flag").

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 that may be marked from time to time, by red and yellow flags and extending to 200 metres from the actual water's edge, for the purposes of swimming.

Foreshore means any land covered and uncovered by the ebb and flow 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 has the same meaning as in section 2 of the Act.

Harbourmaster has the same meaning as in section 2 of the Act.

Honorary enforcement officer has the same meaning as in section 2 of the Act.

Hot work operations includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

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 something that would not otherwise be done.

Incident has the same meaning as in section 2 of the Act.

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

Length overall has the same meaning as in Maritime Rule 40A.

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

Maritime rule means a rule made pursuant to Part 4 of the Act.

Master has the same meaning as in section 2 of the Act.

Moor/moored 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.

Mooring means any weight or article placed in or on the foreshore, seabed or the bed of a waterway for the purpose of securing a vessel and includes any chain, wire, rope, buoy, or other device attached or connected to the weight but excludes an anchor that is removed with the vessel when it leaves the site or anchorage.

Mooring site means the area designated by the Harbourmaster within a mooring zone for use by a mooring licence holder, and includes the swing area around the mooring.

Mooring zone means an area defined by the council as a mooring zone under the Auckland Unitary Plan where vessel moorings are placed but does not include an anchorage.

Navigable waters mean any waters in Auckland whether coastal or inland which are able to be navigated.

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

Navigation aid includes:

- (a) any lightship and any floating or other light exhibited for the guidance of vessels;
- (b) any description of fog signal not carried on board any 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 vessels.

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.

Noxious liquid substance has the same meaning as in the Maritime Protection Rules Part 140 – Discharge of Noxious Liquid substances in Bulk.

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

Oil has the same meaning as in section 33B of the Act.

Owner has the same meaning as in section 2 of the Act.

Paddle craft means a vessel powered only by use of a single or double bladed paddle as a means of propulsion without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements. A paddle craft includes a kayak, canoe, stand up paddle board, waka, dragon boat and other such craft.

Passenger ferry means a ferry operating a scheduled service registered with Auckland Transport.

Person in charge of a vessel means-

- (a) the master, skipper or kaihāutu of the vessel;
- (b) in the absence of an identified master or skipper, the owner of the vessel that is on board or the person steering the vessel.

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

- (a) a standard in *NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines* applicable to such buoyancy aids;
- (b) a national or international standard that the director is satisfied substantially complies with a standard in *NZS 5823:2005 Specification for buoyancy aids and marine safety harnesses and lines* applicable to such buoyancy aids.

Personal water craft has the same meaning as in section 33B of the Act.

Pilot has the same meaning as in section 2 of the Act.

Pilotage area means the pilotage areas described in maritime rule Part 90.

Pilotage Exemption Certificate has the same meaning as in Maritime Rule Part 90.

Power driven vessel means any vessel propelled by machinery.

Proper speed means speed through the water.

Raft means an inflatable vessel manoeuvred by oars or paddles (or a combination thereof) but does not include inflatable kayaks, white water sledges, tubes, or equipment used for river surfing.

Recreational vessel has the same meaning as pleasure craft as defined in the Act and recreational craft as defined in Maritime Rules Part 91: Navigation Safety Rules.

Explanatory note: Section 2 of the Act states: pleasure craft—

(a) means a ship that is not offered or used for hire or reward, and is used exclusively for—

(i) the owner's pleasure or as the owner's residence; or

(ii) recreational purposes by—

(A) the members of a club that owns the ship;

(B) the beneficiaries of a trust that owns the ship;

(C) the members of an incorporated society that owns the ship; but

(b) excludes a ship that is—

(i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business;

(ii) used on a voyage for pleasure if the ship is normally used, or intended to be normally used, as a fishing ship or for the carriage of passengers or cargo for hire or reward;

(iii) operated or provided by—

(A) a club, incorporated society, or trust for non-recreational purposes; or

(B) a business.

Maritime Rules Part 91 states: recreational craft means a vessel that is—

(a) a pleasure craft; or

(b) solely powered manually; or

(c) solely powered by sail:

Reserved area means any area reserved for a specific purpose under this bylaw.

Reward has the same meaning as in section 2 of the Act.

Sailboard means any type of board including a windsurfer or kiteboard that is propelled by a sail and operated by a person standing upright on a board.

Seaplane has the same meaning as in section 2 of the Act.

Seaworthiness in relation to any vessel means being, in the opinion of the Harbourmaster in a fit condition of readiness to safely undertake a voyage within its designed capabilities.

Sheltered waters are waters within 200 metres of the shore which are protected from any wind, currents or waves that could cause the vessel to be blown or swept out into open waters or into danger, or being swamped.

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

Speed uplifting means an authorisation by the Harbourmaster to increase/change or otherwise alter the speed provision under this bylaw.

Small vessel means a vessel of six metres length overall or less.

Structure means:

- (a) any building, equipment, device, or other facility, fixed to land or bed of a waterbody; and
- (b) includes slipways, jetties, pile moorings, swing moorings, 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 navigation aids.

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

Support vessel means any vessel used for coaching, marshalling and rescue attendance for a sporting event, training activity, ceremonial or other authorised customary event.

Surfboard means any type of board that is used for surf riding.

Tanker means any vessel which:

- (a) is specially constructed, or has a compartment or compartments specially constructed for bulk carriage of oil products of any class and includes any tanker designed for carriage of noxious liquid substances in bulk; and
- (b) either:
 - (i) has on board, or is about to take on board, any cargo in whole or part of which consists of class 3 oil products or noxious liquid substances in bulk; or
 - (ii) has discharged any cargo consisting of any such oil products or noxious liquid substances in bulk, but the holds, tanks, and compartment of which have not been rendered or certified gas-free.

Towing for the purpose of this bylaw means the towing of a person or object behind a vessel but does not include the towing of a vessel by another vessel.

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

Vessel means every description of a ship, boat or a craft used in navigation on the water, whether or not it has any means of propulsion; and includes a:

- (a) barge, lighter, or other like vessel;
- (b) 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) submarine or other submersible;
- (d) seaplane while on the surface of the water;
- (e) personal watercraft (jet ski);
- (f) raft;
- (g) paddle craft; or
- (h) any board used for board sports.

Warship has the same meaning as in section 2 of the Act.

- (3) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- (4) Unless the context requires another meaning, a term or expression that is defined in the Act or maritime rule and used in this bylaw, but not defined, has the meaning given by the Act or maritime rule.
- (5) Any explanatory notes and maps are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.
- (6) The Interpretation Act 1999 applies to this bylaw.

Part 2 General

6 Controls and demarcations specified under the bylaw

- (1) Any control specified by the Harbourmaster under this bylaw may:
 - (a) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (b) apply to all activities or to any specified category of activity;
 - (c) apply to Auckland or to a specified part of Auckland;
 - (d) apply at all times or at any specified time or period of time.
- (2) The Harbourmaster may demarcate the use of any area of navigable water for a specified purpose pursuant to this bylaw through the placement of buoys, posts or signs at the demarcated area.
- (3) A person must not operate a vessel in navigable waters other than in accordance with any applicable control or demarcation.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing the demarcated areas of navigable water for specified purposes and use.

Part 3 Carriage and wearing of personal flotation devices on recreational vessels

7 Carriage of personal flotation devices

- (1) A person in charge of a recreational vessel must not use it unless there are sufficient personal flotation devices for each person on board at all times that the vessel is in use.
- (2) Personal flotation devices must be:
 - (a) in a readily accessible location on board the vessel;
 - (b) of an appropriate size for each person on board; and
 - (c) in good operative condition.

8 Wearing of personal flotation devices in times of heightened risk

- (1) A person in charge of a recreational vessel must not use it in circumstances where tides, river flows, visibility, rough seas, adverse weather, when crossing a bar, in emergencies, or other situations that may 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.

9 Wearing of personal flotation devices on small recreational vessels six metres or less

- (1) Every person on board a small recreational vessel must wear a properly secured personal flotation device of an appropriate size for that person at all times.
- (2) Subclause (1) does not apply if the person in charge of the vessel, after assessing all circumstances and determining there would be no reduction in safety, expressly authorises any person on board to remove a personal flotation device.

10 Exemptions to the compulsory carriage of personal flotation devices

- (1) Clause 7 does not apply to:
 - (a) any surfboard;
 - (b) any person riding breaking waves on a stand up paddle board when the board is attached to the person by means of a leg rope.
 - (c) any sailboard activity, if a wetsuit is worn at all times;
 - (d) a diver on a small vessel that is used for recreational diving within five nautical miles of shore, when wearing a full body wetsuit;
 - (e) 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 an organisation approved by the Director.

Explanatory note: The Director may approve a sporting organisation if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

- (f) a sporting event, training activity, ceremonial or other authorised customary event if-
 - (i) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the vessel and the vessel or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the vessel; or
 - (ii) the Harbourmaster has granted prior written exemption.

Explanatory note: The Harbourmaster may grant an exemption for a specified period if satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

11 Wearing of personal flotation devices by persons being towed

- (1) The person in charge of the vessel and any person being towed are both responsible for ensuring that the person being towed wears a properly secured personal flotation device of an appropriate size for that person.

Part 4

General navigation safety requirements

12 Person in charge of the vessel

- (1) No vessel may leave the shore unless a person in charge of the vessel has been nominated.
- (2) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons on board the vessel.
- (3) A person must not be in charge of a vessel while under the influence of alcohol or a drug, or both, to such an extent as to be incapable of having proper control of the vessel.

13 Minimum age for operating powered vessels

- (1) A person below the age of 15 years must not be in charge a power driven vessel that is able to exceed a proper speed of 10 knots unless they are under the direct supervision of a person:
 - (a) who is 15 years or older; and
 - (b) who is in immediate reach of the controls; and
 - (c) who is not the lookout person required under this bylaw when another person is being towed.
- (2) The owner of a power driven vessel that is able to exceed a proper speed of 10 knots must not allow any person below the age of 15 years to be in charge of that vessel, unless they are under the direct supervision of a person:
 - (a) who is 15 years or older; and
 - (b) who is in immediate reach of the controls; and
 - (c) who is not the lookout person required under this bylaw when another person is being towed.

14 Speed of vessels

- (1) A person in charge of a vessel must not operate a vessel at a proper speed exceeding 5 knots within:
 - (a) 50 metres of any other vessel;
 - (b) 50 metres of any person in the water;
 - (c) 200 metres of the shore;
 - (d) 200 metres of any structure;
 - (e) 200 metres of any vessel that is exhibiting Flag A;
 - (f) 200 metres of a marine mammal;
 - (g) any zone specified by the Harbourmaster as having a 5 knot speed limit; or
 - (h) any mooring zone.
- (2) A person in charge of a power driven vessel must not operate the vessel at a speed exceeding 5 knots while another person has any portion of his or her body extending over the bow or side of that vessel.
- (3) A person must not allow himself or herself to be towed by a vessel in any circumstances specified in subclause (1).
- (4) Subclauses (1)(a) and (b) do not apply to:
 - (a) a large vessel, if the vessel cannot be safely navigated in compliance with subclause (1);
 - (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand;
 - (ii) a non-profit organisation involved in sail training or racing;
 - (c) a vessel (including the support vessel) training for or participating in competitive rowing or paddling;
 - (d) a tug, pilot vessel, emergency response vessel, support vessel for rowing or paddling, Harbourmaster vessel, or police vessel, only if the vessel's duties cannot be performed in compliance with subclause (1)(a) or (b); or
 - (e) a vessel operating in accordance with a speed uplifting approved by the Harbourmaster.
- (5) Subclauses (1)(c) and (d) do 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;
 - (b) a fast passenger ferry using the Motuihe Channel fast passenger ferry lane or the Auckland Harbour Bridge precautionary area;
 - (c) 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.

15 Vessels to be seaworthy

- (1) The person in charge of a vessel anchored or moored in any navigable waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in a condition which is not seaworthy.
- (2) Except in an emergency or following an accident or incident, a person must not operate a vessel that is unseaworthy, except to comply with the directions of the Harbourmaster to move that vessel to an alternative location.
- (3) In an emergency or following an accident or incident that renders the vessel unseaworthy, the person in charge of the vessel must not move the vessel except:
 - (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or
 - (b) in accordance with directions from the Harbourmaster, enforcement officer or honorary enforcement officer.
- (4) If a vessel is not seaworthy or has the potential to cause a hazard to navigation, the Harbourmaster may give a direction to the person in charge of the vessel to move the vessel to an alternative location or remove it from navigable waters within a reasonable time.
- (5) If the person in charge of the vessel fails to comply with the direction of the Harbourmaster or if the owner or person in charge of the vessel cannot be located, the Harbourmaster may move that vessel to a position where it is no longer a hazard or remove it from the water and dispose of it.

16 Collision preventions

- (1) A person must not operate any vessel in breach of Maritime Rule Part 22 (Collision Prevention) made under the Maritime Transport Act 1994.

17 Notification of collisions or accidents

- (1) The owner and/or person in charge of a vessel that has been involved in a collision or accident must report the details of such, where:
 - (a) the collision or accident has caused damage to another vessel, or a navigation aid or any structure;
 - (b) a vessel has been sunk or grounded or become stranded in navigable waters;
 - (c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or
 - (d) any person has been injured.
- (2) The details of the collision or accident must be:
 - (a) given verbally as soon as possible to the Director and to the Harbourmaster; and
 - (b) reported as soon as practicable in writing and sent by mail or by email to the Director and to the Harbourmaster.
- (3) A report must include:
 - (a) a full description of any injury to persons, their names and contact details; and
 - (b) a full description of any damage to vessels or structures; and
 - (c) the name(s), contact details of person(s) in charge of the vessel(s).

Part 5 Activities

18 Swimming

- (1) A person must not jump, dive or swim:
 - (a) from or within 50 metres from, a wharf, quay, jetty or pontoon -
 - (i) while it is in use for the berthing and unberthing of vessels;
 - (ii) when a vessel is approaching to berth, or manoeuvring alongside or departing;
 - (b) in an area that would interfere with the berthing or departure of any vessel;
 - (c) within any marked navigational channel or any other navigational channel leading to a jetty, wharf or quay;
 - (d) where these activities are prohibited by the Harbourmaster.
- (2) The Harbourmaster or any person operating officially under Surf Life Saving New Zealand may, set aside areas of beaches as flagged areas for the purpose of swimming and body boarding.
- (3) Within any flagged area, the only activities that may be undertaken are swimming, body boarding or the operation of a surf lifesaving vessel.

19 Water skiing and towing of persons

- (1) A person in charge of a vessel used for towing another person must have at least one other person on board acting as a lookout, who is 10 years of age or older and who is responsible for immediately notifying the person in charge of the vessel of every mishap that occurs to the person and/or object that is being towed.
- (2) A person in charge of a vessel must not tow any person or object between sunset and sunrise.
- (3) A person in charge of a vessel must not 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, in a location where it could cause danger to any other person or vessel, unless:
 - (a) the person in charge immediately takes action to recover that water ski or similar object;
 - or
 - (b) the dropped ski or similar object is clearly visible to any other water user operating within the vicinity.
- (4) A person must not allow himself or herself to be towed by a vessel unless in compliance with this clause.

20 Dive operations

- (1) The person in charge of a vessel from which dive operations are in progress and the person diving from the vessel, must ensure that Flag A of a size no less than 600mm by 600mm is displayed in such a manner that it can clearly be identified by the person in charge of another vessel at a distance in excess of 200 metres.
- (2) Every person that dives unaccompanied by a vessel, must ensure that Flag A is displayed on a buoy in the water within close proximity to the diver in such a manner that it can be clearly identified by the person in charge of another vessel at a distance in excess of 200 metres.

21 Wake of recreational vessels

- (1) A person in charge of a recreational vessel must ensure that the vessel's wake or the wake from any person or object being towed:
 - (a) does not prevent other people from safely using the navigable water;
 - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
 - (c) does not cause any risk of harm to any other person.

22 Use of vessel engine around wharves and ramps

- (1) A person in charge of a vessel must not operate the propulsion system of the vessel while it is lying at a wharf, quay, jetty or pontoon 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.
- (2) In addition, a person in charge of a large vessel must:
 - (a) ensure that a crew member is stationed both forward and aft on any vessel while that vessel is lying at a wharf, quay, jetty or pontoon and about to test or testing a propulsion system;
 - (b) ensure that a crew member warns all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

23 Access lanes

- (1) The Harbourmaster may specify an area of navigable water to be an access lane for the purpose of high speed access to and from the shore and specify controls for the use of the area.
- (2) No person may operate a vessel in an access lane other than in accordance with any applicable control or demarcation.
- (3) A vessel must proceed by the most direct route through the access lane on that side of the access lane that lies to the starboard (right) side of the vessel.
- (4) If any person is using an access lane for the purpose for which it is specified, no other person or vessel must obstruct that user or enter, remain in or use the lane or area for any other purpose.
- (5) A person in charge of a vessel within an access lane must ensure that the vessel does not obstruct or cause any danger to any other vessel or to any other person in the access lane.
- (6) Except as specified by the Harbourmaster, a person must not anchor or moor a vessel in an access lane.
- (7) An access lane is 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) adequate signage in the vicinity of the access lane that declares the purpose of that lane.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved as access lanes by the Harbourmaster, for the purpose of high speed access to and from the shore, when undertaking water skiing and similar activities.

24 Reserved areas

- (1) The Harbourmaster may reserve an area of navigable water permanently for a specified purpose and period, and may specify controls for the use of the reserved area.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster for specified purposes and use.

25 Special reserved areas

- (1) A person that intends to conduct a sporting event, training activity, ceremonial or customary event or any other organised water activity on navigable water must obtain approval from the Harbourmaster if the activity is likely to affect normal operation of another vessel or any other user of the water, by:
 - (a) requiring temporary suspension of the relevant speed clause(s) and any other relevant clause of this bylaw;
 - (b) require an area to be temporarily reserved for a specific area for the purpose of the event; or
 - (c) require temporary installation of course markers or similar such structures in the water.
- (2) The Harbourmaster may require an area to be temporarily reserved for an activity referred to in subclause (1).
- (3) An application to temporarily reserve an area of navigable water must be made in accordance with the requirements of the Harbourmaster, in the prescribed form and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- (4) An application to temporarily reserve an area of navigable water may be granted or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit.
- (5) The Harbourmaster may recover any costs associated with the reservation of the area of navigable water from the applicant.

26 Conduct in reserved areas

- (1) No person may operate a vessel in a reserved area other than in accordance with any applicable control or demarcation.
- (2) A person must not enter into a reserved area for any other purpose than that specified by the Harbourmaster.
- (3) If any person is using a reserved area for the purpose for which it is specified, no other person or vessel must obstruct that user or enter, remain in or use the area for any other purpose unless with the approval of the Harbourmaster.
- (4) Adequate signs must be provided in the vicinity of a permanent reserved area that:
 - (a) defines the area; and
 - (b) declares the purpose for which the area has been reserved.
- (5) If the area is demarcated on shore, it is marked by black posts with white horizontal bands.
- (6) If the reserved area is marked at sea, it is marked by black buoys with white bands.

Part 6 Operating Requirements

27 Obstructions

- (1) A person must not 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) A person must not place any obstruction, including a vessel or fishing apparatus, in, over or near any navigable waters, if it is likely to:
 - (a) restrict navigation;

- (b) cause or have potential to cause, injury or death to any person;
 - (c) cause damage to any vessel or any property; or
 - (d) restrict access to or use of any lawfully established mooring.
- (3) A person must not leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to another vessel.

28 Discharges

- (1) No person shall discharge, drop, cause or allow to be discharged into navigable waters any cargo or anything from any vessel, wharf or from land that may constitute a danger to navigation safety.

29 Navigation aids

- (1) The Harbourmaster may require a person to erect or maintain a navigation aid.
- (2) A person must not erect or alter a navigation aid without the prior written approval of the Harbourmaster and Director.
- (3) A person must not tie a vessel to any navigation aid, unless they have the prior approval of the Harbourmaster.
- (4) A person must not damage, remove, deface or otherwise interfere with any beacon, navigation mark, buoy, light or other navigation aid.
- (5) A person must not erect any light or structure that may be mistaken as a navigation aid without the prior written approval of the Harbourmaster.

30 Sound and light signals

- (1) A person must not fit to any vessel, or use any lights, sirens or other sound that are not prescribed in a Maritime Rule, without the approval of the Harbourmaster.
- (2) A person must not blow or sound the whistle, siren or horn of a vessel unless it is being used as a navigation safety signal or for the testing of equipment.
- (3) Subclause (2) does not apply to horns, whistles or sirens used for the purposes of a sporting event or a celebration event, provided they are used in locations where there will be no confusion to any other person about the navigation safety signal.
- (4) A person must not fit to any vessel or use any blue flashing light or siren, unless the vessel is operated by police, customs, the Harbourmaster or a vessel approved by the Harbourmaster.
- (5) A person must not fit to any vessel or use any purple flashing light unless the vessel is being used specifically for an emergency response. A purple flashing light must only be used when actively involved in responding to an accident or incident. This light implies no status for the vessel and must be used for the minimum time possible.
- (6) A fast passenger ferry must display an orange flashing light when it is not made fast to the shore or is not at anchor.

31 Vessels to carry navigational equipment

- (1) The person in charge of a vessel must ensure that the vessel has at all times on board appropriate means to navigate safely for the intended voyage.
- (2) This clause does not apply to:
 - (a) a person participating in a board sport;
 - (b) a vessel being used in any sporting event or training activity, if there is a support vessel in attendance that is able to provide safe navigation in accordance with this clause.

32 Means of communication

- (1) A person in charge of a vessel must be able to communicate with a land based person from any area where the vessel is intended to be operated for the duration of the voyage.
- (2) Any communication equipment carried on board a vessel must be in good operative condition.

- (3) Subclause (1) does not apply to a vessel being used in any sporting event or training activity, if there is a support vessel in attendance that is carrying a means of communication in accordance with this clause.

33 Visibility of paddle craft

- (1) A person must not operate a paddle craft of less than seven metres beyond sheltered waters unless the person in charge of the vessel has taken steps to ensure its visibility to other vessels.

34 Vessels to be identified

- (1) A person must not use a vessel on navigable waters unless it displays a name, consisting of letters the Roman alphabet or numbers that are not the vessel's brand, make or model, and that is distinct to that vessel.
- (2) Subject to clause (3), this clause does not apply to:
- non-mechanically powered vessels of less than six metres in length; and
 - power driven vessels of less than four metres in length.
- (3) Non-mechanically powered vessels and power driven vessels referred to in subclause (2) must be marked with the current owner's name and contact details somewhere on the vessel.
- (4) The name, identification mark or number referred to in subclauses (1) must be displayed above the waterline on each side of the vessel by the person in charge of the vessel. The minimum height of the name, identifying mark or identification number is 90 millimetres and it must be legible by day from a distance of at least 50 metres.

35 Aircraft

- (1) A person in charge of a vessel must not impede an aircraft in the process of landing or taking off.
- (2) Except in an emergency, a person must not take off, land or attempt to take off or land an aircraft:
- on navigable waters; or
 - from any vessel, wharf, quay, jetty or pontoon or structure within a coastal marine area; without the permission of the Harbourmaster.

36 Prohibited and restricted anchorages

- (1) Except in an emergency, a person must not:
- anchor or moor a vessel within a prohibited anchorage under this bylaw without the prior approval of the Harbourmaster;
 - anchor a vessel within a restricted anchorage under this bylaw unless the vessel is kept ready to make immediate departure and an anchor watch on board the vessel is maintained at all times.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster as prohibited and restricted anchorage areas.

The restrictions do not apply to commercial vessels that have been directed to use one of the named anchorages by the Harbourmaster. Vessels may apply to the Harbourmaster for approval to anchor in these areas for commercial, engineering, construction, or scientific purposes. Requests must be directed to the Harbourmaster's office.

37 Limitation on anchoring

- (1) A vessel must not be anchored within the same or proximate location for longer than 14 consecutive days without the prior approval of the Harbourmaster.
- (2) A person must not leave any vessel unattended at any wharf, breakwater, ramp or pontoon without permission of the facility owner or on the beach or foreshore except in an area specified for this purpose by the Harbourmaster.

- (3) Subclause (2) does not apply to small vessels that are left on any beach or foreshore for a period of 48 hours or less.

38 Vessels to be adequately anchored, moored or secured

- (1) The owner and/or person in charge of a vessel when not underway must be responsible for ensuring that:
- it is securely anchored or moored; and
 - that any mooring used is of adequate specifications (size, type, displacement) to safely accommodate the vessel to be moored.
- (2) Unless otherwise authorised by the Harbourmaster, a person in charge of a vessel must not moor or anchor the vessel in a location where the vessel could:
- obstruct the passage of other vessels in a navigation channel;
 - obstruct the approach to a wharf, quay, jetty or pontoon;
 - create a hazard to other vessels at anchor or on a mooring; or
 - create a hazard for any person.
- (3) A person must not moor a vessel to any mooring within a mooring zone unless:
- the mooring is an authorised mooring; and
 - the Harbourmaster has issued a mooring licence for the vessel at that mooring site; or
 - the vessel has been authorised to moor at that mooring site by the mooring site holder and the Harbourmaster.
- (4) A person must not cut, break, destroy, or otherwise tamper with:
- the anchor or mooring of any vessel; or
 - the securing of any vessel at a wharf, quay, jetty or pontoon.
- (5) If required by the Harbourmaster, the owner or person in charge of the vessel berthed at a wharf, or at anchor must maintain a person on board to keep a watch.

Part 7

Licenses, permits and administrative matters

39 Registration of personal water craft (jetski)

- (1) A person must not use a personal water craft on navigable waters unless it has a current registration with the Harbourmaster or another New Zealand regional council and displays an identification number issued by the Harbourmaster or that other regional council.
- (2) A person must submit to the Harbourmaster a change of ownership form within 30 days of disposing or selling a personal water craft.

40 Moorings to be licensed

- (1) A person must not place a mooring in any navigable water without the approval of the Harbourmaster and may only be placed in accordance with a mooring licence issued by the Harbourmaster.
- (2) A mooring licence may not be issued for a mooring site that is not within a mooring zone or that has not been granted a resource consent.

41 Application for a mooring licence

- (1) An application for a mooring licence must be made in the prescribed form, describe the location and features of the proposed mooring site and the specifications of the mooring for which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- (2) An application for a mooring licence may be granted or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit.
- (3) A mooring licence is personal to the holder and the vessel specified therein is not transferable without the prior approval of the Harbourmaster.

- (4) The prior approval of the Harbourmaster must be obtained by the licence holder of the mooring for occupation by another vessel and the Harbourmaster must be provided with the vessel's name, type, length, size and owner's contact details.

42 Consideration of application for a mooring licence

- (1) When considering an application for a mooring licence and the conditions to be imposed under it, the Harbourmaster may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
- (a) if the mooring site is located in a mooring zone;
 - (b) if there is adequate space at the mooring site for the proposed mooring and vessel;
 - (c) if the mooring is of adequate specifications to accommodate the proposed vessel to be moored;
 - (d) if the vessel can be safely navigated to and from the mooring site;
 - (e) any public health and safety risks of the mooring site, including if the mooring may diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices.

43 Conditions of licence

- (1) The terms and conditions upon which a mooring licence may be granted include, but are not limited to the following:
- (a) the location of the mooring;
 - (b) the type, size and length of the specified vessel that may be attached to the mooring;
 - (c) the design and specifications of the mooring;
 - (d) maintenance requirements;
 - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel.
- (2) The licence is to be held by the licence holder subject to the following additional terms and conditions:
- (a) the licence will be issued annually upon full payment of the annual mooring licence fee;
 - (b) the licence period applies from 1 July to the following 30 June each year.

44 Transfer of ownership and termination of mooring licences

- (1) An application for the transfer of a mooring licence must be made in the prescribed form, and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- (2) When a licence holder applies to the Harbourmaster seeking approval for the transfer of a mooring licence to another person, the Harbourmaster may approve the transfer if:
- (a) all mooring licence fees, including the transfer fee are fully paid;
 - (b) the mooring has a current inspection certificate required under this bylaw;
 - (c) the mooring specification and design are adequate to accommodate the proposed vessel to be moored;
 - (d) the new mooring owner agrees to the terms and conditions specified in the original licence.

45 Maintenance and construction requirements

- (1) The Harbourmaster may set mooring maintenance and construction guidelines for any type or class of mooring; and set controls governing the weight, size and length of mooring components.
- (2) The owner of a swing mooring or a pile mooring must maintain his or her mooring in a proper state of condition and repair and must comply with the mooring guidelines set by the Harbourmaster.
- (3) The owner of a mooring must obtain a current mooring inspection certificate for the mooring.
- (4) The Harbourmaster may issue a mooring inspection certificate after the inspection has taken place and payment of the inspection fee has been received.

- (5) A mooring owner may carry out maintenance after removing the mooring from the water, provided the inspection fee has been paid and arrangements are made by the mooring owner for inspection of the mooring by the Harbourmaster and the payment of the inspection fee prior to being reinstated
- (6) The Harbourmaster may inspect all the components of pile moorings at suitable intervals and notify the mooring owner if parts must be replaced or if maintenance must be carried out. Replacement of parts or maintenance must be carried out within the advised timeframe. Replacement of the piles will be notified and coordinated by the Harbourmaster at the recommended guideline interval.
- (7) The Harbourmaster may cancel the mooring licence for any mooring that does not hold a current mooring inspection certificate and may remove or dispose of the mooring and any vessel on the mooring.
- (8) All costs associated with the inspection, maintenance and replacement of components must be borne by the mooring owner.

46 Powers of Harbourmaster with respect to moorings and vessels on moorings

- (1) The Harbourmaster may at any time after giving due written notice, cancel a mooring licence where the licence holder fails to comply with the terms and conditions of the mooring licence or any other clause under this section of the bylaw.
- (2) If a mooring licence has been cancelled, the Harbourmaster may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within the timeframe specified by the Harbourmaster. If the mooring owner fails to remove the mooring in the specified timeframe, the Harbourmaster may remove the mooring and any vessel occupying the mooring be removed and the Harbourmaster may recover the costs from the licence holder or from the sale of the mooring and/or vessel.
- (3) If any annual mooring licence fee or other charge required by the Harbourmaster under this bylaw remains unpaid for a period of two months, then the Harbourmaster may remove the mooring and detain the vessel using the mooring, until such fee or charge, including the cost of removing the mooring and storing the vessel, have been paid. If the debts have not been paid and discharged within a further two months, the Harbourmaster may dispose of the mooring and/or vessel or sell the mooring and/or vessel to recover the debt.
- (4) The Harbourmaster may remove any mooring that is unauthorised under the Unitary Plan or is unlicensed pursuant to the provisions of this bylaw. If any vessel is using the unauthorized mooring, the Harbourmaster may detain the vessel until the cost of removing the mooring and storing the vessel has been paid. If the debts have not been paid and discharged within a further two months, the Harbourmaster may dispose of the mooring and/or vessel or sell the mooring and/or vessel to recover the debt.

47 Liability of the council

- (1) The council is not liable for:
 - (a) any damage to vessels which have not been securely moored;
 - (b) any damage to a vessel(s) which results from any actions taken by the Harbourmaster to secure a vessel, in the event of a storm or other adverse event.
- (2) The council is not liable for any damage to a vessel tied to a mooring, whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause.
- (3) The council is not liable for any damage to a vessel that the Harbourmaster secures or removes under this bylaw.

48 Removal of vessels

- (1) Where a vessel breaks free from or drags its mooring, or causes an obstruction 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 or secure that vessel at the owner's risk.

- (2) The cost associated with the removal and storage of or securing a vessel is recoverable from owner of the vessel and/or the mooring licence holder.
- (3) If the owner of the vessel or the licence holder cannot be located, or fails to pay for any storage cost, the Harbourmaster may recover cost from the sale of the vessel, its fittings, equipment and cargo.

49 Ongoing use of a mooring

- (1) A holder of a mooring licence must not leave a mooring vacant or unattended for longer than six months without the prior written approval of the Harbourmaster.

50 Hot work operations

- (1) A person conducting hot work operations on a vessel must comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand).
- (2) The person in charge of a vessel must before any hot work operations are commenced, obtain the written approval of the owner or manager of the facility at which the operations are to be conducted.
- (3) The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she take all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.
- (4) In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

51 Vessels carrying dangerous goods as cargo

- (1) The person in charge of a large vessel carrying dangerous goods as cargo must notify the berth operator, and the Harbourmaster if requested, in writing at least 48 hours prior to the vessel's arrival at the pilotage area.
- (2) Notification to the berth operator and/or the Harbourmaster must include full details of all dangerous goods on board as cargo and include the hazard classification, net quantity, packing group, stowage position and whether the cargo is for discharge or transit.

52 Fuel oil operations and bunkering

- (1) The person in charge of the vessel must ensure that bunkering operations are carried out in accordance with Maritime Protection Rules and/or the vessel's approved Shipboard Oil Pollution Emergency Plan.
- (2) Twenty four hours before the commencement of any bunkering operation from a road tanker or vessel, the person in charge of a vessel must notify the Harbourmaster in writing in the prescribed form.
- (3) In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may prohibit the operations to commence, or continue, until her or she is satisfied adequate precautions have been taken.

**Part 8
 Large vessels**

53 Navigating with inoperative equipment

- (1) The person in charge of a large vessel operating in Auckland's navigable waters must report to the Harbourmaster any navigational or manoeuvring equipment which is inoperative or otherwise malfunctioning
 - (a) prior to entering Auckland's navigable waters, or departing from any berth or anchorage within Auckland;

- (b) 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 large vessel 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) A report to the Harbourmaster made under this clause may be directed to:
 - (a) the Harbourmaster via the duty officer by telephone;
 - (b) “Auckland Harbour Control” on VHF ch 12.
- (4) Approval granted by the Harbourmaster may be relayed to the person in charge of the vessel via:
 - (a) the Harbourmaster via the duty officer; or
 - (b) Auckland Harbour Control on VHF ch 12.

54 Duty of person in charge of a vessel under 500 gross tonnage

- (1) The person in charge of a vessel under 500 gross tonnage must not allow their vessel to impede the navigation of any large vessel if the vessels are in a pilotage area.

55 Moving prohibited zone

- (1) A moving prohibited zone extending to 100 metres astern and 100 metres to each side of a large vessel, and continuing at such width to 500 metres ahead, following the line of the buoyed channel when changing course, is reserved around a large vessel, when that large vessel is underway within the pilotage areas of Auckland (excluding Tāmaki River) and Manukau.
- (2) When navigating within a marked channel, the moving prohibited zone to the side of the large vessel is reduced to the width of the marked channel and the zone ahead of the large vessel must follow the line of the marked channel.
- (3) The owner or person in charge of a vessel must not navigate the vessel within the moving prohibited zone of a large vessel, within the pilotage area of Auckland (excluding Tāmaki River) and Manukau.
- (4) For the purpose of this clause, a tug and barge is considered a composite unit.

56 Areas of restricted access for large vessels

- (1) The Harbourmaster may specify an area of navigable water as restricted to large vessels and specify controls for the use of the area.
- (2) The owner and/or person in charge of a large vessel must not allow their vessel to enter into an area of restricted access to large vessels without the prior written approval of the Harbourmaster.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster as restricted access to large vessels.

57 Automatic identification system

- (1) The Harbourmaster may require the owner of a commercial fast vessel to install a functioning Automatic Identification System.
- (2) A person must not operate a fast commercial 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 on board a fitted and operational Automatic Identification System.
- (3) A person must not operate a large vessel within the pilotage areas of Auckland or Manukau, without a pilot embarked, unless it has on board a fitted and operational Automatic Identification System.

Part 9

Specific restrictions in lanes, zones and areas

58 Operation of commercial fast vessels

- (1) The Harbourmaster may require the owner or person in charge of a commercial fast vessel to operate the vessel in accordance with a Navigation Safety Operating Plan that meets the requirements of the Harbourmaster.
- (2) If the Harbourmaster requires a Navigation Safety Operating plan, a person must not operate a commercial fast vessel unless in accordance with the approved plan.

59 Motuihe Channel fast passenger ferry lane

- (1) The Harbourmaster may specify an area of navigable water within the Motuihe Channel to be a fast passenger ferry lane and specify controls for the use of the area.
- (2) The person in charge of a 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;
 - (b) anchor; or
 - (c) impede the passage of a fast passenger ferry.
- (3) Subclause (2)(c) does not apply to any vessel that is:
 - (a) under pilotage when the holder of a Pilotage Exemption Certificate has command of the vessel (other than a passenger ferry); or
 - (b) a warship.
- (4) The person in charge 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;
 - (b) navigate as close to the edge of the fast passenger ferry lane that lies on the vessel's starboard side as is safe and practicable (to allow safe port to port passing) and;
 - (c) proceed along the fast passenger ferry lane from Emu Point to Otahuhu point (north-easterly direction) or in the opposite direction (south-westerly direction).

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster, which includes the area reserved as the Motuihe Channel Fast Passenger Ferry Lane.

60 Waitematā Harbour restricted zone

- (1) The Harbourmaster may specify an area of navigable water within the Waitematā Harbour as a restricted zone and specify controls for the use of the area.
- (2) A power driven vessel within the Waitematā Harbour restricted zone must not:
 - (a) exceed a proper speed of 12 knots; nor
 - (b) use an automatic steering device.
- (3) Clause (2) does not apply to:
 - (a) vessels operated by the police, customs, the Harbourmaster or a vessel approved by the Harbourmaster that used during the performance of official duties in circumstances where persons on board are unable to undertake their duties without exceeding 12 knots; or
 - (b) emergency response vessels responding to an accident or incident where there is grave and imminent danger to life or property; or
 - (c) fast passenger ferries for which the Harbourmaster has granted written exemption on a scheduled passage and visibly displaying flashing orange lights.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster, which includes the area reserved as the Waitematā Harbour Restricted Zone.

61 Harbour bridge precautionary area

- (1) The Harbourmaster may specify an area of navigable water around the Auckland Harbour Bridge as a precautionary area and specify controls for the use of the area.

- (2) The person in charge of a vessel within the Auckland Harbour Bridge precautionary area must ensure their vessel or any person on their vessel does not:
 - (a) impede the passage of a warship;
 - (b) impede the passage of a passenger ferry;
 - (c) impede the passage of a large vessel;
 - (d) moor or anchor;
 - (e) engage in fishing.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster, which includes the area reserved as the Harbour Bridge Precautionary Area.

62 Kawau Island restricted speed area

- (1) The Harbourmaster may specify a restricted speed area at Kawau Island and specify controls for the use of the area.
- (2) The person in charge of a vessel within the Kawau Island restricted speed area must ensure their vessel does not exceed a proper speed of 5 knots.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster, which includes the area reserved as the Kawau Island restricted speed area.

63 Auckland ferry terminal basin

- (1) The Harbourmaster may specify an area of navigable water around the Auckland ferry terminal basin as a restricted area and specify controls for the use of the area.
- (2) The person in charge of a vessel must not allow their vessel to enter into the Auckland ferry terminal basin.
- (3) This clause does not apply to
 - (a) passenger ferries;
 - (b) vessels authorised to use Auckland Transport and Waterfront Auckland owned facilities within the Auckland ferry terminal basin; or
 - (c) an emergency response vessel.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster, which includes the area reserved as the Auckland ferry terminal basin.

64 Manukau Harbour bar crossing

- (1) The person in charge of a large vessel must not allow that vessel to transit the Manukau Harbour bar between sunset and sunrise.

Part 10

Tankers, hazardous cargoes, hazardous works, fuel oil transfers and dangerous materials

65 Explosives safety zone

- (1) The Harbourmaster may specify an area of navigable water as an explosives safety zone and specify controls for the use of the zone.
- (2) A person in charge of a vessel carrying or intending to load or discharge explosive substances must do so at an approved berth facility or at an explosives safety zone.
- (3) A vessel must not enter any explosives safety zone without the prior approval of the Harbourmaster.
- (4) A vessel must not enter an explosives safety zone while any vessel is anchored, or berthed in the area and is showing Flag B on its mast.

- (5) The person in charge of a vessel carrying explosive substances at an anchorage or berth must comply with the directions of the Harbourmaster or an enforcement officer with regard to placement of the vessel or movement through navigable water.

Explanatory note: The controls made under the Navigation Safety Bylaw 2014 contain maps showing areas of navigable water permanently reserved by the Harbourmaster as the Explosives safety zones.

66 Vessels carrying explosive substances as cargo

- (1) The person in charge of a vessel must not allow that vessel to approach within 200 metres of another vessel that is carrying or loading explosive substances, except:
- with the written permission of the Harbourmaster or an enforcement officer;
 - for the purpose of loading or unloading that other vessel; or
 - for the purpose of rendering assistance to that other vessel in an emergency.
- (2) The person in charge of a vessel carrying explosive substances must not allow that vessel to approach within 200 metres of any other vessel, except:
- with the written permission of the Harbourmaster or an enforcement officer;
 - for the purpose of loading or unloading that other vessel; or
 - for the purpose of rendering assistance to that other vessel in an emergency.

67 Signals to be displayed

- (1) The person in charge of a vessel that carries bulk oil or explosive substances as cargo or intends loading bulk oil or explosive substances as cargo must:
- hoist Flag B on a prominent place on the vessel where it can best be seen from all directions, after sunrise; and
 - display a red light where it can best be seen from all directions after sunset.

68 Duties of person in charge of the vessel while tanker is in port

- (1) The person in charge of a tanker must comply with the current edition of the International Safety Guide for Tankers and Terminals (ISGOTT), and ICS Tanker Safety Guide Chemicals.
- (2) The person in charge of a tanker must:
- berth or moor the vessel only at Wynyard Wharf, the navy base at Devonport or other places authorised in writing by the Harbourmaster;
 - keep the tanks containing products closed, except when opened for loading or discharging; and
 - ensure that sufficient motive power is available at all times to enable the vessel to be moved immediately from the berth in case of fire or other emergency.

69 Tankers not to lie close to other vessels

- (1) Except if instructed otherwise by the Harbourmaster, the person in charge of a tanker must ensure that, except for the purpose of transshipment, the vessel does not lie within 30 metres of another vessel.

Part 11

Pilot and pilot exempt master operations

70 Log of transits in pilotage area

- (1) 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 as a minimum, date and time of transit, vessel name, gross tonnage and length.

71 Passage Plan

- (1) Every pilot and pilot exempt master must make use of a passage plan for every intended voyage and vessel movement.
- (2) The person in charge of a large vessel, within a pilotage area, must ensure the number of crew members on the bridge is sufficient to safely carry out the passage plan.

72 Bridge team composition

- (1) 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.
- (2) Every vessel within the pilotage area, under pilotage or when the holder of a Pilotage Exemption Certificate has conduct of the vessel, must navigate only within marked channels.

Part 12

Licensing of commercial vessels for hire or reward

73 Vessels to be licensed

- (1) Any person who operates a commercial vessel for hire or reward that is not licensed subject to the relevant maritime rules must obtain a licence to do so from the Harbourmaster.
- (2) The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Harbourmaster may withdraw the licence.
- (3) Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- (4) The holder of an existing licence may apply to the Harbourmaster for a renewal of that licence.
- (5) Licences may be granted or refused at the discretion of the Harbourmaster, upon such terms and conditions as the Harbourmaster thinks fit.
- (6) A licence is personal to the holder and to the vessel specified therein and is not transferable.
- (7) Every licence must be available for inspection at any time by the Harbourmaster, an enforcement officer or honorary enforcement officer or any prospective client of the operation.

74 Consideration of application for licence

- (1) When considering an application for a licence and the conditions to be imposed under it, the Harbourmaster may take into account matters relating to the suitability of the applicant to hold a licence including but not limited to the following:
 - (a) the applicant's experience, reputation and track record in the industry;
 - (b) public health and safety risks of the operation, including if the operation may diminish the level of safety for other activities in the vicinity, or cause congestion for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route;
 - (c) the terms and conditions under which the operation is licensed and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such operation;
 - (d) the frequency and location of the operation;
 - (e) the specifications of the vessel and equipment to be used during the operation.

75 Conditions of licences

- (1) The terms and conditions upon which a licence may be granted include, but are not limited to the following:
 - (a) term of the licence;
 - (b) licence fee – the licence holder must pay an annual licence fee in an amount determined by the Harbourmaster from time to time and publicly notified;
 - (c) defining points of embarkation/ disembarkation;
 - (d) defining the area or route of operations;
 - (e) limiting the number of passengers or quantity of freight;
 - (f) limitations in respect of weather or operating hours;
 - (g) any requirements for rescue vessel;
 - (h) requirements for safety equipment;
 - (i) the level of instruction to be given to persons hiring a vessel;
 - (j) the qualifications required by the person in charge of the vessel.

Part 13

Enforcement Powers, Offences, Penalties, Exceptions Transitional Provisions and Revocation

76 Compliance with the bylaw

- (1) The Harbourmaster may use its powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.
- (2) The Harbourmaster, enforcement officer, honorary enforcement officer or police officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules and this bylaw.
- (3) Any licence, written approval, permission or exemption required by this bylaw must be kept on board the vessel or carried by the holder and must be produced forthwith on request by the Harbourmaster, an enforcement officer, honorary enforcement officer or police officer.

77 Bylaw breaches

- (1) A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and/or the Local Government Act 2002 and regulations.
- (2) A person who fails to comply with an instruction given to that person by the Harbourmaster, an enforcement officer, honorary enforcement officer or the police under this bylaw commits a breach of this bylaw and is liable to a penalty under the Act and maritime rules and/or the Local Government Act 2002 and regulations.
- (3) Notwithstanding clause 9(2), an enforcement officer may instruct any person on board a small recreational vessel to wear a personal flotation device at any time.
- (4) The owner and person in charge of a vessel are jointly and severally responsible for compliance with this bylaw.
- (5) If no person is placed in charge of a vessel, the owner of the vessel is responsible for compliance with this bylaw.

78 Intervention by the Harbourmaster

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

79 Non-compliance with conditions of a licence

- (1) Where a licence holder does not comply with the terms and conditions of the licence, the Harbourmaster may take one or more of the following steps:
 - (a) Issue a written warning to the holder of the licence, which may be considered as evidence of a prior breach of a licence condition during any subsequent review of the licence;
 - (b) Review the licence, which may result in:
 - (i) amendment of the licence; or
 - (ii) suspension of the licence; or
 - (iii) withdrawal of the licence.
 - (c) Enforce any breach of this bylaw, as provided for under the Act and maritime rules and/or the Local Government Act 2002 and regulations.

80 Removal of vessel, material, thing, cargo or matter

- (1) In addition to the powers conferred on it by any other enactment, the Harbourmaster may
 - (a) remove or cause to be removed from any public place or navigable water any vessel, material, thing, cargo or matter used or discharged in breach of the bylaw; and
 - (b) dispose of any vessel, material, thing, cargo or matter, if not claimed with a reasonable time.

- (2) The Harbourmaster may recover the costs incurred by the Harbourmaster in connection with the removal of the vessel, material, thing, cargo or matter, from:
 - (a) the person who committed the breach of this bylaw; or
 - (b) the owner of the cargo or any other matters discharged into navigable waters.

81 Removal of construction

- (1) The council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

82 Exceptions

- (1) A person is not in breach of this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer, honorary enforcement officer or police officer.

83 Exemptions

- (1) The Harbourmaster may exempt by written approval, any person, vessel or class of vessels from any requirements of this bylaw.
- (2) In granting any written exemption to any clause of this bylaw the Harbourmaster must consider the effects of the exemption on public health and safety.
- (3) The Harbourmaster may revoke any exemption at any time the Harbourmaster has reason to believe public health or safety has, or may be, adversely affected.

84 Savings and transitional provisions

- (1) Any resolution or other decision made under the Auckland Regional Council Navigation Safety Bylaw 2008 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the Auckland Regional Council Navigation Safety Bylaw 2008 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 31 October 2015; and
 - (c) can be renewed only by application made and determined under this bylaw.
- (3) Any application for a licence, consent, dispensation, permission or other form of approval made under Auckland Regional Council Navigation Safety Bylaw 2008 that was filed before the day on which this bylaw commences must be dealt with by the Harbourmaster as if it had been made under this bylaw.

85 Revocation

- (1) This bylaw revokes the Auckland Regional Council Navigation Safety Bylaw 2008.

Controls made under the Navigation Safety Bylaw 2014 demarcating the use of navigable waters in Auckland

Made by the Harbourmaster pursuant to delegation

31 July 2014

Explanatory note: The Navigation Safety Bylaw 2014 provides that the Harbourmaster may establish controls containing detailed provisions. This control contains maps showing the demarcated use of areas of navigable water for specified purposes pursuant to this bylaw through the placement of buoys, posts or signs at the demarcated area and provides controls for the use of the demarcated areas.

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1 Title

- (1) This control is titled *Controls made under the Navigation Safety Bylaw 2014 demarcating the use of navigable waters in Auckland*.

2 Commencement

- (1) This control comes into force on 25 October 2014.

3 Application

- (1) This control applies to Auckland.

4 Purpose

- (1) This control specifies areas of navigable water demarcated by the Harbourmaster for specified purposes pursuant to clause 6 of the bylaw, and provides controls for the use of these demarcated areas.

5 Interpretation

- (1) In this control, unless the context otherwise requires:

Bylaw means the Navigation Safety Bylaw 2014.

Markers means buoys, posts or signs used to indicate a demarcated area.

- (2) Unless the context requires another meaning, a term or expression that is defined in the Maritime Transport Act 1994 or the bylaw and is used, but not defined, in this control has the meaning given by the Act or bylaw.

6 Use of navigable waters in Auckland

- (1) In accordance with clause 6 of the bylaw, the Harbourmaster specifies the use of navigable waters for the purposes set out in Attachment A.
- (2) The areas specified in Attachment A may be demarcated through the placement of markers at the demarcated area. If markers have been placed:
- (a) The maps in Attachment A are indicative only; and
 - (b) If there is any inconsistency between the markers and the maps, the markers prevail.

Attachment A

Purpose of demarcated areas	Location	Map	Page
Areas reserved for non-mechanically powered vessels only	Lake Pupuke	Map 1.0	35
	Panmure Basin	Map 1.1	36
Areas reserved for swimmers and non-mechanically powered vessels only	Point Chevalier	Map 1.2	37
	Hellyers Creek	Map 1.3	38
	Judges Bay	Map 1.4	39
Areas reserved for swimmers only	St Heliers Beach	Map 1.5	40
	Kohimaramara	Map 1.6	41
Areas reserved for vessels towing water skiers, wake boards or sea biscuits	Panmure Basin	Map 1.7	42
	Paremoremo Creek	Map 1.8	43
	Henderson Creek	Map 1.9	44
Area reserved for vessels towing water-skiers, or other motorised water sports	Lake Tomarata	Map 1.10	45
Access lanes reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area	WAITEMATĀ HARBOUR		
	AND HAURAKI GULF		
	Browns Bay	Map 2.0	46
	Motuihe Island – Ocean Beach	Map 2.1	47
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	Surfdale	Map 2.5	51
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	Matakatia Bay	Map 2.7	53
	Stanmore Bay	Map 2.8	54
Manly Beach	Map 2.9	55	
Orewa Beach	Map 2.10	56	

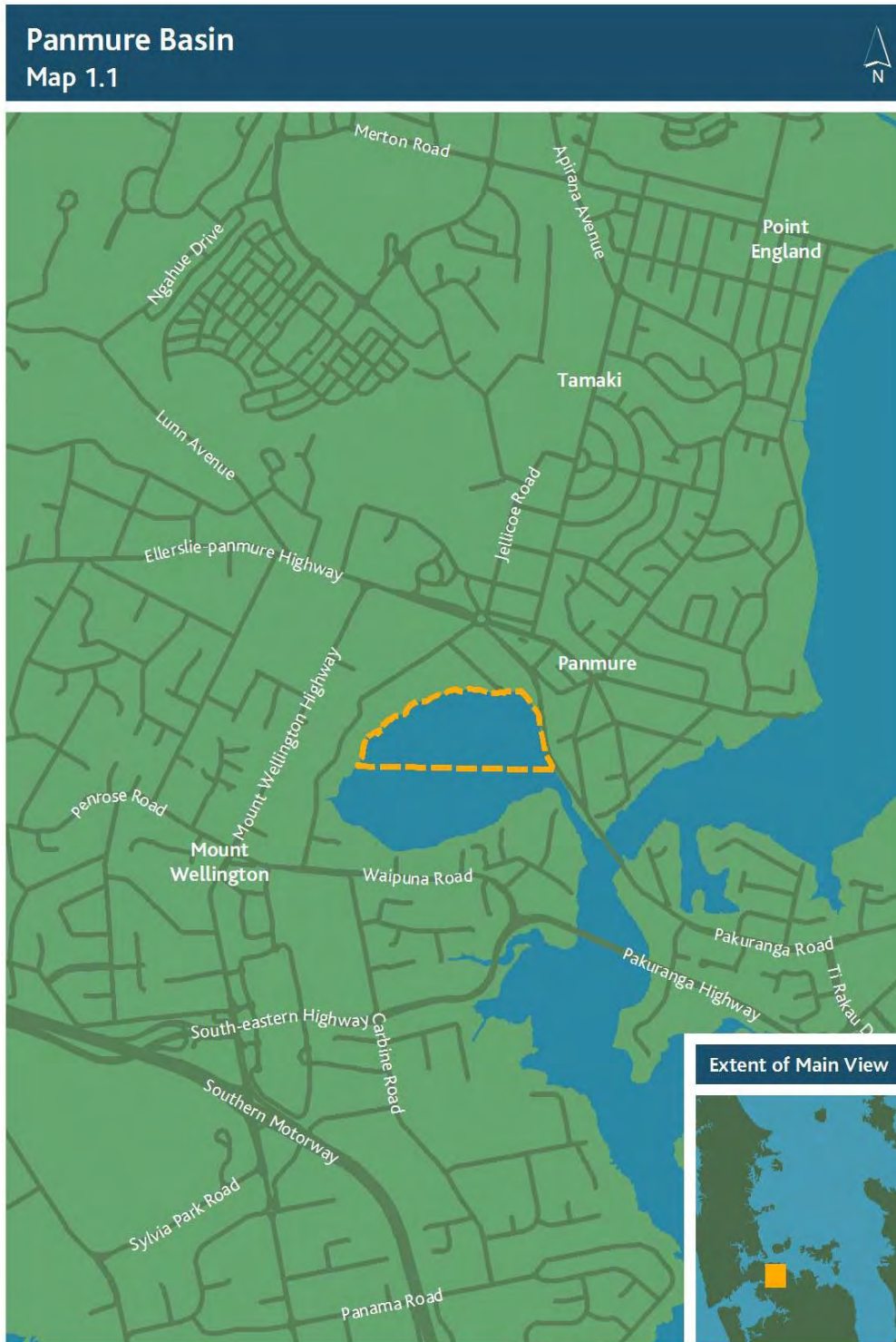
	Scotts Landing	Map 2.11	57
	Martins Bay	Map 2.12	58
	Algies Bay	Map 2.13	59
	Snells Beach	Map 2.14	60
	Tamatea Drive (Snells Beach)	Map 2.15	61
	Sandspit	Map 2.16	62
	Campbells Beach	Map 2.17	63
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	Cornwallis Beach	Map 2.18	64
	Little Hui	Map 2.19	65
	Grahams Beach	Map 2.20	66
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Area reserved as the Kawau Island Restricted Speed Area	Kawau Island, Bon Accord Harbour	Map 6.0	82
Area reserved as the Waitematā Harbour Restricted Zone (12 knot speed zone)	Waitematā Harbour	Map 7.0	83

Area reserved as the Auckland Ferry Terminal	Auckland Ferry Terminal	Map 8.0	84
Area reserved as the Motuihe Channel Fast Passenger Ferry Lane	Motuihe Channel	Map 9.0	85
Area reserved as the Harbour Bridge Precautionary Area	Auckland Harbour Bridge	Map 10.0	86
Areas reserved for use of the Orākei Basin	Orākei Basin	Map 11.0	87
		Map 11.1	88

Area reserved for non-mechanically powered vessels only.



Area reserved for non-mechanically powered vessels only.



Area reserved for swimmers and non-mechanically powered vessels only.



Area reserved for swimmers and non-mechanically powered vessels only.



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.

Area reserved for swimmers and non-mechanically powered vessels only.



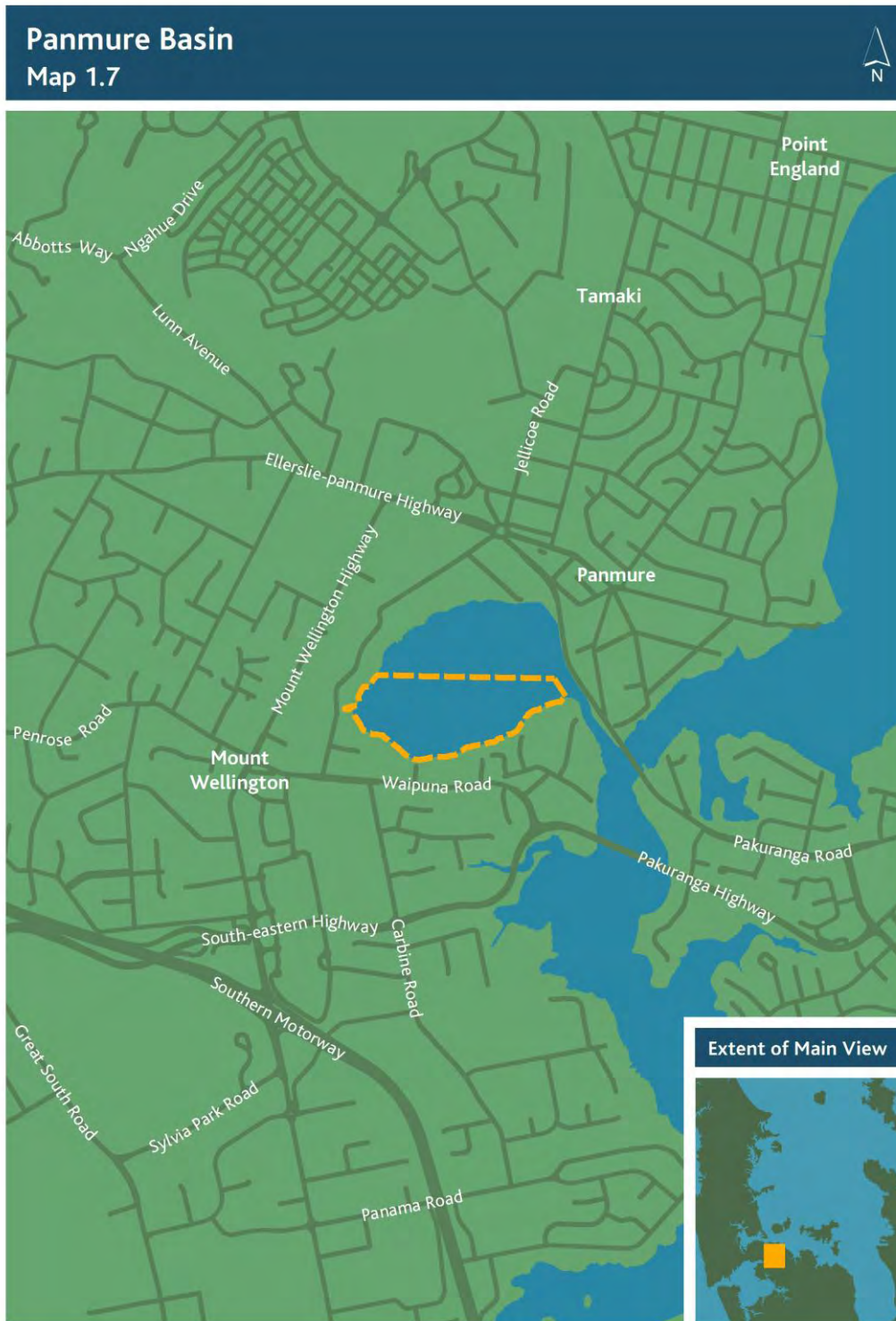
Area reserved for swimmers only.



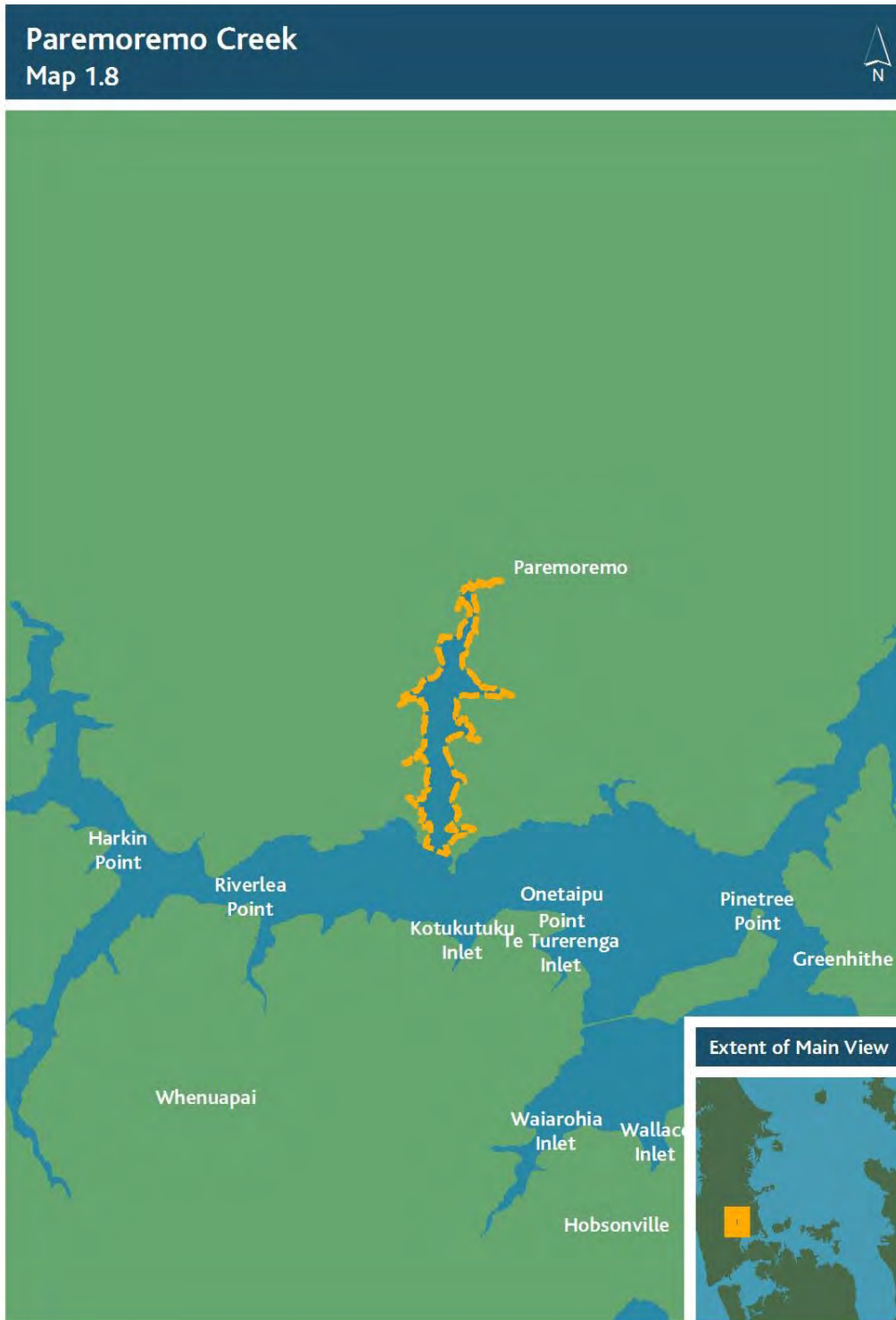
Area reserved for swimmers only.



Area reserved for vessels towing water skiers, wake boards or sea biscuits.



Area reserved for vessels towing water skiers, wake boards or sea biscuits.



Area reserved for vessels towing water skiers, wake boards or sea biscuits.



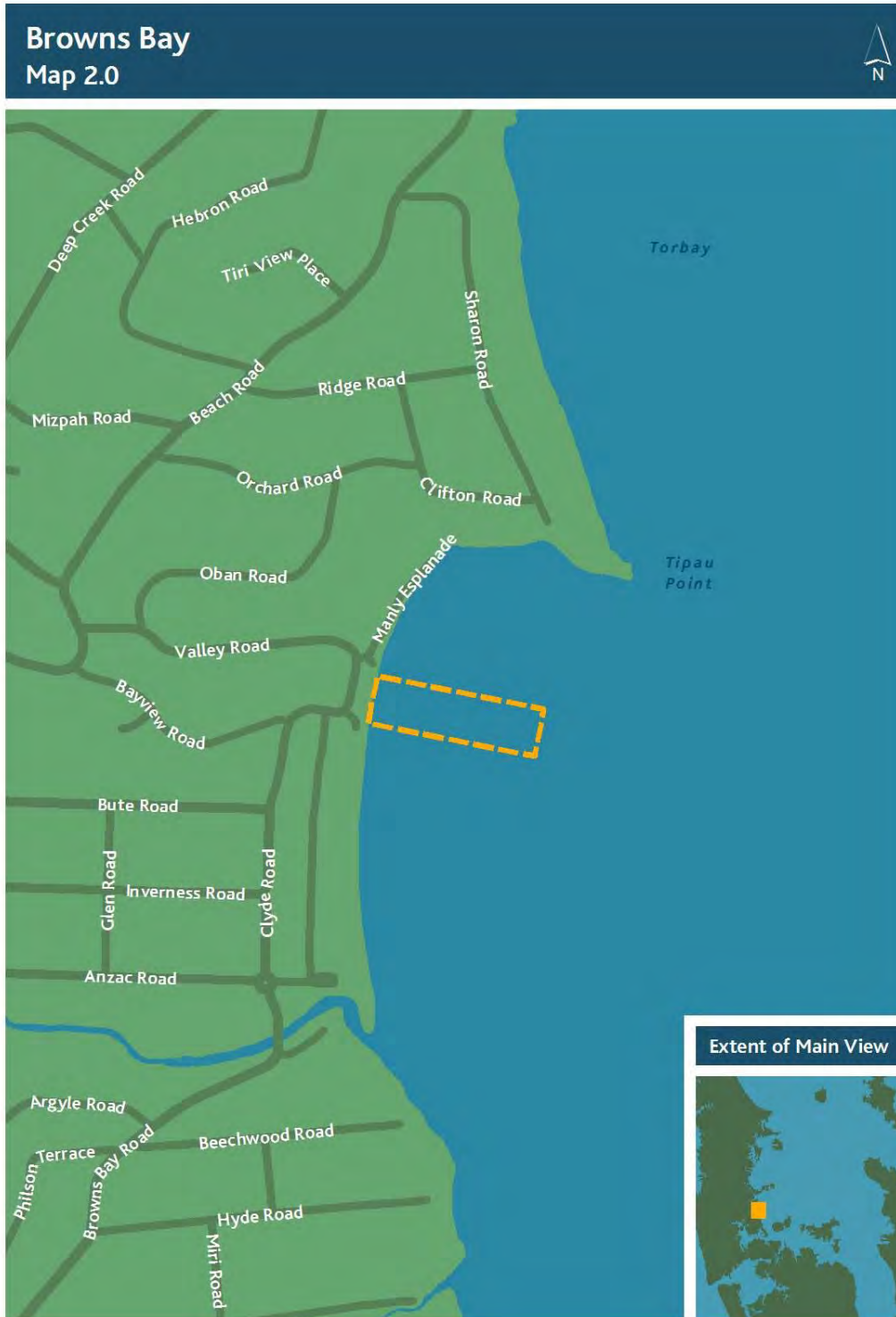
This reservation does not prohibit a vessel passing through the area when it is in use for its designated purpose, provided that the vessel does so by the most direct route and does not interfere with the users of the area.

Area reserved for vessels towing water-skiers, or other motorised water sports.



The northern part of Lake Tomarata that is not included in the reserved area is reserved for swimmers and non-mechanically powered vessels only.

Access lane reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area.



Access lane reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area.



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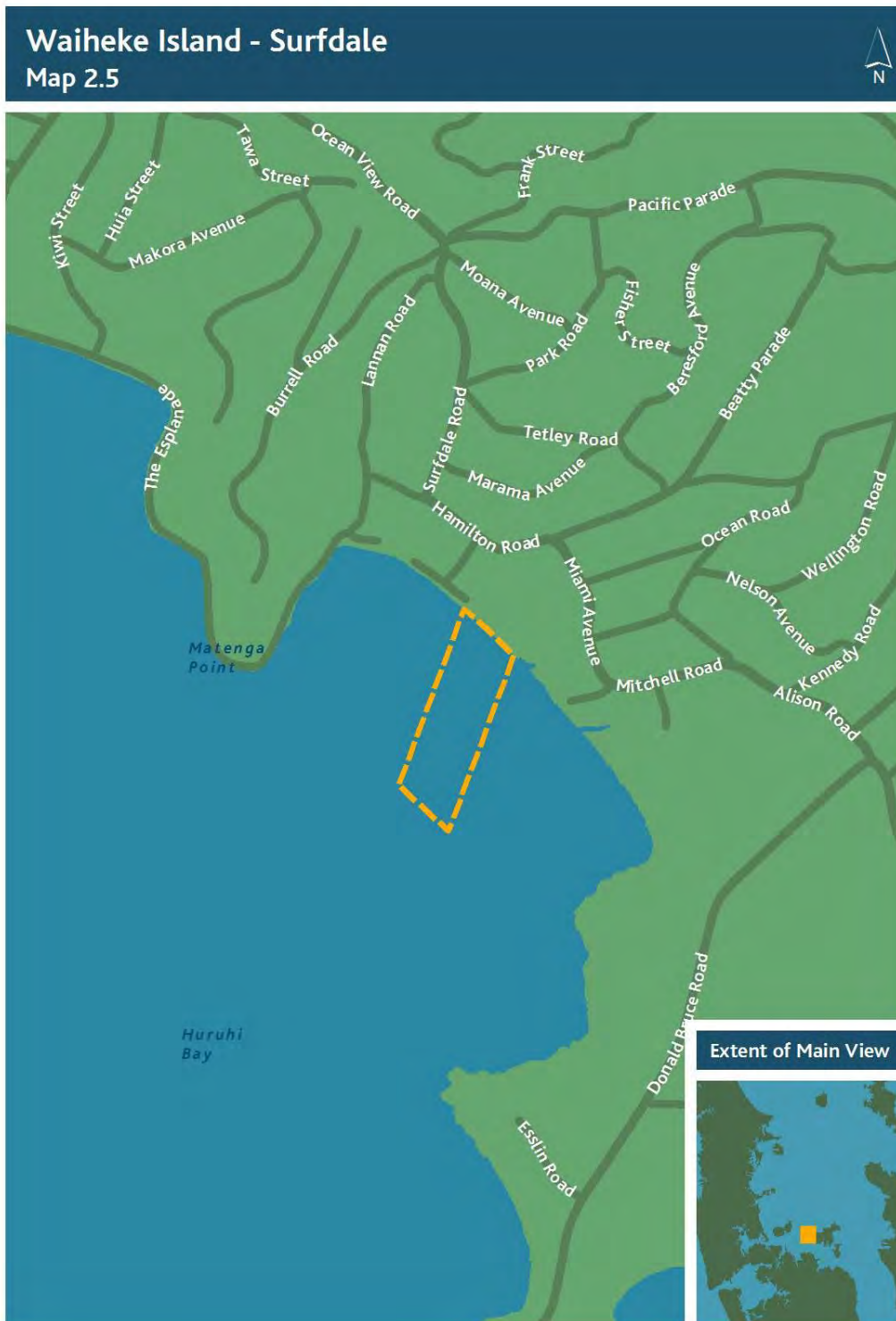
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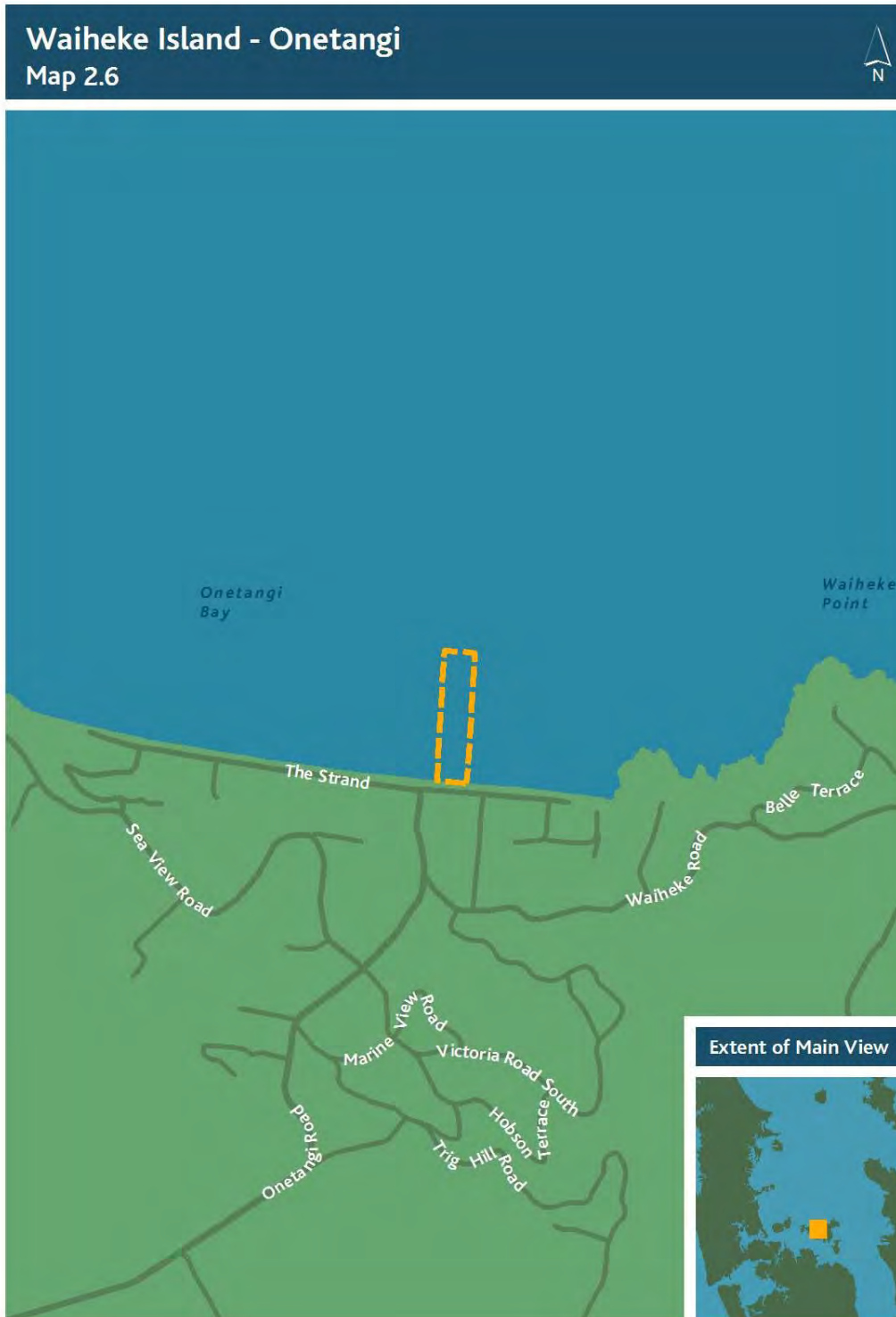
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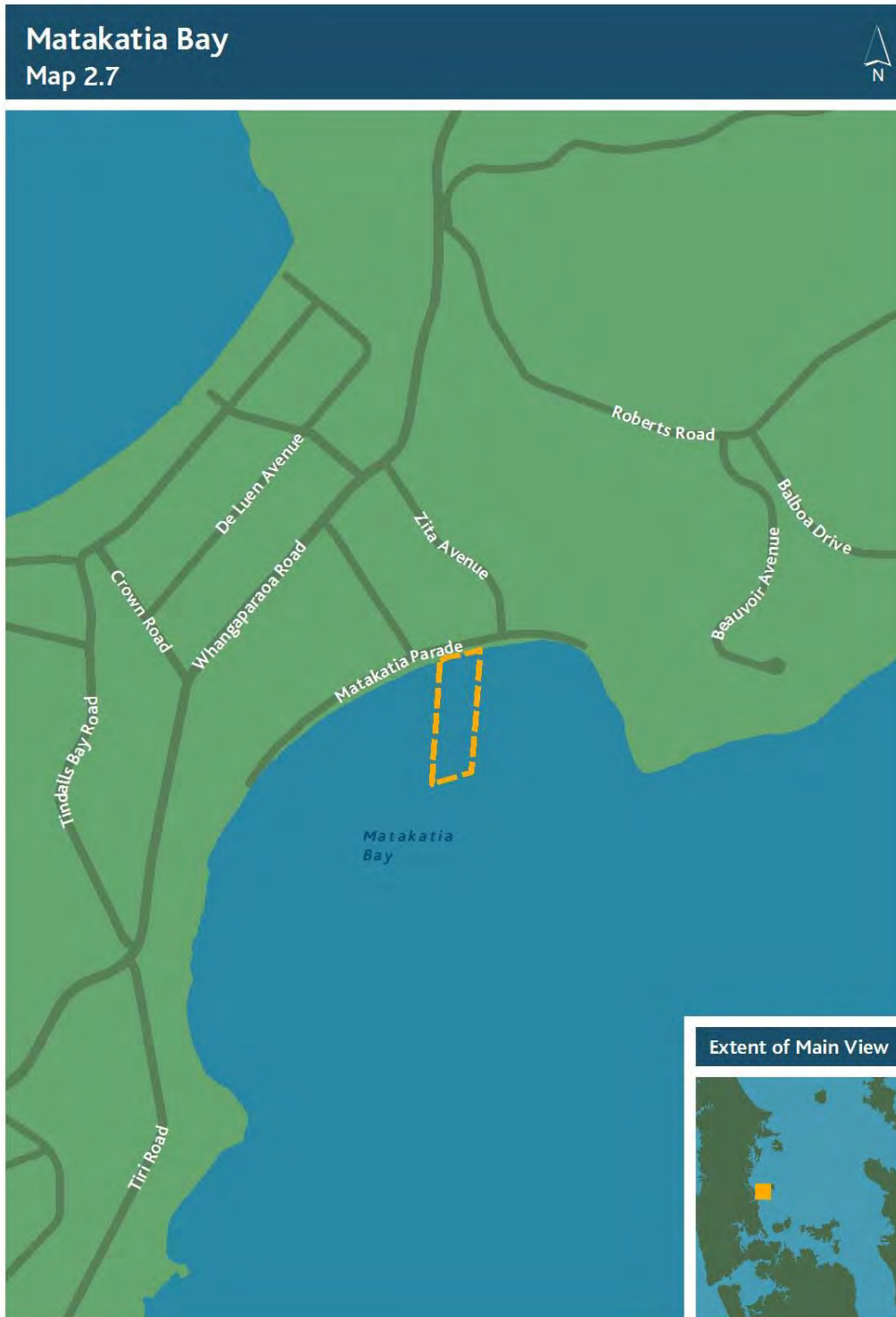
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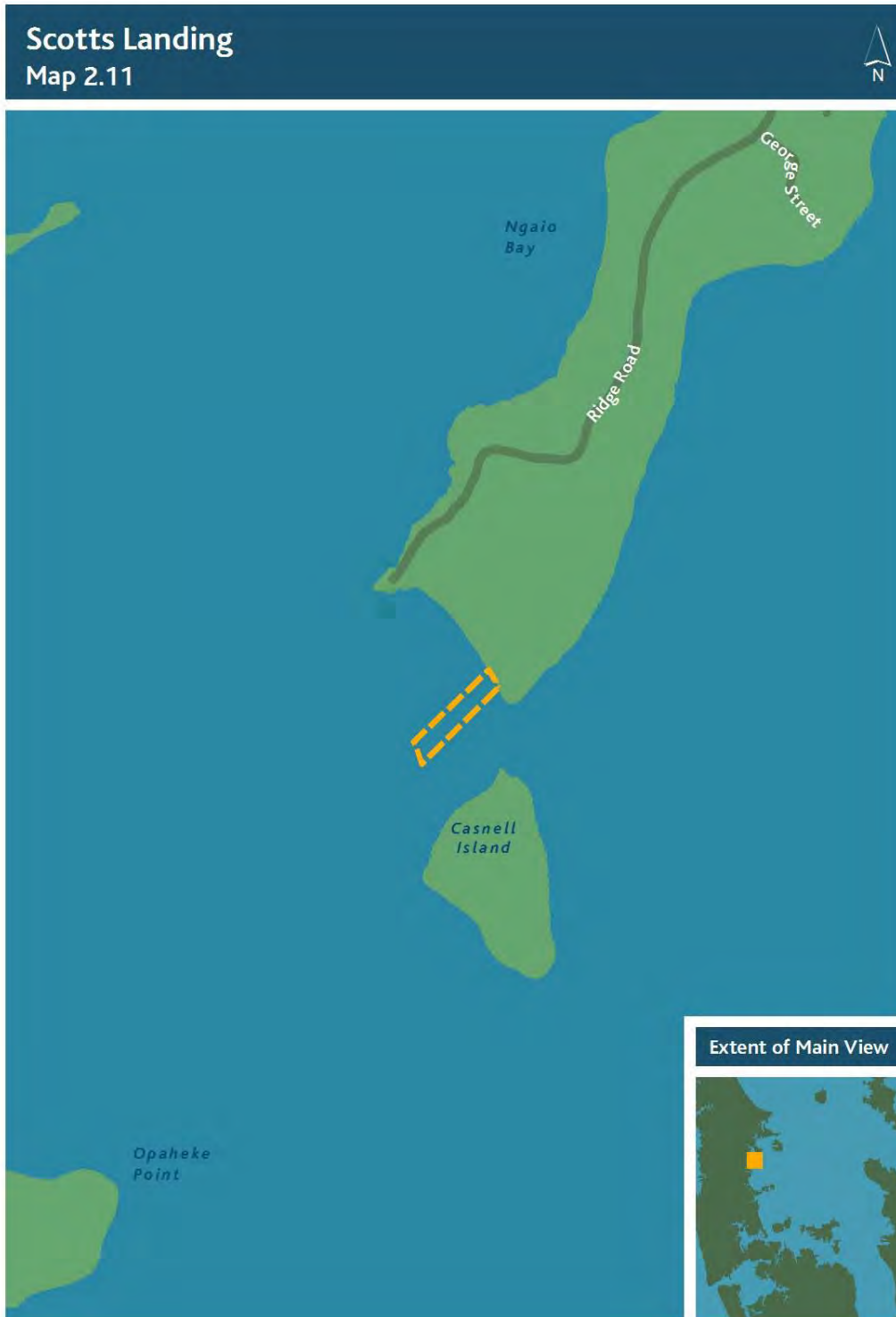
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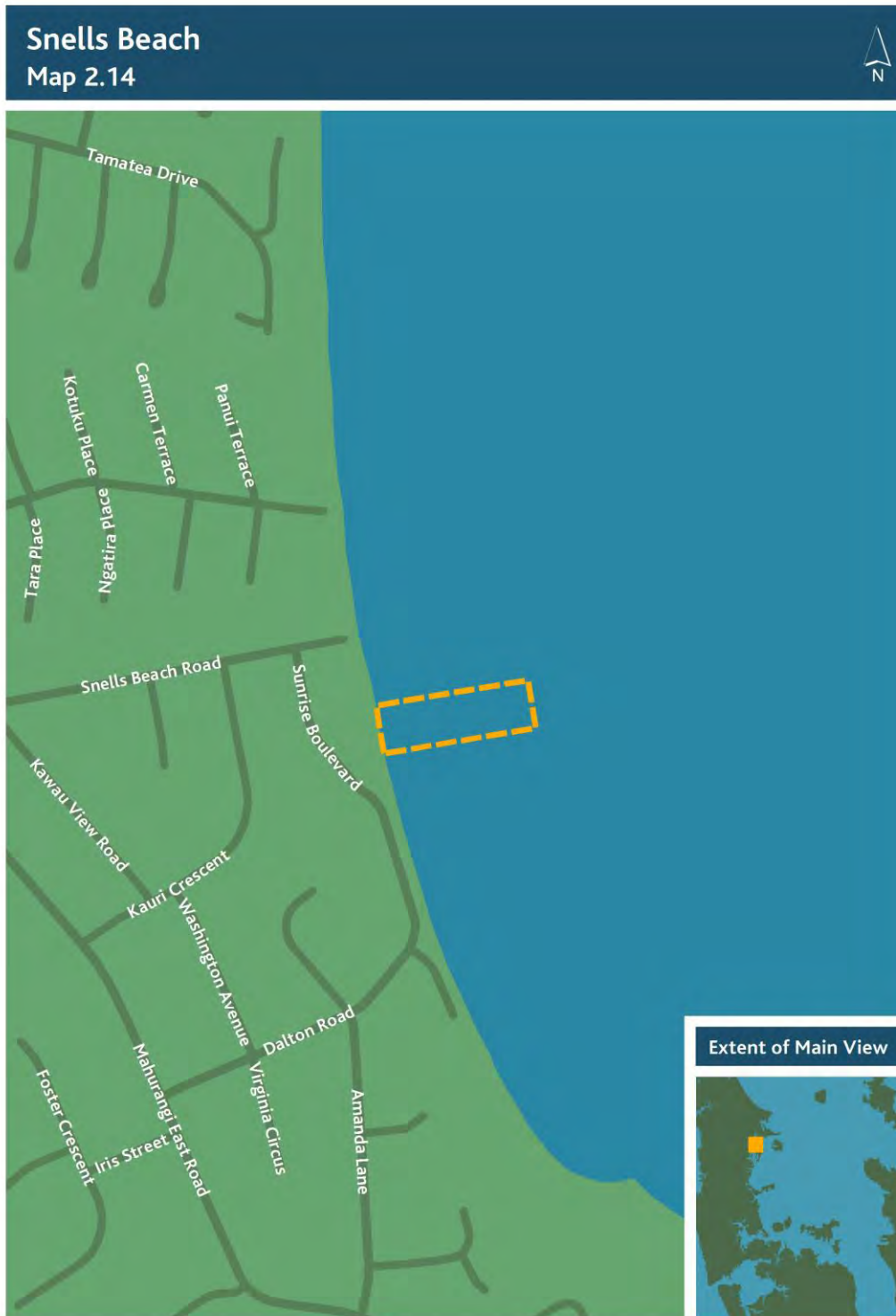
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Access lane reserved for the purpose of allowing power driven vessels and power driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area.



Area reserved as prohibited anchorage area.



There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational charts:
 NZ 532 - Approaches to Auckland
 NZ 5322 - Auckland Harbour East
 NZ 5323 - Auckland Harbour West

Area reserved as prohibited anchorage area.



The prohibited anchorage area is 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 (Mokemoke 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.

Area reserved as prohibited anchorage area.



There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart:
 NZ 5322 - Auckland Harbour East

Area reserved as prohibited anchorage area.



There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart:
 NZ 5323 - Auckland Harbour West

Area reserved as restricted anchorage area.



There are no markers in the sea area. The reserved anchorage area is that area of the Waitematā Harbour contained to the west of a line drawn from the eastern side of North Head to the point where Orākei Wharf joins from the land at Takaparawha Point and east of a line drawn along the west side of the Auckland Harbour Bridge.

Area reserved as explosives safety zone.



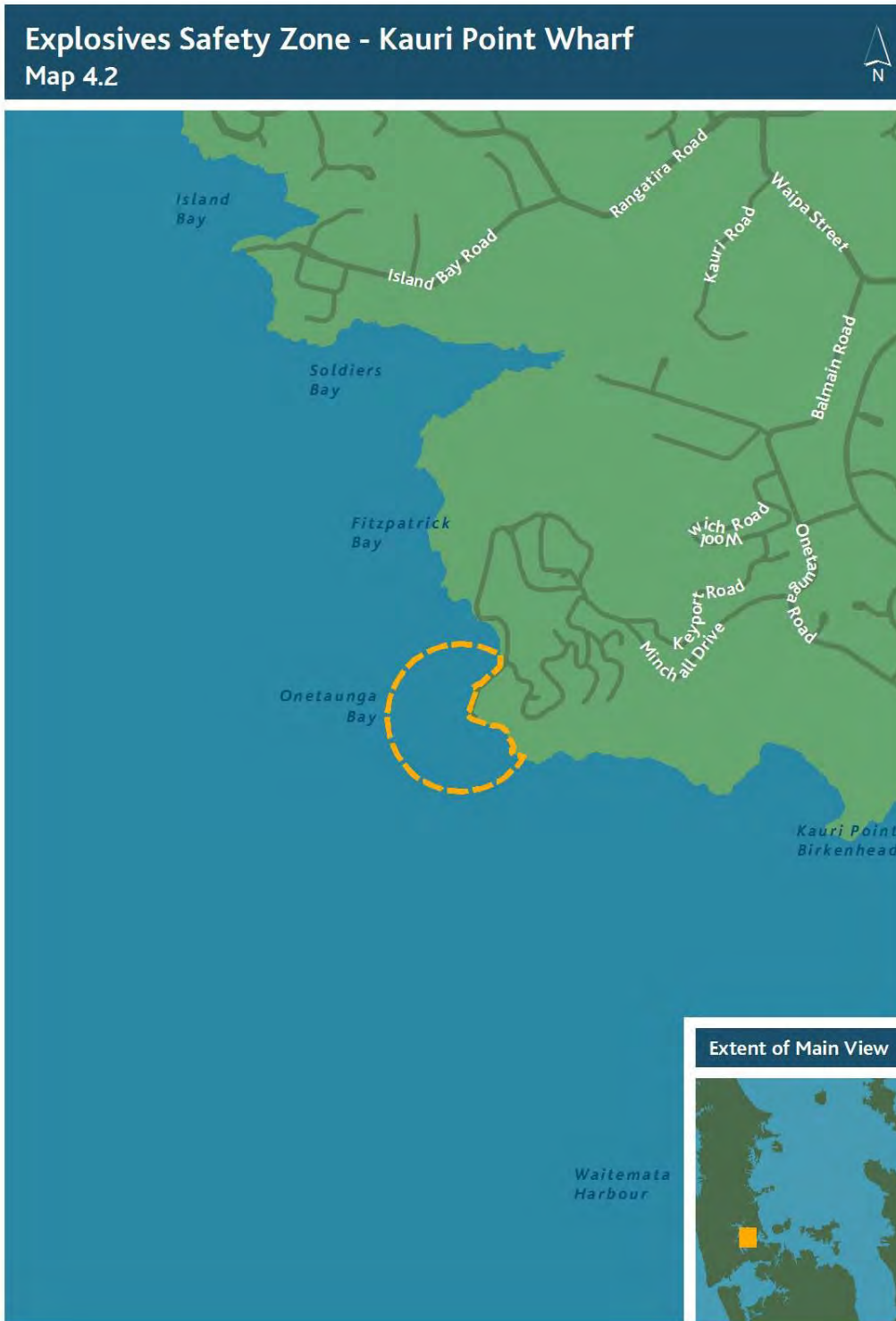
There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart:
 NZ 5324 - Tamaki Strait & Approaches including Waiheke Island

Area reserved as explosives safety zone.



There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart:
 NZ 5322 - Auckland Harbour East

Area reserved as explosives safety zone.



There are no markers in the sea area. The exact area is defined by the following Land Information New Zealand (LINZ) navigational chart:
 NZ 5323 - Auckland Harbour West

Area reserved as restricted access to large vessels.



Area reserved as restricted access to large vessels.



Area reserved as restricted access to large vessels.



Area reserved as restricted access to large vessels.



Area reserved as the Kawau Island Restricted Speed Area.



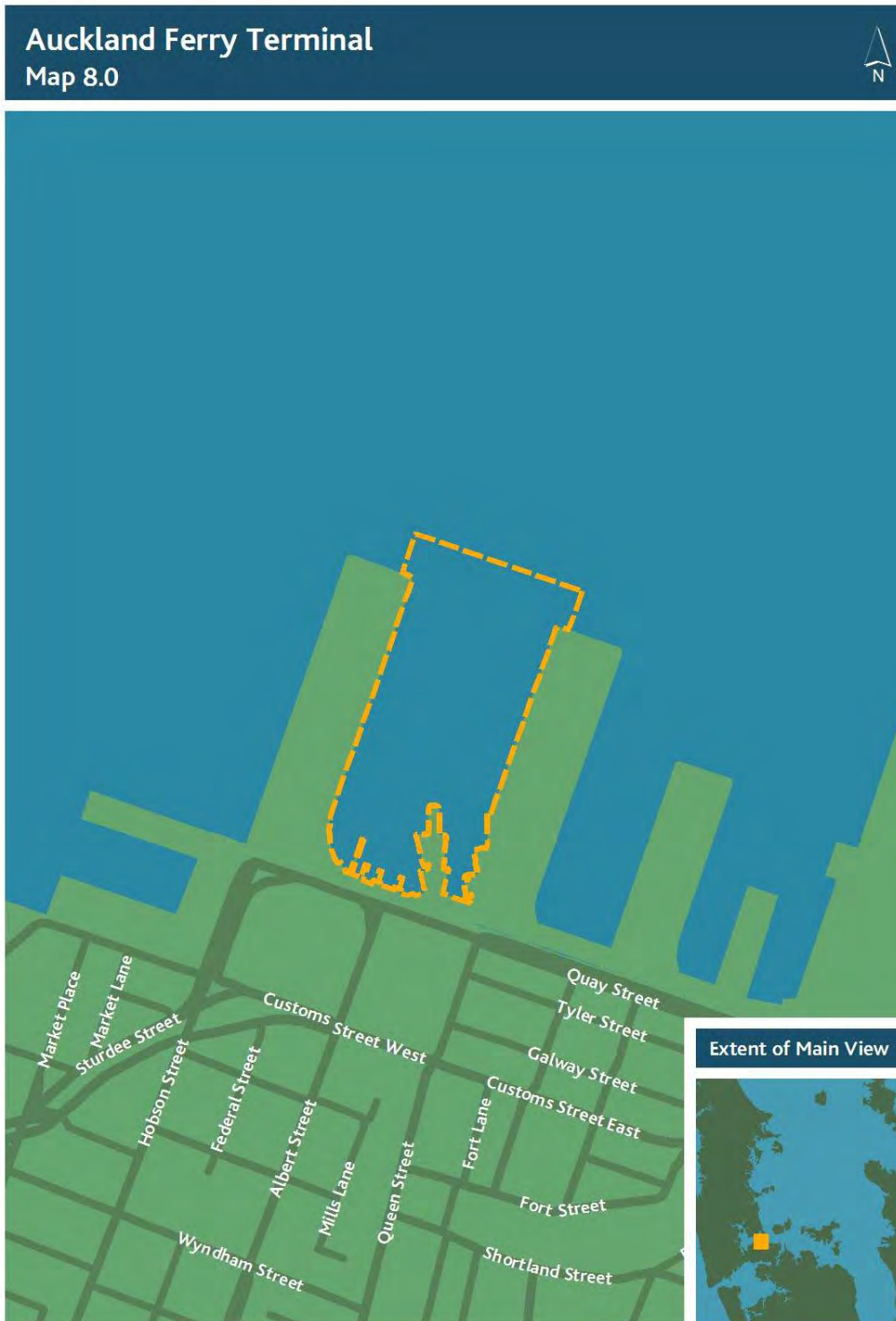
Area reserved as the Waitematā Harbour Restricted Zone (12 knot speed zone).



There are no markers in the sea area. The exact area is defined by the following coordinates:

Lat. South	Long. East	Lat. South	Long. East
1) 36.49.69	174.48.83 (North Head) to,	11) 36.50.10	174.44.57 (Harbour Bridge South) to;
2) 36.49.92	174.49.11 (No.17 Light by) to,	12) 36.49.81	174.44.76 (Harbour Bridge Pillar) to;
3) 36.50.01	174.49.19 (Mid Channel) to,	13) 36.49.92	174.46.00 (off Bayswater Marina) to,
4) 36.50.16	174.48.99 (Anchorage B) to,	14) 36.49.72	174.46.00 (off Bayswater Marina) to,
5) 36.50.29	174.48.61 (Anchorage 7) to,	15) 36.49.70	174.44.85 (Harbour Bridge North) then along the shoreline) to,
6) 36.50.37	174.47.25 (off Ferguson) to,	16) 36.49.63	174.44.90 (Harbour Bridge North) then along the shoreline to,
7) 36.50.62	174.47.60 (Resolution Yellow By) to,	17) 36.49.03	174.45.06 (Cable Marker) to,
8) 36.50.58	174.48.44 (No.20 Light By) to,	18) 36.49.11	174.46.06 (Bayswater Cable Marker) to,
9) 36.50.41	174.49.36 (Bastion Yellow By) to,	19) 36.49.76	174.46.37 (Stanley Point) then along the shoreline to,
10) 36.50.63	174.49.44 (Bastion Point) then along the shoreline to,	20) 36.49.69	174.48.83 (North Head).

Area reserved as the Auckland Ferry Terminal.



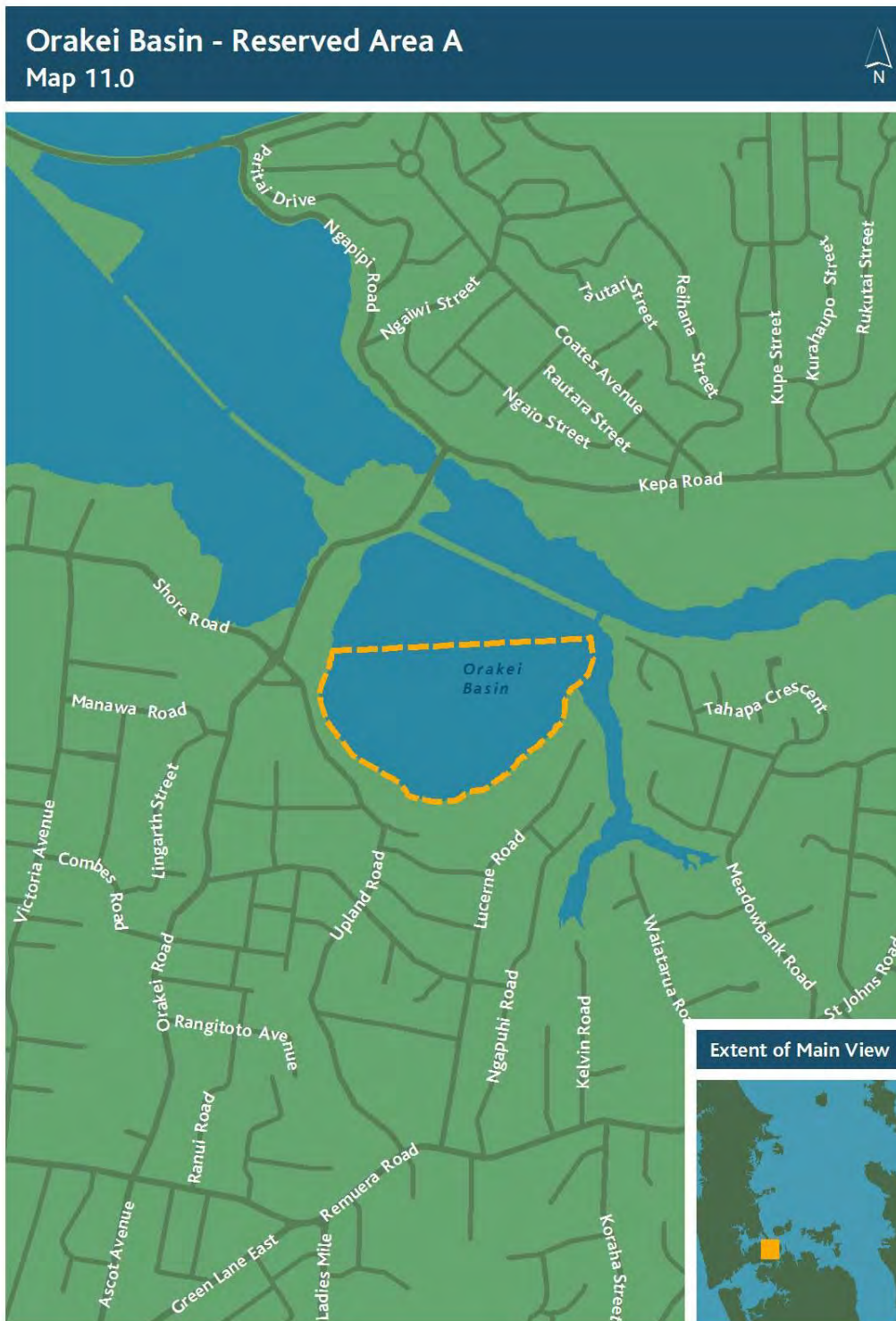
Area reserved as the Motuihe Channel Fast Passenger Ferry Lane.



Area reserved as the Harbour Bridge Precautionary Area.



Area reserved for use of the Orākei Basin



Motorised vessels engaged in water-skiing activities have priority in Reserved Area A. Non-powered vessels may enter into Reserved Area A when it is not being used by motorised vessels towing water skiers.

Area reserved for use of the Orākei Basin.



Non-powered vessels have priority in Reserved Area B. Motorised vessels engaged in water-skiing activities may enter Reserved Area B when it is not being used by non-motorised vessels.

Appendix C: Reference list to enable comparison of existing and proposed new Bylaw

Appendix C: Reference list for comparison of proposed new Bylaw and controls and existing Bylaw

New	Existing	Reasons
Preliminary provisions		
Summary	Clause 1 Clause 2 Clause 3 Clause 4 Clause 5	Summary added to better explain how the bylaw fits into a wider regulatory framework to protect the maritime environment.
Clause 1 (title)		Title amended for better alignment with the Maritime Act 1994.
Clause 2 (commencement)		Commencement to align with making of infringement regulations.
Clause 3 (Application)		Purpose clarified to better reflect intent and scope of the Bylaw.
Clause 4 (Purpose)		Definitions amended to reflect current practice and to remove terms defined in the Act or Maritime Rules (links to those definitions are provided where they are used in clauses of the Bylaw).
Clause 5 (Interpretation)		
General Responsibilities of persons		
Clause 6 (person in charge of vessel)	Clause 12	Intent and scope similar to current bylaw.
Clause 7 (minimum age)	Clause 13	Redrafted for clarity and conciseness. Exceptions to allow people under 15 years to compete in events driving powered vessels.
Clause 8 (speed)	Clause 14	Intent and scope similar to current bylaw. Reduced for clarity and aligned to Maritime Rules. As per options assessment removed marine mammals' clause. Added related information note regarding marine mammals. Moved reference to persons being towed to new clause 25.
Clause 9 (collisions)	Clause 16	Intent and scope similar to current bylaw.
Clause 10 (notification of accident)	Clause 17	Changed to future proof for any changes to Maritime Rule. Clarify that incidents on the water that could result in damage or injury must be reported to the Harbourmaster.
Clause 11 (anchoring)	Clause 37	Intent same as current bylaw. Added related information note to further clarify rules.
Clause 12 (anchored)	Clause 38	Intent and scope similar to current bylaw.
Clause 13 (unoccupied vessels)	Clause 48	Clarified bylaw by stating the obligation of the person which if breached would result in the removal of the vessel (i.e. current bylaw has a gap by stating a power but not the obligation it relates to).

New	Existing	Reasons
Clause 14 (obstructions)	Clauses 27 & 28	Intent and scope similar to current bylaw. Clarified and minimised to one clause.
Clause 15 (wake)	Clause 21	No change in intent or scope of current bylaw.
Clause 16 (engine use)	Clause 22	
Clause 17 (navigational aid)	Clause 29	
Personal Flotation Devices (PFDs)		
Clause 18	Clause 7	No change in intent or scope of the current bylaw. Clarified
Clause 19	Clause 8	exemptions in (7)(2) by aligning with maritime rules in (2)(c) and
Clause 20	Clause 9	referring to leg ropes and breaking waves in 2(a). Related information
Clauses 18	Clause 10	note links to Maritime Rule 91.4(2)(c) to (f), (3) to (5) and (8) to (10).
Clause 19	Clauses 8 & 11	Added reference to Maritime Rule exemptions.
Clause 20	Clauses 9 & 77	
Clause 21	Clause 11	
Responsibilities of persons undertaking activities		
Clause 22 (swimming)	Clause 18	Clarified area specified by Harbourmaster refers to restricted areas, access lanes, prohibited and restricted anchorages, reserved areas and special reserved areas.
Clause 23 (between the flags)	Clause 18	Removed reference to HM setting aside areas. HM uses reserved areas for this purpose.
Clause 24 (paddle craft)	Clause 33	Clarified and elaborated on rules as current bylaw is too vague.
Clause 25 (towing of persons)	Clause 14 & 19	No change in intent or scope of current bylaw.
Clause 26 (dive operations)	Clause 20	
Clause 27 (support vessels)		New clause, for clarity regarding support vessels for events.
Clause 28 (events)	Clause 25	No change in intent or scope of current bylaw. Added related information note for clarity of the topic.
Clause 29 (aircraft)	Clause 35	Clarified definition to exclude UAVs.
Clause 30 (prohibitions and restrictions)	Clause 78	Clarified and added to include novel craft.
Use of restricted areas, access lanes, etc		
Clause 31 (must comply with conditions)	Clauses 23, 26, 336, 59, 60, 61, 62, 63	Amended as per HM feedback to simplify and separate distinct areas (as they are not all 'reserved areas' from version 11.1). No change to intent or scope of current Bylaw.

New	Existing	Reasons
Responsibilities to ensure a vessel is seaworthy, identifiable etc		
Clause 32 (seaworthiness)	Clause 15	Reduced for clarity. Added related information box for information regarding seizure of vessels, that does not need to be a rule. Enforcement powers moved to Part 4.
Clause 33 (vessel identification)	Clauses 34 & 39	No change in intent or scope of current bylaw.
Clause 34 (communication equipment)		
Clause 35 (lights, sirens and sounds)	Clause 30	
Responsibilities of a person to register personal water craft		
Clause 36 (registration)	Clause 39	No change in intent or scope of current bylaw. Moved display of identification to clause 33.
Clause 37 (change in ownership)	Clause 39	Reduced timeframe for notification of ownership from 30 days to 14.
Responsibilities of a person in relation to moorings		
Clause 38 (approvals)	Clauses 40, 41, 44, 49	No change in intent or scope of the current bylaw. Added related information note for further clarity.
Clause 39 (maintenance)	Clause 45	Clarified and updated to reflect current practice on HM website.
Clause 40 (removal if cancelled)	Clause 46	No change in intent or scope of the current bylaw.
Responsibilities of a person in charge of a large vessel		
Clause 41 (Automatic Identification System)	Clauses 53 & 57	Clarified current rule to set timeframe for compliance. Extended current rule to all forms of restricted visibility. Clarify that a commercial fast vessel must use an Automatic Identification System as well as have on board.
Clause 42 (inoperative equipment)	Clause 53	Clarified current rule to include 'manoeuvring equipment, require 24 hour notice before entering or departing, and to require notification if equipment becomes faulty while underway.
Clause 43 (approval for inoperative equip.)	Clause 52	No change in intent or scope of the current bylaw.
Clause 44 (Operating Plan)	Clause 58	No change from current bylaw requirements.
Clause 45 (Manukau Harbour Bar)	Clause 64	
Clause 46 (approval to anchor)	Clause 56	Change to current bylaw to require approval to anchor anywhere.
Responsibilities of a person in charge of a vessel carrying explosives etc		
Clause 47 (provide notice)	Clause 51	No change intent or scope of current bylaw. Added related information notes to further clarify.
Clause 48 (display signals)	Clause 67	

New	Existing	Reasons
Clause 49 (safe distance)	Clauses 66 & 69	
Clause 50 (berth at approved locations)	Clauses 65 & 68	
Clause 51 (person in charge of tanker)	Clause 68	
Clause 52 (bunkering)	Clause 52	Change to current bylaw to shift onus from person in charge of vessel to supplier.
Clause 53 (hot works)	Clause 50	No change in intent or scope of current bylaw.
Responsibilities of a person near large vessels, etc		
Clause 54 (cannot impede large vessels)	Clauses 54 & 55	No change in intent or scope of current bylaw.
Clause 55 (safe distance from explosives)	Clauses 66 & 69	
Clause 56 (explosive safety zones)	Clause 65	
Responsibilities of pilot and pilot exempt master operations		
Clause 57 (pilotage area)	Clause 72	No change in intent or scope of current bylaw.
Clause 58 (passage plan)	Clauses 71 & 72	Updated to remove reference to charts and include position in (58)(3).
Clause 59 (log of transits)	Clause 70	Clarified annual period and submission date.
Controls		
Clause 60 (Harbourmaster may make controls)	Clauses 6, 23, 24, 36, 37, 45, 56, 59, 60, 61, 62, 63 & 78	Clarified and reduced to one clause for conciseness.
Approvals		
Clause 61 (persons obtaining approvals)	Clause 83	No change in intent or scope of current bylaw. Added tables for clarity of requirements, considerations ad conditions.
Clause 62 (application requirements)	Clauses 25, 41 & 44	
Clause 63 (consideration of application)	Clauses 42, 44 & 83	
Clause 64 (applications can be declined)	Clauses 25, 40 & 41	
Clause 65 (conditions may be imposed)	Clauses 25, 43 & 45	
Clause 66 (approval is no more than 12 months)	Clause 43	
Clause 67 (transfer of approvals not allowed)	Clause 41	
Clause 68 (compliance with approval)	Clause 46, 73 & 79	
Enforcement powers, offences and penalties		
Clause 69 (Harbourmaster may take action)	Clauses 45, 46, 48 79 & 83	Intent and scope similar to current bylaw.
Clause 70 (statutory powers)	Clauses 15, 45, 46, 48, 76 & 80	Changes intended to make the bylaw easier to read and understand.
Clause 71 (removal of construction)	Clauses 45(7), 46, 48 & 81	Helps focus the public on the rules they must comply in Part 2 by consolidating powers of Harbourmaster in a separate sub-part.
Clause 72 (non-compliance)	Clauses 76, 77 & 82	

New	Existing	Reasons
Clause 73 (Council is not liable)	Clause 47	Reduces complexity by removing repetition of powers and penalties.
Savings and transitional provisions		
Clause 74 (current bylaw continues to apply)	Clause 84	Retains existing controls, exemptions and approvals until the current bylaw expires and new bylaw and associated infringement legislation is fully implemented.
Clause 75 (applications for approval)	Clause 84	
Specified Areas and conditions of Use (maps)		
Tamaki Entrance (new Map 3.5)	Controls	Added new Map to show new prohibited anchorage area.
Commercial Port Area (new Map 11.0)	Controls	Added new Map to show new restricted area.
All other controls and maps	Controls	Updated format of controls and maps. Consolidated conditions of use previously contained in the bylaw and controls and to correct errors.

Find out more: **phone 09 301 0101**
or visit **aucklandcouncil.govt.nz/**



ATTACHMENT C
SUMMARY OF PUBLIC FEEDBACK

PROPOSAL TO MAKE A NEW NAVIGATION BYLAW 2021

FEEDBACK OVERVIEW

Te take mō te pūrongo

Purpose of the report

The information in this report summarises feedback received on the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Mahi Urungi Āhuru/ Auckland Council Navigation Bylaw 2021 and associated controls. Feedback was received during the public consultation period from 16 November 2020 to 14 February 2021.

The proposal seeks to improve on the current Bylaw and associated controls by proposing to:

- increase the maximum speed limit on the Waitematā Harbour Zone to 18 knots (from 12 knots) to allow faster movement of vessels (including public transport vessels)
- amend existing rules about carrying a means of communication on vessel, to carrying at least two independent forms of communication on a vessel
- make new rules about novel craft (for example a motorised surfboard)
- make new rules for the Tamaki River Entrance and Commercial Port Area
- align rules about the use of Ōrākei Basin with current accepted practices
- remove rules about licensing of commercial vessels for hire and marine mammal protections as these are more appropriately addressed in separate legislation
- clarify existing rules (including about swimming, events and support vessels) to be more certain and update the format of the Bylaw to be easier to read and understand.

All feedback and local board and Maritime New Zealand views will be considered by a Bylaw Panel at a public meeting scheduled for May 2021. The Bylaw Panel will use the feedback to make recommendations on the proposal to the Governing Body at a public meeting scheduled for June 2021.

Whakarāpopototanga matua

Executive summary

TOTAL FEEDBACK RECEIVED: 247 (211 SURVERY, 36 EMAIL RELATING TO OTHER MATTERS)

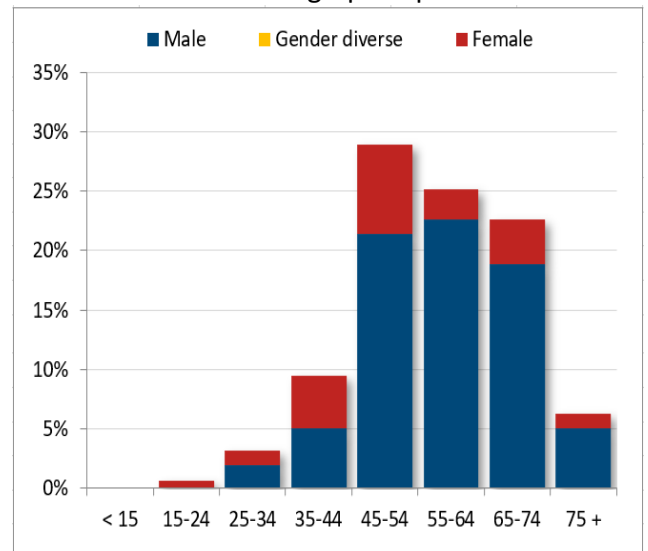
Note:

- This is a summary of the feedback to the main proposals only
- 57 per cent of feedback did not agree with Proposal 1 to increase the speed limit on the Waitemata Harbour Zone to 18 knots. 45 per cent suggest the speed limit be retained at 12 knots or lowered to 10 knots.
- 70 per cent of feedback agreed with Proposal 2 about amending existing rules about carrying a means of communication on a vessel to carrying two independent forms of communication.
- 85 per cent of feedback agreed with Proposal 3 about making new rules about novel craft.
- 69 per cent of feedback agreed with Proposal 4a about new rules for the Tamaki River Entrance.
- 75 per cent of feedback agreed with Proposal 4b about new rules for the Commercial Port Area.
- 71 per cent of feedback agreed with Proposal 5 to align rules on Ōrākei Basin with current accepted practices.
- 77 per cent of feedback agreed with Proposal 6 to remove rules about Commercial Vessels for Hire and Reward.
- 76 per cent of feedback agreed with Proposal 7 to remove rules about speed around Marine Mammals.
- 82 per cent of feedback agreed with Proposal 8 to clarify the remaining existing rules and update the format of the Bylaw and associated controls.
- The main themes from the feedback collected was that most rules are important to retain to ensure safety on Auckland's waters, and that education and enforcement of the rules needs to be increased.

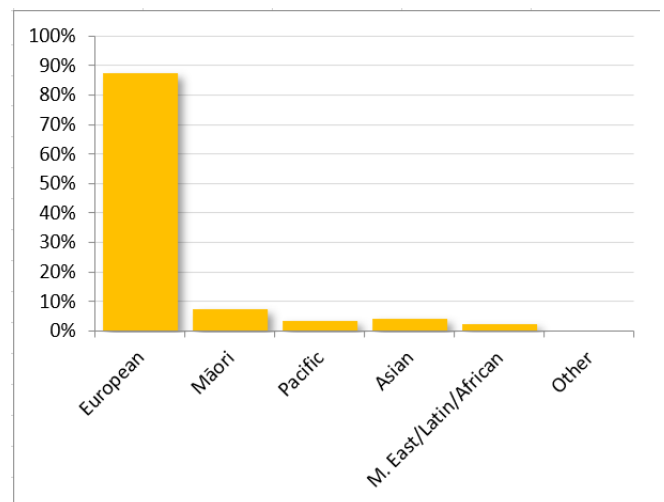
Who we heard from

The tables below indicate the demographic profile of those that answered the demographic questions.

Age	Male	Female	Diverse	Total	%
Under 15	0	0	0	0	0%
15-24 years	0	1	0	2	1%
25-34 years	3	2	0	5	3%
35-44 years	8	7	0	16	10%
45-54 years	34	12	0	47	30%
55-64 years	36	4	0	41	26%
65-74 years	30	6	0	38	24%
75+	8	2	0	10	6%
Total	119	34	0	159	100%



Ethnicity	#	%
European	173	87%
Pākehā/NZ European	153	77%
Other European	20	10%
Māori	15	8%
Pasifika	7	4%
Samoaan	2	1%
Cook Islands Māori	1	1%
Tongan	4	2%
Other Pasifika	0	0%
Asian	8	4%
Chinese	3	2%
South East Asian	2	1%
Korean	1	1%
Indian	2	1%
Other Asian	0	0%
African/Middle Eastern/Latin	5	3%
Other	0	0%
Total	198	105%



Channel	No.	%
Online	201	95%
Offline	0	0%
Social media	0	0%
Email	10	5%
Total	211	100%

Who we heard from

The table below indicates the total feedback received by the local board that submitters live in.

Resident Local Board	Individual	Organisations	Total	Percentage
Albert-Eden	13	0	13	6%
Aotea/Great Barrier	0	0	0	0%
Devonport-Takapuna	27	1	28	13%
Franklin	5	1	6	3%
Henderson-Massey	6	0	6	3%
Hibiscus and Bays	22	1	23	11%
Howick	16	1	17	8%
Kaipātiki	14	0	14	7%
Māngere-Ōtāhuhu	1	0	1	0%
Manurewa	2	0	2	1%
Maungakiekie-Tāmaki	9	1	10	5%
Not supplied	0	0	0	0%
Ōrākei	20	0	20	9%
Ōtara-Papatoetoe	2	0	2	1%
Outside Auckland	0	0	0	0%
Papakura	4	0	4	2%
Puketāpapa	1	0	1	0%
Regional	0	5	5	2%
Rodney	11	0	11	5%
Upper Harbour	7	0	7	3%
Waiheke	6	0	6	3%
Waitākere Ranges	7	1	8	4%
Waitematā	11	0	11	5%
Whau	3	0	3	1%
Don't know	12	1	13	6%
Total	199	12	211	

Proposal responses by local board

The tables below show the responses to each proposal broken down by local board.

Proposal 1: to increase the maximum speed limit on the Waitematā Harbour Zone to 18 knots (from 12 knots) to allow faster movement of vessels (including public transport vessels).

Local board	5 knots	8 knots	10 knots	12 knots (current)	15 knots	18 knots (proposed)	Other	Blank	Total
Albert-Eden	1		3		1	8			13
Devonport-Takapuna	2	1	8	7	2	5	3		28
Don't Know			2	2		1	5	3	13
Franklin				2		4			6
Henderson-Massey		1		1		4			6
Hibiscus and Bays			4	5	1	13			23
Howick			5	3	3	5		1	17
Kaipātiki			2	4		7	1		14
Māngere-Ōtāhuhu			1						1
Manurewa						1		1	2
Maungakiekie-Tāmaki		1		2	2	4	1		10
Ōrākei	1		3	5	1	6	1	3	20
Ōtara-Papatoetoe			1			1			2
Papakura			1		1	1	1		4
Puketāpapa						1			1
Regional				1		1	3		5
Rodney				4	1	5	1		11
Upper Harbour			4	2		1			7
Waiheke	1		2	2	1				6
Waitākere Ranges				3	2	3			8
Waitematā		1	2	4		4			11
Whau			1	1		1			3
Grand Total	5	4	39	48	15	76	16	8	211

Proposal 2: to amend existing rules about carrying a means of communication on vessel, to carrying at least two independent forms of communication on a vessel.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	12	1			13
Devonport-Takapuna	21	7			28
Don't Know	3	2	1	7	13
Franklin	6				6
Henderson-Massey	5	1			6
Hibiscus and Bays	18	4	1		23
Howick	12	2	1	2	17
Kaipātiki	10	4			14
Māngere-Ōtāhuhu		1			1
Manurewa	2				2
Maungakiekie-Tāmaki	7	2	1		10
Ōrākei	5	9	3	3	20
Ōtara-Papatoetoe	1	1			2
Papakura	2	2			4
Puketāpapa			1		1
Regional	1		1	3	5
Rodney	9	2			11
Upper Harbour	4	3			7
Waiheke	6				6
Waitākere Ranges	4	3	1		8
Waitematā	7	2	2		11
Whau	2		1		3
Grand Total	137	46	13	15	211

Proposal 3: to make new rules about novel craft (for example a motorised surfboard).

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	11	1		1	13
Devonport-Takapuna	23	2	3		28
Don't Know	5			8	13
Franklin	5	1			6
Henderson-Massey	6				6
Hibiscus and Bays	20	1	2		23
Howick	13	2	1	1	17
Kaipātiki	11	3			14
Māngere-Ōtāhuhu	1				1
Manurewa	1			1	2
Maungakiekie-Tāmaki	9		1		10
Ōrākei	16	1	1	2	20
Ōtara-Papatoetoe	2				2
Papakura	3	1			4
Puketāpapa	1				1
Regional	2		1	2	5
Rodney	9		2		11
Upper Harbour	6	1			7
Waiheke	6				6
Waitākere Ranges	6	2			8
Waitematā	8	1	2		11
Whau	2		1		3
Grand Total	166	16	14	15	211

Proposal 4a: to make new rules for the Tamaki River Entrance.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	11	2			13
Devonport-Takapuna	21	3	4		28
Don't Know	4	1		8	13
Franklin	4	1	1		6
Henderson-Massey	5		1		6
Hibiscus and Bays	17	2	2	2	23
Howick	12	3	1	1	17
Kaipātiki	8	2	4		14
Māngere-Ōtāhuhu	1				1
Manurewa			1	1	2
Maungakiekie-Tāmaki	5	1	3	1	10
Ōrākei	10	4	1	5	20
Ōtara-Papatoetoe	1	1			2
Papakura	2		1	1	4
Puketāpapa	1				1
Regional			1	4	5
Rodney	7	1	2	1	11
Upper Harbour	4	2		1	7
Waiheke	3	1	2		6
Waitākere Ranges	4	1	3		8
Waitematā	7	2	2		11
Whau	2		1		3
Grand Total	129	27	30	25	211

Proposal 4b: to make new rules for the Commercial Port Area.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	7	5	1		13
Devonport-Takapuna	18	8	1	1	28
Don't Know	3	1		9	13
Franklin	5	1			6
Henderson-Massey	6				6
Hibiscus and Bays	20	1	1	1	23
Howick	12	1	2	2	17
Kaipātiki	11	3			14
Māngere-Ōtāhuhu		1			1
Manurewa	1			1	2
Maungakiekie-Tāmaki	6	4			10
Ōrākei	13	4	1	2	20
Ōtara-Papatoetoe	2				2
Papakura	3	1			4
Puketāpapa	1				1
Regional		1		4	5
Rodney	10			1	11
Upper Harbour	3	3	1		7
Waiheke	4	1	1		6
Waitākere Ranges	8				8
Waitematā	8	3			11
Whau	2		1		3
Grand Total	143	38	9	21	211

Proposal 5: to align rules about the use of Ōrākei Basin with current accepted practices.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	8	2	3		13
Devonport-Takapuna	20	2	5	1	28
Don't Know	3	1	2	7	13
Franklin	6				6
Henderson-Massey	5		1		6
Hibiscus and Bays	16		5	2	23
Howick	10		3	4	17
Kaipātiki	9	2	3		14
Māngere-Ōtāhuhu	1				1
Manurewa			1	1	2
Maungakiekie-Tāmaki	8	1	1		10
Ōrākei	14	2	4		20
Ōtara-Papatoetoe	2				2
Papakura	3		1		4
Puketāpapa	1				1
Regional			1	4	5
Rodney	5		5	1	11
Upper Harbour	5			2	7
Waiheke	4		1	1	6
Waitākere Ranges	5		2	1	8
Waitematā	4		5	2	11
Whau	2	1			3
Grand Total	131	11	43	26	211

Proposal 6: to remove rules about licensing of commercial vessels for hire as it is more appropriately addressed in separate legislation.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	10	1	2		13
Devonport-Takapuna	18	1	6	3	28
Don't Know	3	1		9	13
Franklin	4		2		6
Henderson-Massey	3		2	1	6
Hibiscus and Bays	17	1	2	3	23
Howick	11		4	2	17
Kaipātiki	13	1			14
Māngere-Ōtāhuhu	1				1
Manurewa	1			1	2
Maungakiekie-Tāmaki	8		2		10
Ōrākei	14	2	2	2	20
Ōtara-Papatoetoe	2				2
Papakura	4				4
Puketāpapa	1				1
Regional	1			4	5
Rodney	7		2	2	11
Upper Harbour	4		2	1	7
Waiheke	4		1	1	6
Waitākere Ranges	6		2		8
Waitemātā	5		4	2	11
Whau	2		1		3
Grand Total	139	7	34	31	211

Proposal 7: to remove marine mammal protections as these are more appropriately addressed in separate legislation.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	10	1	2		13
Devonport-Takapuna	22	1	3	2	28
Don't Know	3	1		9	13
Franklin	6				6
Henderson-Massey	3	2		1	6
Hibiscus and Bays	16	2	4	1	23
Howick	12	2	1	2	17
Kaipātiki	11	2		1	14
Māngere-Ōtāhuhu	1				1
Manurewa	1			1	2
Maungakiekie-Tāmaki	6	3	1		10
Ōrākei	13	6		1	20
Ōtara-Papatoetoe	1	1			2
Papakura	4				4
Puketāpapa	1				1
Regional	1			4	5
Rodney	9		1	1	11
Upper Harbour	4	2		1	7
Waiheke	3	2		1	6
Waitākere Ranges	5	1		2	8
Waitematā	5	1	3	2	11
Whau	2		1		3
Grand Total	139	27	16	29	211

Proposal 8: to clarify existing rules (including about swimming, events and support vessels) to be more certain and update the format of the Bylaw to be easier to read and understand.

Local board	Agree	Disagree	Other	(Blank)	Total
Albert-Eden	8	1	3	1	13
Devonport-Takapuna	20	1	2	5	28
Don't Know	4		1	8	13
Franklin	6				6
Henderson-Massey	5		1		6
Hibiscus and Bays	17		3	3	23
Howick	13		1	3	17
Kaipātiki	13		1		14
Māngere-Ōtāhuhu	1				1
Manurewa	1			1	2
Maungakiekie-Tāmaki	6	1	2	1	10
Ōrākei	16	1		3	20
Ōtara-Papatoetoe	1			1	2
Papakura	2	1	1		4
Puketāpapa	1				1
Regional	1			4	5
Rodney	8		1	2	11
Upper Harbour	4		1	2	7
Waiheke	5	1			6
Waitākere Ranges	6		2		8
Waitemātā	3		6	2	11
Whau	3				3
Grand Total	144	6	25	36	211

Urupare

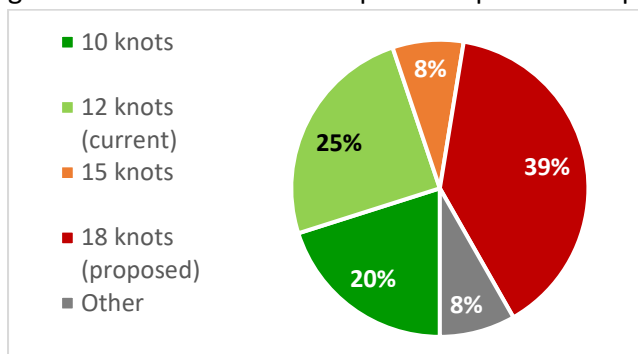
Feedback

Proposal 1: What is your opinion about our proposal to increase the speed on the Waitematā Harbour Zone to 18 knots?

Submitters were asked their opinion on Proposal 1A about a proposal to increase the speed on the Waitematā Harbour Zone (n=194 responses).

Summary of Feedback

Around 39 per cent of submitters **agreed** with the proposal to increase the speed on the Waitematā Harbour Zone to 18 knots. A combined total of 45 per cent of submitters **did not agree** with the proposal and suggest that current speed limit of 12 knots should be retained or the speed limit should be lowered to 10 knots. Of those who commented, 26 per cent suggested that the proposal would cause or increase dangerous wake in the Waitematā Harbour Zone. A combined total of 38 per cent of submitters suggest an increase (through a general increase or an exemption for public transport only) would significantly benefit public transport.



Proposal 1		
Option	Count	Percentage
18 knots (proposed)	76	39%
12 knots (current)	48	25%
10 knots	39	20%
15 knots	15	8%
Other	8	16%

(n=194. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=341; Most common themes below)

Other responses	Total	%
Dangerous wake is already a worsening issue	51	28%
Increase for all to benefit public transport	46	26%
Current speed is too fast	39	22%
Current speed is manageable for the future	34	19%
No comment/reason	30	17%
Water congestion is becoming an issue	30	17%
Increase speed for public transport only	27	15%
Increasing speed will endanger small vessel users	23	13%
Enforcement is an issue	16	9%
Incompetent owners	16	9%
Other reason	14	8%
Current speed is too slow	9	5%
Reduce speed for public users (excluding public transport)	6	3%

Māori feedback

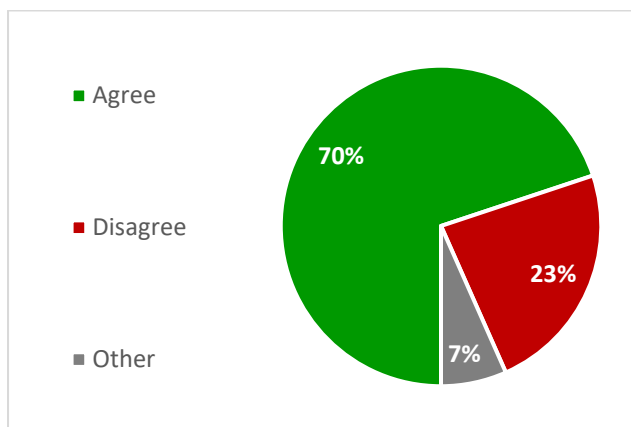
Of the 180 responses to this question, 12 of the submitters identified as Māori. Of these, 42 per cent supported the proposal to increase the speed to 18 knots on the Waitematā Harbour Zone. Māori views aligned with the general themes highlighted above.

Proposal 2: What is your opinion about our proposal to amend existing rules about carrying a means of communication on a vessel?

Submitters were asked their opinion on Proposal 2 to amend existing rules to carrying two independent forms of communication in a vessel instead of one means of communication (n=196 responses).

Summary of Feedback

Almost three quarters of submitters **agreed** with the proposal to amend existing rules about carrying a means of communication on a vessel. Nearly half of the commenters suggested this proposal to carry two independent forms of communication would promote and ensure safety.



Proposal 2		
Option	Count	Percentage
Agree	137	70%
Disagree	46	23%
Other	13	7%

(n=196. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=210; Most common themes below)

Other responses	Total	%
Two communication devices promotes/ensures safety	82	42%
No comment/reason	74	38%
Other reason	25	13%
Impractical (especially for small vessels)	19	10%
One communication device is enough (existing rule is sufficient)	10	5%
Enforcement will be an issue	9	5%
Makes boating harder to access (penalising those of lesser means)	9	5%

Māori feedback

Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 67 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

42% - Two communication devices promotes/ensures safety

"Sensible to have a back up."

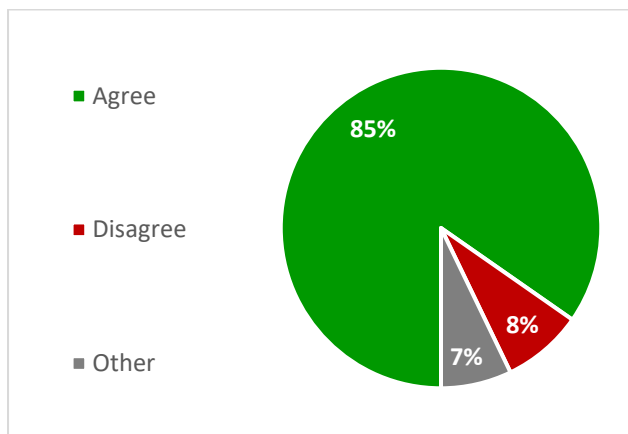
"Everyone should have more than one means of communication when on the water, whether in a dinghy, kayak, paddle board or vessel. Common sense."

Proposal 3: What is your opinion about our proposal to make new rules about novel craft?

Submitters were asked their opinion on Proposal 3 about a proposal to make new rules about novel craft (n=196 responses).

Summary of Feedback

Over three quarters of submitters **agreed** with the proposal to make new rules about novel craft. Majority of the comments thought this proposal would promote safety and reduce risks to other water users. 13 per cent provided other reasons while less than 10 per cent felt that there were too many rules and that these should be addressed under national legislation.



Proposal 3		
Option	Count	Percentage
Agree	166	85%
Disagree	16	8%
Other	14	7%

(n=196. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=220; Most common themes below)

Other responses	Total	%
No comment/reason	92	47%
Promotes safety / reduces risk to other water users	88	45%
Other reason	25	13%
Certain novel craft should not be regulated	6	3%
Should be addressed under national legislation	5	3%
No need for these rules / too many rules	4	2%

Māori feedback

Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 100 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

45% - Promotes safety / reduces risk to other water users

"Yes, the rules should accurately capture all vessel types on the water. New Vessel types introduce new risks and hazards, as PWC's did when jetskis became popular."

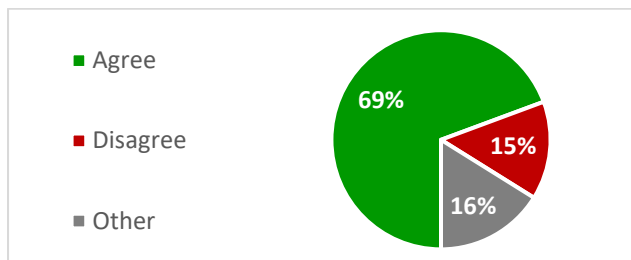
"Motorised crafts carry more risk to other people swimming in the water so yes definitely need to be controlled."

Proposal 4a: What is your opinion about our proposal to make new rules for the Tamaki River Entrance?

Submitters were asked their opinion on Proposal 2 about a proposal to make new rules for the Tamaki River Entrance (n=186 responses).

Summary of Feedback

Almost three quarters of submitters **agreed** with the proposal to make new rules for the Tamaki River Entrance. Over one third of the comments thought this proposal improves access and increases public safety. 26 per cent of submitters suggest that the proposal was reasonable/makes sense.



Proposal 4a		
Option	Count	Percentage
Agree	129	69%
Disagree	27	15%
Other	30	16%

(n=186. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=214; Most common themes below)

Other responses	Total	%
No comment/reason	97	52%
Improves access and increases public safety	49	26%
Other reasons/unsure	16	9%
Reasonable/Makes sense	13	7%
Anchoring not an issue in the Tamaki River Entrance	10	5%
Generally agree with the rule but allow for certain exemptions	7	4%
Not enough information to comment	6	3%
No evidence to show issues from anchoring in the area	5	3%
Lack of enforcement and flexibility	3	2%
Vessels may need to anchor temporarily in certain situations	2	1%
Prohibit the anchoring of unseaworthy/abandoned vessels	2	1%
There are other areas when people can moor their vessels close to shore	2	1%
Prohibit only areas outside main transit channels	2	1%

Māori feedback

Of the 186 responses to this question, 12 of the submitters identified as Māori. Of these, 67 per cent supported the proposal.

26% - Improves access and increases public safety

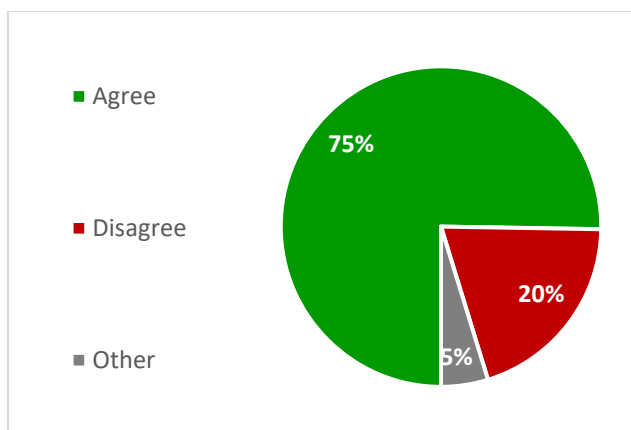
"It's a narrow waterway and should be kept clear, especially for use at night."

Proposal 4b: What is your opinion about our proposal to make new rules for the Commercial Port Area?

Submitters were asked their opinion on Proposal 4b about a proposal to make new rules for the Commercial Port Area (n=190 responses).

Summary of Feedback

Three quarters of submitters **agreed** with the proposal to make new rules for the Commercial Port Area. 19 per cent of the comments suggested this proposal improves and increases public safety. 13 per cent of submitters suggested the proposal was reasonable/makes sense.



Proposal 4b		
Option	Count	Percentage
Agree	143	75%
Disagree	38	20%
Other	9	5%

(n=190. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=214; Most common themes below)

Other responses	Total	%
No comment/reason	94	49%
Improves and ensures public safety	37	19%
Reasonable/Makes sense	24	13%
Use of the area should be kept separate and used by authorised vessels	12	6%
Unnecessary/ prefer less regulation	11	6%
Include exceptions to the rule in case of an emergency or by prior approval from the Harbourmaster	6	3%
Enable vessels to enter the Commercial Port Area for safety reasons or emergency	5	3%
Restricts people's rights into a public area	5	3%
Other reason	4	2%
Inappropriate and not safe for recreational vessels and activities for e.g. swimming	4	2%
Concern about continued expansion of the commercial port area/ boaties already exercise caution	4	2%
Dangerous area for inexperienced boaties	3	2%
Not necessary as the area not regularly used by boaties	2	1%
Increases access and improves visibility/safety for larger vessels in the area	1	1%

Māori feedback

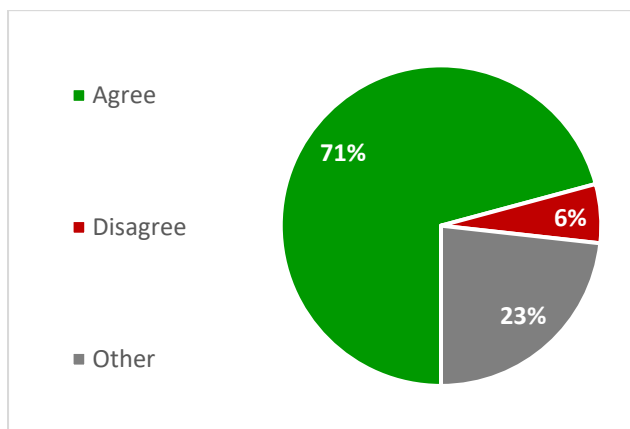
Of the 186 responses to this question, 12 of the submitters identified as Māori. Of these, 83 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

Proposal 5: What is your opinion about our proposal to align rules about the use of Ōrākei Basin with current accepted practices?

Submitters were asked their opinion on Proposal 5 to align rules about the use of Ōrākei Basin with current accepted practices (n=185 responses).

Summary of Feedback

Almost three quarters of submitters **agreed** with the proposal to align rules about the use of Ōrākei Basin with current accepted practices. The highest themes indicate that this proposal is reasonable and that it ensures public safety.



Proposal 5		
Option	Count	Percentage
Agree	131	71%
Disagree	11	6%
Other	43	23%

(n=185. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=195; Most common themes below)

Other responses	Total	%
No comment/reason	113	61%
Reasonable/Makes sense	23	12%
Ensures public safety	22	12%
Do not use the basin/not familiar with the area	20	11%
Keep basin for non-motorised vessels	4	2%
Easier to comply and enforce	3	2%
More enforcement for reckless use of powered boats	2	1%
Lack of enforcement/current rules are too complex/additional signage	2	1%
Other reason	2	1%
Keep vessels for power driven vessels only	1	1%
Dividing the basin ensures safety between users	1	1%
Allow for swimming	1	1%
Area too small for skiing or tow activities	1	1%

Māori feedback

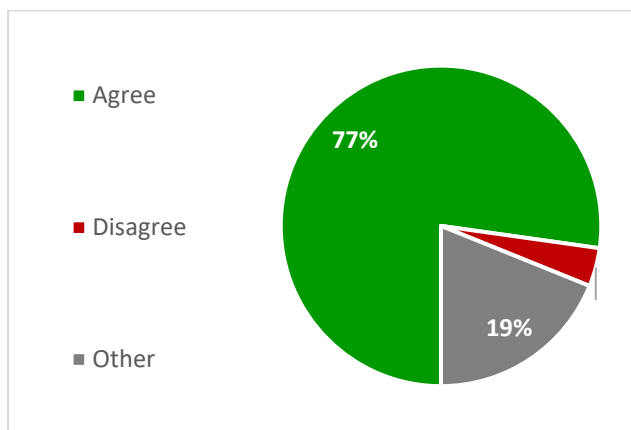
Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 92 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

Proposal 6: What is your opinion about our proposal to remove rules about Commercial Vessels for Hire and Reward?

Submitters were asked their opinion on Proposal 6 to remove rules about Commercial Vessels for Hire and Reward (n=180 responses).

Summary of Feedback

Over three quarters of submitters **agreed** with the proposal to remove rules about Commercial Vessels for Hire and Reward. 32 per cent thought this proposal would reduce duplication in rules and provide clarification around the rules.



Proposal 6		
Option	Count	Percentage
Agree	139	77%
Disagree	7	4%
Other	34	19%

(n=180. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=211; Most common themes below)

Other responses	Total	%
No comment/reason	125	69%
Reduces duplication / creates clarification	57	32%
Other reason	26	14%
Rules should remain in the Bylaw for ease of use	3	2%

Māori feedback

Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 67 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

32% - Reduces duplication / creates clarification

"More standardized rule is good for users and enforcer."

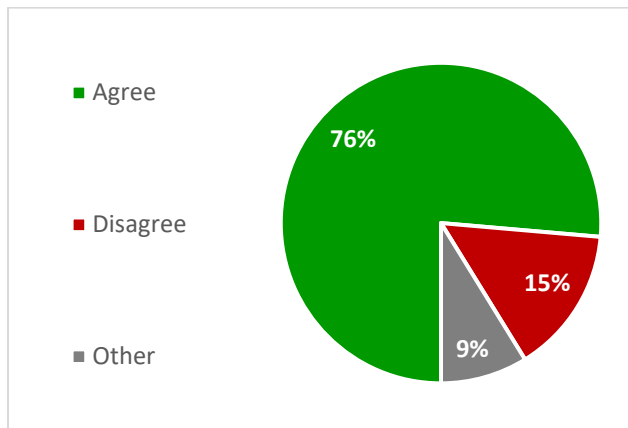
"Duplication of legislative responsibilities is procedurally poor practice, practically messy and incurs unnecessary expenditure of resources and revenue."

Proposal 7: What is your opinion about our proposal to remove rules about speed around Marine Mammals?

Submitters were asked their opinion on Proposal 7 to remove rules about speed around Marine Mammals (n=182 responses).

Summary of Feedback

Over three quarters of submitters **agreed** with the proposal to remove rules about speed around Marine Mammals. 27 per cent of submitters thought this proposal would reduce duplication in rules and provide clarification around the rules. While other comments suggest that the rules should remain in the Bylaw to further protect marine mammals.



Proposal 7		
Option	Count	Percentage
Agree	139	76%
Disagree	27	15%
Other	16	9%

(n=182. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=212; Most common themes below)

Other responses	Total	%
No comment/reason	110	60%
Reduces duplication / creates clarification	50	27%
Other reason	31	17%
Rules should remain in the Bylaw to further protect marine mammals	21	12%

Māori feedback

Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 75 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

27% - Reduces duplication / creates clarity

“Sensible to avoid duplication of other rules.”

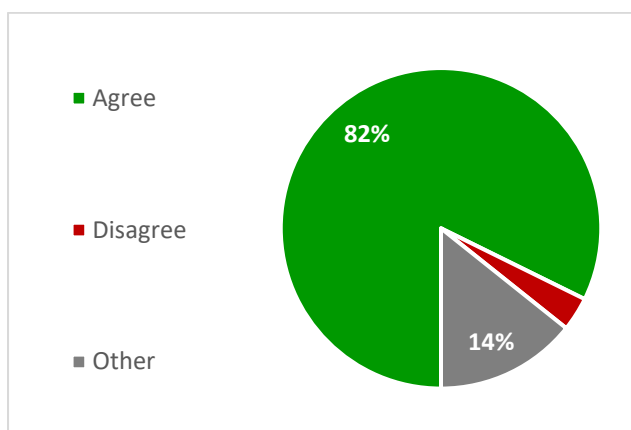
“But it must be made clear that the Marine Mammals Protection Act 1978 applies, or the removal of the rule means that some people will think that there are no rules anymore.”

Proposal 8: What is your opinion about our proposal to clarify the remaining existing rules and update the format of the Bylaw and associated controls?

Submitters were asked their opinion on Proposal 8 about a proposal to clarify the remaining existing rules and update the format of the Bylaw and associated controls (n=175 responses).

Summary of Feedback

Over three quarters of submitters **agreed** with the proposal to clarify the remaining existing rules and update the format of the Bylaw and associated controls. 35 per cent of submitters suggested that clarification of rules is beneficial. Other comments suggests that rules need enforcing and that the Bylaw rules should be streamlined with Maritime Rules / national legislation.



Proposal 8		
Option	Count	Percentage
Agree	144	82%
Disagree	6	3%
Other	25	14%

(n=175. Graph only reflects numbers of people who provided a response. Does not include blanks).

Please tell us why

(n=216; Most common themes below)

Other responses	Total	%
No comment/reason	123	70%
Clarity is beneficial	62	35%
Other reason	26	15%
Bylaw rules should be streamlined with Maritime Rules/national legislation	3	2%
Rules need enforcement	2	1%

Māori feedback

Of the 196 responses to this question, 12 of the submitters identified as Māori. Of these, 83 per cent supported the proposal. Māori views aligned with the general themes highlighted above.

35% - Clarity is beneficial

"As an operator of such vessels, I support a single and consistent rule set."

"Simplification is always a good thing. It is less open to an incorrect interpretation."

"Any simplification of legislation and/or council bylaws welcomed."

ATTACHMENT D

ONLINE AND WRITTEN FEEDBACK

This attachment has not been re-produced in this agenda but can be found at the following link:

<https://www.aucklandcouncil.govt.nz/have-your-say/hearings/find-hearing/Pages/Hearing-documents.aspx?HearingId=436>

ATTACHMENT E

OPERATIONAL AND NON-BYLAW RELATED PUBLIC FEEDBACK

Attachment E: Operational and non-Bylaw-related feedback

Feedback was received on operational and non-bylaw-related matters (summarised below) alongside feedback on the proposal. These matters will be shared with relevant council staff to consider as operational matters.



Bylaw signage

Comments included recommendations to:

- more publicly advertise rules and enforcement regarding the use of ski lanes
- place bylaw signage on all boat ramps and wharfs
- move bylaw signage at Ōrākei Basin to a more visible position for most people.



Enforcement

Comments included recommendations:

- to provide consistent and greater enforcement for speeding vessels, and more enforcement to address or remove abandoned vessels and houseboats
- for the Harbourmaster to work closely with Maritime Police.
- Other comments noted a lack of enforcement in remote areas such as Aotea / Great Barrier Island



Education

Comments included recommendations to improve safety while on the water by:

- improving awareness of the Bylaw
- translating the Bylaw and other water safety material into Pacific and other migrant languages
- improving access to educational material and water safety courses.



Affordability and access to safety equipment

Comments included recommendations to provide free life jackets.



Set netting

Comments included recommendations to create a set netting ban at Tamaki River Entrance. Requests for set net bans can be made under the [Auckland Council Public Safety and Nuisance Bylaw](#).

ATTACHMENT F

LOCAL BOARD VIEWS ON PUBLIC FEEDBACK

Attachment F – Views of local boards

This attachment contains the views of local boards on public feedback to the proposal to make a new Navigation Bylaw 2021.

The Ōrākei Local Board resolved to provide its views at its business meeting on 21 April 2021 (OR/2021/41). These will be tabled for the Bylaw Panel deliberations on 7 May 2021.

Local boards that provided additional views to the public feedback

View of local board	Staff comment
<p>Albert-Eden Local Board (AE/2021/39)</p> <p>a) provide the following feedback to staff after considering public feedback to the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021:</p> <ul style="list-style-type: none"> (i) note the low number of responses from the Albert-Eden Local Board area; (ii) note the considered submissions from 4 regional organisations; (iii) request that the 5 knots speed limit applies to the entire Motu Manawa-Pollen Island Marine Reserve; (iv) oppose Proposal 1 to increase the maximum speed limit in the Waitematā Harbour Zone to 18 knots to allow faster movement of vessels (including ferries) given the impacts and trade off on safety, the environment and the aquatic life, and request it remains at 12 knots as per current controls; (v) oppose Proposal 7 which will remove the rules about protection for marine mammals as a combination of both regulation and bylaw control will ensure greater protection and enforcement action can be taken by both council and central government departments; (vi) support Proposals 2, 3, 6 and 8. <p>b) appoint Member Robertson to present the views in resolution a) to the Bylaw Panel on 7 May 2021.</p> <p>c) delegate authority to Chairperson Watson to appoint replacement(s) to the persons in resolution b) should the appointed member be unable to present to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 1 and 7.

View of local board	Staff comment
<p>Devonport-Takapuna Local Board (DT/2021/32)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) Provides the following feedback on the Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021:</p> <p>(i) notes that it continues to regulate the use of Auckland’s navigable waters (for example by recreational vessels, kite boarders, swimmers, divers, ferries, and cargo vessels) to help minimise the risk of accidents, nuisance, and damage.</p> <p>(ii) notes that the bylaw is one part of a wider regulatory framework that includes the Maritime Transport Act and Maritime Rule, Resource Management Act and Marine Mammal Protection.</p> <p>(iii) notes that 27 individuals and one organisation from the local board area provided feedback on the bylaw.</p> <p>(iv) supports the respondent’s majority view (18 of the 27 responses) that the maximum speed limit on the Waitemata Harbour should not exceed 12 knots.</p> <p>(v) support the bylaw provisions that exempt police, medical, Coastguard and other emergency vessels from speed restrictions.</p> <p>(vi) consider that small non-motorised vessels such as kayaks, paddleboards etc ought to be exempt from having to carry at least two means of communication, noting that it is not practical for them to do so.</p> <p>(vii) supports proposals three to eight, as they were strongly supported by respondents from the local board area.</p> <p>c) appoint Members Trish Deans and Deputy Chairperson George Wood to present the views in b) to the Bylaw Panel on 7 May 2021.</p> <p>d) delegate authority to the local board chair to appoint replacement(s) to the persons in c) should an appointed member be unable to present to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1 and 2.
<p>Franklin Local Board (FR/2021/43)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report</p> <p>b) provide its views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations as follows:</p> <p>(i) regarding proposed changes to speed limits, the panel should seek appropriate industry expertise e.g. from on-water vessel designers or engineers.</p> <p>c) decline the opportunity to appoint one or more local board members to present the views in b) to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1
<p>Kaipātiki Local Board (KT/2021/38)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) note that feedback from submitters in the Kaipātiki Local Board area generally matched that received regionally, and that this feedback was supportive or strongly supportive of all proposals except for “Proposal 1: to raise the maximum speed limit on the harbour from 12 to 18 knots”.</p>	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1 and 7.

View of local board	Staff comment
<p>c) note that the lack of support for Proposal 1 to increase the speed limit most likely reflects concerns over the potential safety and environmental impacts of such speeds, whereas advice received with the consultation suggested that greater speeds may potentially reduce environmental impacts in some cases.</p> <p>d) request that there be no increase to the speed limit until such time as more in-depth information can be provided to the community through further consultation that then results in general support from the community for speed limit changes.</p> <p>e) request the panel explore whether it would be appropriate to include wake free zones and wake free ferries in the Navigation Bylaw in order to minimise the wake on the environment while maintaining an effective transport management system.</p>	
<p>Henderson-Massey Local Board (HM/2021/52)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) does not support the proposed increase of the maximum speed limit in the Waitemātā Harbour zone above 12 knots in line with the majority of submissions from the general public.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 1.
<p>Howick Local Board (HW/2021/34)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) request the Bylaw Panel support the majority view of the public feedback and not increase the maximum speed limit on the Waitemata, as per proposal one.</p> <p>c) request the Bylaw Panel also consider that any new rules with regards to the Tamaki River entrance include an extension of the existing prohibition of set nets within the river.</p> <p>d) appoint Member B Kendall to present the views in b) and c) to the Bylaw Panel on 7 May 2021.</p> <p>e) delegate authority to the local board chair to appoint replacement(s) to the persons in c) should an appointed member be unable to present to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 1 and 4A • Note in relation to (c) Requests for set net bans can be made under the Auckland Council Public Safety and Nuisance Bylaw.

View of local board	Staff comment
<p>Manurewa Local Board (MR/2021/41)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report</p> <p>b) provide the following views to the Bylaw Panel to assist it in its deliberations:</p> <p>(i) the board is concerned about the proposed higher maximum speed on the Waitemata Harbour Zone due to the impacts this might have on the safety of other water users, the environment and marine life</p> <p>(ii) the board recommends that, if a higher maximum speed on the Waitemata Harbour Zone is adopted, it should be made subject to a responsibility on boat operators not to operate at a speed and in circumstances that could threaten the safety of other water users, the environment and marine life.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 1 and 7.
<p>Papakura Local Board (PPK/2021/57)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) provide the following Papakura Local Board views on how the Bylaw Panel should address matters raised in public feedback to the proposal for a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021:</p> <p>(i) The board does not support increasing the speed to 18 knots as they believe:</p> <ul style="list-style-type: none"> • it suits the larger powerful vehicles rather than smaller boats and yachts • 18 knots is too fast • there will be an impact of the wake on the environment with the increased speed • increasing the speed will potentially increase the number of incidents and injuries on the water. <p>(ii) The board agreed with the bylaw proposal for the requirement to carry two different forms of communication equipment.</p> <p>(iii) The board note that the speed limit only relates to the inner Waitematā Harbour.</p> <p>c) decline the opportunity to present the board's views in resolution b) to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 1 and 2.

View of local board	Staff comment
<p>Rodney Local Board (RD/2021/219)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report</p> <p>b) welcomes the opportunity to have input into making recreational boating safer for Rodney watercraft users</p> <p>c) provide the following views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations</p> <p>(i) note that a small proportion of Rodney residents (11) gave feedback on the Navigational Safety Bylaw despite Rodney having the largest area of coastline in Auckland, and that this could be a result of inadequate promotion of the consultation opportunity, be apathy, or contentment with the status quo</p> <p>(ii) support amendment of the bylaw where clarifications are desirable</p> <p>(iii) express concern that additional proposed rules to be placed on owners of watercraft to carry two methods of communication are practically unenforceable by Auckland Council, there is no clear resource available to do so, and that it seems unnecessary for this to form part of a bylaw when it can be recommended as best practice safety guidelines through Coastguard New Zealand similarly to “let someone know where you are going”</p> <p>(iv) consider that additional rules could cause financial hardship to members of the community who use watercraft to gather kai moana for the table and who are least able to afford any resulting penalty, because items such as hand-held VHF radios can be prohibitively expensive</p> <p>(v) consider that the bylaw is too restrictive for boats particularly for craft smaller than six metres in length and that it may be the thin end of the wedge in creating a licencing regime for smaller craft, further restricting recreational boating and fishing to only those with financial means</p> <p>(vi) express concern that there is no differentiation in some clauses between different types of craft such as between a kayak and a launch, and that a one-size-fits-all policy will not always be appropriate or applicable to every craft.</p> <p>d) delegate Local Board Member B Houlbrooke to speak to the local board’s feedback to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> • Refer to Attachment A to agenda report, Proposal 2. • Note in relation to (v): the Bylaw only requires registration of jet skis. There is no licensing requirement. Note in relation to (vi): the Bylaw does differentiate between vessel types where appropriate (for example large vessels and paddle craft). This approach is consistent with the classification of the range of vessels under the Maritime rules.

View of local board	Staff comment
<p>Waitākere Ranges Local Board (WTK/2021/35)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls.</p> <p>b) reiterate that it does not support the proposed increase of the maximum speed limit in the Waitematā Harbour zone above 12 knots in line with the majority of submissions from the general public.</p> <p>c) note its area includes large stretches of the Manukau Harbour coast and marine area from Wood Bay through to the Manukau Heads, and the West Coast from Whatipu to O'Neill Bay.</p> <p>d) support the need for a navigation safety bylaw to ensure safety on the water and to protect people and the environment from the impacts of accidents on the water.</p> <p>e) in relation to the West Coast, supports Subpart 3 – Responsibilities of persons undertaking certain activities, Clause 23 restricting activity between surf lifesaving flags to bathing, swimming, or body boarding only to ensure there is a safe separation of activities on these already dangerous beaches.</p> <p>f) recommend retaining the clause restricting vessel speed near marine mammals to:</p> <p>(i) ensure the harbourmaster can take this into account as a relevant matter when authorising boat racing and other events under the bylaw.</p> <p>(ii) reinforce safe boating practice around marine mammals. Vessel strike of a marine mammal is a danger to both wildlife and boat, particularly smaller vessels.</p> <p>(iii) enable Auckland Council to provide cross-agency support to the Department of Conservation in protecting marine mammals should incidents occur.</p> <p>(iv) note a particular concern around the critically endangered Maui dolphins. Its habitat range in Auckland waters include the Manukau Harbour and West Coast where the Department of Conservation may not have staff or resources on the water. Maui are known as an inshore species where there is greater potential conflict with fishing and recreational craft.</p> <p>g) request proposed clause 8(1) requires restricted vessel speed within: “200 metres of a marine mammal”.</p> <p>h) express its concern about the long-standing disrepair of the Little Huia boat ramp on the northern Manukau for boat launching.</p> <p>i) appoint Member Sandra Coney to present the board’s views to the Bylaw Panel on 7 May 2021.</p> <p>j) delegate authority to the local board Chair to appoint replacement(s) to the persons in d) should an appointed member be unable to present to the Bylaw Panel on 7 May 2021.</p>	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1 and 7.
<p>Waitematā Local Board (WTM/2021/72)</p> <p>a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report.</p> <p>b) provide local board views below on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations:</p> <p>(i) recommend better enforcement is in place to ensure public and marine mammals safety</p> <p>(ii) do not support increasing the maximum speed limit on the Waitematā Harbour Zone to 18 knots and recommend the speed should be retained at 12 knots for safety, environmental and marine mammal protection purposes</p>	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1 and 7.

View of local board	Staff comment
(iii) support amending the existing rules about carrying a means of communication on vessels, to carrying at least two independent forms of communication on a vessel to ensure public safety (iv) support making new rules about novel craft (for example motorised surfboards) (v) support making new rules for the Tāmaki River entrance (vi) support making new rules for the Commercial Port area (vii) recommend that marine mammal protection should be duplicated here to ensure boat users are fully aware of their obligations to ensure the safety of marine mammals (viii) thank the submitters who took the time to provide feedback on the proposal c) appoint members A Bonham and J Sandilands to present the local board views in b) to the Bylaw Panel on 7 May 2021. d) delegate to the local board chair to appoint a replacement person if required.	
Whau Local Board WH/2021/40 a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report. b) provide its views on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations as follows: (i) express concern at the proposed increase in the speed limit on the Waitemata Harbour from 12 to 18 knots, noting that the majority of submitters did not support this proposal (ii) note its concern around not only public safety but also protection of aquatic life, noting in particular that a significant minority of submitters indicated a preference for reducing the speed limit to 10 knots.	<ul style="list-style-type: none"> Refer to Attachment A to agenda report, Proposal 1 and 7.

The local boards in the table below support or noted the public feedback and provided additional views.

Views of local boards that support the public feedback

The local boards in the table below support the public feedback.

View of local board	Resolution
Hibiscus and Bays Local Board a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to the agenda report b) support the proposed new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls to be adopted by the Governing Body.	HB/2021/28
Ōtara-Papatoetoe Local Board a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls noting that there were two submissions from the local area through the public consultation b) are in principle supportive of the proposed changes particularly that of making the format and wording of rules simpler, more accessible and easy to understand for the public.	OP/2021/44
Māngere-Ōtāhuhu Local Board a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021/Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report	MO/2021/47

View of local board	Resolution
b) support the local view on how the Bylaw Panel should address matters raised in public feedback to the proposal in recommendation a) to assist the Bylaw Panel in its deliberations c) appoint Member Bakulich to present the views in b) to the Bylaw Panel on 7 May 2021 d) delegate authority to the local board chair to appoint replacement(s) to the persons in c) should an appointed member be unable to present to the Bylaw Panel on 7 May 2021.	
Maungakiekie-Tāmaki Local Board a) receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety Bylaw 2021 and associated controls as attached to this agenda report. b) note that there were 10 submissions from the local area made through the public consultation. c) endorse the proposed changes to the bylaw as it ensures public safety, creates clarity, is more efficient and is enforceable.	MT/2021/45

Local boards that did not provide views to the public feedback

The local boards in the table below did not provide views with the resolution that the board “receive the public feedback on the proposal to make a new Te Kaunihera o Tāmaki Makaurau Ture ā-Rohe Urungi Āhuru 2021 / Auckland Council Navigation Safety”.

Local board	Resolution
Aotea / Great Barrier Local Board	GBI/2021/36
Puketāpapa Local Board	PKTPP/2021/34
Upper Harbour Local Board	UH/2021/33
Waiheke Local Board	WHK/2021/67