



# **HAWKES BAY**

## **REGIONAL COUNCIL**

TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

### **Meeting of the Corporate and Strategic Committee**

**Date:** Wednesday 20 September 2023

**Time:** 1.00pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### **Attachments Excluded From Agenda**

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An aerial photograph of a swimmer in the ocean, viewed from above. The swimmer is wearing a blue and white patterned swimsuit and a blue and orange striped snorkel. The water is a deep blue-green. Overlaid on the image is a semi-transparent green map of Hawke's Bay, showing various navigational routes and markers in red and white. The map is tilted slightly to the left.

# Draft Hawke's Bay Navigation Safety Bylaw 2023

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# PART 1

## Preliminary provisions



Figure 1: The Hawke's Bay region

### 1. Title and commencement

- 1.1 This Bylaw may be cited as the Navigation Safety Bylaw for Hawke's Bay 2023.
- 1.2 This Bylaw shall come into force on the date of Council resolution (to be specified following public consultation).

### 2. Purpose

- 2.1 This Bylaw is made for the purpose of regulating navigation safety in the Hawke's Bay region and is to be read in conjunction with Maritime Rules, Part 91 Navigation Safety Rules<sup>1</sup> and Maritime Rules, Part 22 Collision Prevention<sup>2</sup> prepared by Maritime New Zealand.

### 3. Application

- 3.1 This Bylaw is made pursuant to Maritime Transport Act 1994 (the Act) and applies to all navigable waters<sup>3</sup> within the Hawke's Bay Regional Council boundary as shown in Figure 1, except –
  - Lake Waikaremoana and
  - Lake Waikareiti.

<sup>1</sup> <https://www.maritimenz.govt.nz/rules/part-91/>.

<sup>2</sup> <https://www.maritimenz.govt.nz/rules/part-22/>.

<sup>3</sup> Navigable waters refer to any waters, whether coastal or inland, which are able to be navigated; and includes harbours.

#### 4. Interpretation

4.1 In this Bylaw, unless the context otherwise requires:

**Access lane** means those areas designated as access lanes in schedules 1 and 2 of this Bylaw.

**Accident** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means an occurrence that involves a ship and in which—

- a. a person is seriously harmed as a result of—
  - i. being on the ship; or
  - ii. direct contact with any part of the ship, including any part that has become detached from the ship; or
  - iii. direct exposure to the wash of the ship or interaction (other than direct contact) between 2 ships; or
  - iv. being involved in the salvage of any ship— except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- b. the ship sustains damage or structural failure that—
  - i. adversely affects the structural strength, performance, or seaworthiness of the ship; or
  - ii. would normally require major repair or replacement of the affected component; or
  - iii. poses a threat to the safety of people on board the ship; or
- c. there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the ship; or
- d. there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the ship which poses a risk to the ship or other ships; or
- e. there is a significant loss of, or significant damage to, property (not being the cargo carried by the ship) or the property of any person (whether or not on board the ship), whether or not the loss or damage arises from an interaction between 2 ships or
- f. there is a loss or escape of any substance or thing that—

- i. may result, or has resulted, in serious harm to any person; or
- ii. may pose a risk, or has resulted in damage, to the ship or other ships; or
- iii. may pose a risk, or has resulted in damage, to any property (whether or not on board the ship); or
- g. a person is lost at sea (whether or not subsequently found) or is missing; or (h) the ship is foundering, capsizing, being abandoned, stranding, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board.

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

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

**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.

**Beacon** means a structure permanently fixed to the seabed used as an aid to navigation.

**Buoy** means a float secured a weight that lays on the seabed serving as a navigational or location mark, or to indicate reefs, or other hazards or a mooring.

**Bylaw** means the Navigation Bylaw for Hawke's Bay 2023 (and for the avoidance of doubt, includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).

**Cautionary zone** means an area identified as such in schedules 1 (Coastal waters) and 2 (Inland waters) where water users must exercise particular caution.

**Commercial vessel** has the same meaning as in section 2 of the Maritime Transport Act 1994 –

Means a ship that is not:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.



**Council** means the Hawke's Bay Regional Council.

**Crew** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port).

**Director** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

**Emergency response craft** means any vessel approved by the Harbourmaster for use in, emergency response and includes Police, Customs, Harbourmaster, Naval and Port Company vessels.

**Enforcement officer** means any person who has been appointed by the Council under section 33G of the Maritime Transport Act 1994 for the purpose of monitoring, controlling and enforcing the operations of vessels, pursuant to these Bylaws.

**Explosive** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means an explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than dangerous goods of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class as defined in Schedule 7 of the Hazardous Substances and New Organisms Act 1996.

**Flag A** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm x 600mm.

**Flag B** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag B of the international code of signals, a burgee (swallow-tailed) flag coloured in red, or a rigid replica, of not less than 600mm x 600mm.

**Gross tonnage** means total internal volumetric capacity of all the vessel's enclosed spaces, including non-cargo spaces.

**Harbourmaster** has the same meaning as in section 2 of the Maritime Transport Act 1994<sup>4</sup> – in relation to a port, a harbour, or other waters in a region, means any person appointed as a harbourmaster of that port or harbour, or those waters, under Part 3A.

**Incident** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means any occurrence, other than an accident that is associated with the operation of a vessel, that affects or could affect the safety of operation.

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

**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** means length overall, which, in relation to a vessel means the distance from the foremost part of the stem, not including any bow sprit or similar fitting to the aftermost part of the transom.

**Maritime Rules** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means maritime rules made by the Minister under Part 4; and includes emergency maritime rules made by the Director under section 37.

**Master** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means any person (except a pilot) having command or charge of any ship.

**Moored** means –

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

**Mooring** means –

- a. any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and
- b. includes any wire, rope, chain, buoy, or other device attached or connected to the weight.
- c. but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

**Navigate** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

**Navigation aid** has the same meaning as in section 2 of the Maritime Transport Act 1994 – includes:

- a. any lightship and any floating or other light exhibited for the guidance of ships;
- b. any description of fog signal not carried on a vessel;

<sup>4</sup> For the functions and powers of the Harbourmaster refer to sections 33E and 33F of the Act.



- c. all marks and signs in aid of marine navigation; and
- d. any electronic, radio, or other aid of marine navigation not carried on board any ship.

**Navigation bylaw** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means a bylaw made (or deemed to have been made) under Part 3A.

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

**Owner** has the same meaning as in section 2 of the Maritime Transport Act 1994) –

- a. in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship;
- b. in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship;
- c. in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) applies, means the person registered as the owner in the Fishing Vessel Register kept under section 98 of the Fisheries Act 1996;
- d. in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible;
- e. in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship.

**Paddle craft** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means powered only by a craft's occupant(s) using a single- or double-bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

**Personal flotation device** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules (as set out below) – means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- a. type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- b. a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005

**Personal watercraft<sup>5</sup>** has the same meaning as in section 33B of the Maritime Transport Act 1994 – means a power-driven ship that –

- a. has a fully enclosed hull; and
- b. does not take on water if capsized; and
- c. is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

**Person in charge of a vessel** means –

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

**Pilot** has the same meaning as in section 2 of the Maritime Transport Act 1994 (as set out below) – in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship.

**Pleasure craft** has the same meaning as in section 2 of the Maritime Transport Act 1994 –

- 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

<sup>5</sup> For the avoidance of doubt, 'personal watercraft' includes a jetski.

- b. excludes a ship that is – provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
  - i. 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;
  - ii. operated or provided by
    - a. a club, incorporated society, or trust for non-recreational purposes; or
    - b. a business.

**Proper speed** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the speed through the water.

**Public Notice** has the same meaning as in section 13 of Legislation Act 2019 – means a notice published –

- a. in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or
- b. on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge.

**Recreational craft** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means a vessel that is:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.

**Ramp** means a structure that is used to launch and/or recover a vessel.

**Region** means the Hawke's Bay Region by the Local Government (Hawke's Bay) Reorganisation Order 1989.

**Reserved area** means an area reserved by the Council for a specified navigation safety purpose as set out in these Bylaws and identified as such in schedules 1 (Coastal waters) and 2 (Inland waters).

**Seaplane** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – includes a flying boat and any other aircraft designed to manoeuvre on the water,

**Seaworthy**, for the purposes of these Bylaws, means the state and/or condition of a vessel that would allow for safe navigation, as determined by the Harbourmaster. Unseaworthy has the opposite meaning.

**Ship** has the same meaning as in section 2 of the Transport Act 1994 – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- c. a submarine or other submersible.

**Shore** means the land along the edge of a body of water, including lakes and rivers

**Speed through the water (STW)** means the speed of a vessel in relation to the water and other floating bodies/vessels on the water that are subject to the same external forces.

**Structure** has the same meaning as in section 2 of the Resource Management Act 1991 – means: any building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft.

**Support vessel** means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

**Vessel** has the same meaning as in section 2 of the Maritime Rules Part 91 Navigation Safety Rules – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of water over which it operates;
- c. a submarine or other submersible; and
- d. a seaplane while it is on the surface of the water.



## PART 2

### General matters

#### 5. Maritime rules to form part of this Bylaw

- 5.1 Subject to bylaw 6 (Officers not affected) to 15 (Speed uplifted areas), the most current version of the Maritime Rules, Part 91 Navigation Safety Rules and Part 22 Collision Prevention shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under these Bylaws.

#### 6. Officers not affected

- 6.1 Sections 8 (Reserved areas for specific activities), 9 (Reserved areas for rocket launching operations), 10 (Reserved areas for temporary events), 11 (Restricted anchorages), 12 (Prohibited anchorages), 13 (Moving prohibited zones), and 14 (Access lanes), do not apply to the Harbourmaster or any enforcement officer while acting in the course of his or her duty.

<sup>6</sup> Of note, surf lifesaving and the coastguard are also exempt from complying to the extent necessary to carry out their duties pursuant to Maritime Rule 91.6(5) and (6)(e).



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## PART 3

### Reserved areas and restrictions

#### 7. The making of reserved areas

- 7.1 Council or the Harbourmaster may make reserve areas and impose controls for one or more of the following purposes –
- to identify one or more of those areas described in Table 1 and specify conditions of use; or
  - to prescribe the construction and maintenance of any type of mooring (for example the weight, size and length of mooring components); or
  - to prohibit or restrict any activity to ensure adequate precautions are taken to achieve the purpose of these Bylaws.
- 7.2 A control in Bylaw 7.1 may –
- prohibit, restrict, allow, or control any matter or thing generally, for any specific category of case, or in a particular case; or
  - apply to all activities or to any specified category of activity; or
  - apply to the region or to a specified part of the region; or
  - apply at all times or at any specified time or period of time.

Table 1: Types of reserved areas

Type	Description	Bylaw references*
Reserved areas for specific activities	Refers to areas allocated for a specific activity (e.g. water skiing or swimming) by these Bylaws	Refer Bylaw 8 Schedules 1.1, 1.4, 1.5, 2.2
Reserved area for rocket launching operations	Refers to an area allocated for rocket launchings operations & identified as such in a public notice	Refer Bylaw 9
Reserved area for temporary events	Refers to an area allocated for a temporary event and identified as such in a public notice	Refer Bylaw 10
Restricted anchorages	Refers to areas where vessels may anchor provided, they are ready for immediate departure & as marked on maps in schedules 1 (Coastal waters) & 2 (Inland waters)	Refer Bylaw 11
Prohibited anchorages	Refers to areas where vessels must not anchor as marked on map 1.7 in schedules 1 (Coastal waters)	Refer Bylaw 12 Schedule 1.6
Moving prohibited zone	Refers to the area of water that exist around any vessel of 500 gross tonnage or greater that is under pilotage within the Napier Pilotage Area	Refer Bylaw 13 Schedule 1.6
Access lanes	Refers to areas marked on maps in schedules 1 (Coastal waters) that are allocated to persons being towed or to vessels landing or departing from the shore	Refer Bylaw 14 Schedules 1.1, 1.2
Speed uplifted areas	Refers to areas where Council has uplifted speed restrictions set out under Bylaw 27 on a permanent or temporary basis	Refer Bylaw 15 Schedule 2.1, 2.2, 2.3, 2.4

\* Indicative maps of reserved areas, access lanes and speed uplifted areas are presented in schedules 1 (Coastal waters) and 2 (Inland waters).

**8. Reserved areas for specific activities**

- 8.1 'Reserved areas for specific activities' refers to areas in schedules 1 (Coastal waters) and 2 (Inland waters) of this Bylaw that are allocated for a specified activity in the interests of navigation safety.
- 8.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 8.3 Where a person is using a reserved area for the purpose for which it is reserved, a person must not enter the reserved area other than to use it for the purpose for which it is reserved.

**9. Reserved area for rocket launching operations**

- 9.1 'Reserved area for rocket launching operations' refer to waters allocated, from time to time, for the purposes of –
- launching or recovering a licensed vehicle or object<sup>8</sup> into outer space; and
  - ensuring public safety during those operations.
- 9.2 A person must:
- not obstruct or interfere with rocket launching operations for which the area is reserved pursuant to bylaws 9.3 to 9.5; and
  - comply with all applicable controls and restrictions specified in a public notice under Bylaw 9.5.
- 9.3 A reservation under Bylaw 9.1 is subject to written permission from the Harbourmaster to
- temporarily prohibit or regulate the use of ships in a specified area; and
  - temporarily regulate, or authorise a person to regulate, the admission of persons to an area specified in accordance with bylaws 9.4 and 9.5.
- 9.4 Where the Harbourmaster is satisfied, on considering an application under Bylaw 9.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.

- 9.5 Every grant of an application under Bylaw 9.3 is subject to the applicant providing public notice<sup>8</sup> identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

**10. Reserved areas for temporary events**

- 10.1 'Reserved areas for temporary events' refer to waters allocated, from time to time, for temporary events, including sporting, ceremonial or customary events, training activities, or other organised water activities.
- 10.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 10.3 A reservation under Bylaw 10.1 is subject to written permission from the Harbourmaster to
- temporarily suspend any clause of these Bylaws in that area during the conduct of the race, speed trial, competition, or other organised water activity; and/or
  - temporarily reserve the area for the purpose of that activity; and/or
  - temporarily suspend the designation of permanent access lanes or reserved areas for other purposes.
- 10.4 Where the Harbourmaster is satisfied, on considering an application under Bylaw 10.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.
- 10.5 Every grant of an application under Bylaw 10.3 is subject to the applicant providing public notice
- not less than 7 days or more than 14 days before the commencement of the activity; and
  - identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

<sup>7</sup> Pursuant to the 'Outer Space and High-altitude Activities Act 2017' and other relevant New Zealand law.

<sup>8</sup> Public notice of any areas currently reserved for rocket launching operations may be found on [www.rocketlabusa.com](http://www.rocketlabusa.com).





## 11. Restricted anchorages

- 11.1 'Restricted anchorages' refer to areas designated as such in schedules 1 (Coastal waters) and 2 (Inland waters).
- 11.2 A person must not anchor or moor any vessel in any restricted anchorage areas unless the vessel is capable and ready for immediate departure.

## 12. Prohibited anchorages

- 12.1 'Prohibited anchorages' refer to areas designated as such in the schedule 1.
- 12.2 A person must not anchor or moor any vessel within any prohibited anchorage area without written permission from the Harbourmaster.

## 13. Moving prohibited zone

- 13.1 'Moving prohibited zone' refers to the area of water that exists around any vessel of 500 gross tonnage or greater navigating within the Napier Pilotage Area. The moving prohibited zone –
- extends 100 meters from each side of a vessel or the width of the marked channel, whichever is the lesser distance; and
  - continues at the width in (a) to 500m ahead of the vessel.
- 13.2 A person in charge of a vessel under 500 gross tonnes must not navigate their vessel within the moving prohibited zone of any vessel, without written authority from the Harbourmaster.

## 14. Access lanes

- 14.1 'Access lanes' refer to areas designated as an access lane in schedules 1 (Coastal) and 2 (Inland waters) and for the purposes of providing safe navigational access to shore.
- 14.2 A person must not propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared, except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

### 14.3 A person must not –

- proceed in a manner that is dangerous in relation to any vessel or other person in the access lane; or
- obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

- 14.4 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

## 15. Speed uplifted areas

- 15.1 'Speed uplifted areas' refer to areas designated as such in schedule 2 (Inland waters), where Council has uplifted the 5 knot speed restrictions set out in Bylaw 28 (speed of vessels).
- 15.2 A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner<sup>9</sup> that does not endanger or unduly interfere with any other person who is –
- on, in or using the water; or
  - fishing or undertaking recreational activity in the vicinity of the vessel.

<sup>9</sup> Regardless of any uplifting in the 5 knots speed limit the person in charge of a vessel is expected to operate in a safe manner, at all times, according to his or her circumstances, including exercising due caution and operating at a safe speed.



## PART 4

### Operating requirements

#### 16. The person in charge of a vessel must be responsible

- 16.1 A person on board must be nominated as the person in charge of the vessel before undertaking a voyage.
- 16.2 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 flotation devices).
- 16.3 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.

#### 17. Personal flotation devices

- 17.1 A person on board a vessel that is 6 metres or less in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.2 If instructed to do so by the person in charge, a person on board a vessel greater than 6 metres in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.3 Bylaws 17.1 to 17.2 do not apply to –
- any surfboard or similar unpowered craft; and
  - any person engaged in board sports, if a wetsuit is worn at all times; and
  - a recreational diver on a boat of 6 metres or less in length within 5 miles of shore, if a full body wetsuit is worn at all times; and
  - a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster pursuant to Bylaw 17.4; and

- a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- a commercial raft; and
- any stand-up paddle boarder, while physically involved in riding breaking waves, provided the paddle boarder is attached to the board by means of a leg rope.

- 17.4 The Harbourmaster may approve a national sporting organisation for the purposes of Bylaw 17.3(d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

#### 18. Swimming or diving around wharves

- 18.1 A person must not jump, dive, swim or undertake other related activities within 50 metres of –
- any commercial jetty, wharf, or quay used for the berthing and unberthing of vessels, or
  - any other wharf, boat ramp or designated boat launching area when a vessel is manoeuvring within 50 metres of the wharf, boat ramp or designated launching area.
- 18.2 However, Bylaw 18.1 does not apply if –
- the Harbourmaster has given written permission; and
  - the person given permission under Bylaw 18.2(a) displays a Flag A and meet any other conditions deemed appropriate by the Harbourmaster.

### 19. Use of vessel engine around wharves, ramps and boat trailers

- 19.1 A person must not operate the propulsion system of a vessel while it is made fast alongside any wharf, or while it is loading or unloading at any ramp or boat trailer, in such a way that it may damage any property, scour the bed of the ramp or waterway, or injure any person.
- 19.2 In addition to the requirements of Bylaw 19.1, a person in charge of a commercial vessel in the Port of Napier Breakwater Harbour must ensure crew members are stationed forward and aft on any berthed vessel prior to and for the duration of testing a propulsion system.

### 20. Seaworthiness

- 20.1 A person must not operate an unseaworthy vessel within the region.
- 20.2 However, Bylaw 20.1 does not apply if –
- the Harbourmaster has given written permission for the unseaworthy vessel to be anchored or moored in order to carry out repairs or modifications (and subject to meeting any conditions deemed appropriate by the Harbourmaster); or
  - the Harbourmaster has directed that vessel be moved or removed from the region's waters; or
  - in an emergency or following an accident or incident to –
    - to clear a main navigation channel; or
    - to prevent further damage; or
    - to position the vessel in a safe anchorage or mooring.
- 20.3 An unseaworthy vessel may be deemed to be a navigational hazard by the Harbourmaster.

### 21. Seaplanes

- 21.1 A person navigating a vessel must not impede a seaplane in the process of landing or taking off or in flight near the water.
- 21.2 A person must not take off, land or operate a seaplane in flight near the water in any area which is not reserved for that purpose, without written permission from the Harbourmaster. An application must be submitted no less than 48 hours before the proposed operation.

### 22. Anchoring and mooring

- 22.1 A person must not anchor or moor a vessel in a manner that –
- obstructs the passage of other vessels or the approach to any wharf, pier or jetty; or
  - creates a hazard to other vessels.
- 22.2 A person must not cut, break, destroy or unlawfully detach –
- the mooring or anchor of any vessel; or
  - the fastening securing any vessel lying in, at or near a wharf, dock or other landing place.
- 22.3 A person in charge of a vessel berthed at a wharf, or at anchor, must ensure that the vessel is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.
- 22.4 A person in charge of a moored vessel must ensure there is a safe means of access for authorized persons.

### 23. Damage to navigation aids

- 23.1 A person must not secure their vessel to any navigation aid without written permission from the Harbourmaster.
- 23.2 A person must not damage, remove, deface, or otherwise interfere with any navigation aid, warning marker or warning sign erected by, or duly authorised by, the Harbourmaster.
- 23.3 A person must not erect, maintain, or display any beacon, buoy or other device, which may be used or mistaken as a recognised aid to navigation without written permission from the Harbourmaster.

### 24. Flashing light and sound signals

- 24.1 A person must only use a flashing light, siren or other sound prescribed in a Maritime Rule for the purpose prescribed in that rule unless –
- it is being tested for the purpose prescribed in a Maritime Rule; or
  - it is a blue light or siren operated by police, customs or Harbourmaster; or
  - it is a purple flashing light used for the minimum time possible to actively respond to an accident or incident; or

- 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 written permission.
- 24.2 A person using a purple flashing light in Bylaw 24.2(1)(c) must comply with all applicable laws the same as any other member of the public.

## 25. Vessels making sound signals

- 25.1 A person must not blow or sound the whistle, siren or horn of a vessel, unless –
- a. they are being used as a navigation safety signal or for the testing of equipment; or
  - b. they are being used for the purposes of a sporting event, or a celebration event and provided they are used in locations where there will be no confusion to any other person about the navigation safety signal being sent; or
  - c. the Harbourmaster has given written permission.

## 26. Means of communication

- 26.1 A person in charge of a vessel navigating coastal waters must ensure the vessel carries at least one means of communication that –
- a. provides the ability to communicate with a land-based person from any area where the vessel is intended to be operated; and
  - b. has sufficient coverage and power to operate for the actual duration of the voyage; and
  - c. in the case of vessels 6 metres or less in length, is either waterproof or is carried in a waterproof bag or container.

## 27. Minimum age for operating powered vessels

- 27.1 A vessel capable of exceeding a speed of 10 knots can only be operated by a person who is over 15 years old.

- 27.2 However, Bylaw 27.1 does not apply if –
- a. the Harbourmaster has upon request provided a written exemption pursuant to Bylaw 39; and
  - b. that person is under the direct supervision of another person who is –
    - i. 15 years of age or older; and
    - ii. in immediate reach of the controls; and
    - iii. not the person responsible for observing another person being towed.

- 27.3 The Harbourmaster when considering whether to grant an exemption under Bylaw 27.2(b) must have regard to –

- a. the competency of the person to propel or navigate a power-driven vessel at a proper speed exceeding 10 knots; and
- b. the awareness of the person of relevant navigation safety rules and bylaws; and
- c. the adequacy supervision during the proposed activity or activities.

## 28. Speed of vessels

- 28.1 A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots –
- a. within 50 metres of any other vessel or person in the water; or
  - b. within 200 metres of:
    - i. the shore; or
    - ii. of any structure; or
    - iii. on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
  - c. within 200 metres of any vessel or structure that is displaying Flag A (diver's flag); or
  - d. any reserved area made under Bylaw 7(1)(a) that has a 5-knot speed limit; or
  - e. any mooring zone.
- 28.2 A person must not operate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of their body extending over the fore part, bow, or side of that vessel.
- 28.3 However, the speed limit in Bylaw 28(1)(a) does not apply to –



- a. a large vessel that cannot be safely navigated at that speed; or
  - b. a vessel participating in sail training, coaching, or racing administered by:
    - i. a club affiliated to Yachting New Zealand; or
    - ii. a non-profit organisation involved in sail training or racing; or
  - c. a vessel training for or participating in competitive rowing, paddling or surf lifesaving, including support vehicles; or
  - d. a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed at that speed; or
  - e. a vessel operating in a reserved area made under Bylaw 7(1)(a) that allows for a higher speed limit as identified and provided for in:
    - i. bylaws 8, 9, 10, or 14; and
    - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these Bylaws.
- 28.4 However, the speed limit in Bylaw 28.1(b) does not apply to –
- a. a vessel operating in a speed uplifted zone made under Bylaw 7(1)(a) that allows for a higher speed limit; or
  - b. a vessel operating in accordance with a speed uplifting established under
    - i. bylaws 8, 9, 10, or 14; and
    - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these Bylaws; or
  - c. 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 relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport; or
  - d. a vessel in Bylaw 28.3(a), (c), (d), and (e).

## 29. Visibility of paddle craft

- 29.1 A person using a paddle craft of 6 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).

## 30. Visibility and collisions

- 30.1 A person operating a vessel must comply with Maritime Rules Part 22 (Collision Prevention), including requirements for when lights must be exhibited and for the exhibition of sidelights and stern lights on sailing vessels of less than 7 metres in length.
- 30.2 In the event of a vessel being involved in an accident or incident on water that results or could result in –
- a. damage to another vessel, a navigation aid or any structure; or
  - b. a vessel to be sunk or grounded; or
  - c. a vessel to become unseaworthy; or
  - d. injury to any person; – a person in charge of that vessel must report the incident to the Harbourmaster pursuant to Bylaw 38.
- 30.3 In the event of an accident or incident on water that involves damage to a vessel that affects or is likely to affect its seaworthiness –
- a. a person in charge of the vessel must not move that vessel except:
    - i. to clear the main navigational channel or to moor or anchor in safety; or
    - ii. in accordance with the directions of the Harbourmaster; and
  - b. a person in charge of that vessel must report to the Harbourmaster pursuant to Bylaw 38.
- 30.4 Except for a collision causing a person to be seriously harmed (as defined in the Act), bylaws 30.1, 30.2 and 30.3 do not apply to:
- a. a vessel participating in sail training, coaching or racing administered by:
    - i. a club affiliated to Yachting New Zealand; or
    - ii. non-profit organisation involved in sail training, coaching or racing; or
  - b. a craft training for or participating in competitive rowing or paddling.

**31. Obstructions and hazards**

- 31.1 A person must not obstruct access from the river or seaward to any wharf, landing place, boat ramp, designated launching area, slipway or mooring without written permission from the Harbourmaster.
- 31.2 In the event of an incident where cargo is lost into water and has the potential to be a maritime hazard to other vessels, a person must immediately report the incident to the Harbourmaster pursuant to Bylaw 38.<sup>10</sup>

**32. Vessels must not impede a large vessel in the Napier Pilotage Area**

- 32.1 While within the Napier Pilotage Area (refer schedule 1, map 1.4) a person in charge of a vessel under 500 gross tonnage must not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.
- 32.2 A person in charge of a vessel must not anchor, moor or navigate a recreational vessel within 50 metres of a vessel moored at a commercial berth within the Napier Pilotage Area, unless authorised to do so by the Harbourmaster.

<sup>10</sup> The Harbourmaster may direct the recovery of lost cargo, e.g. logs in accordance with 33F of the Act and require notification again once the cargo has been recovered.





## PART 5

### Dangerous goods and works

#### 33. Vessels carrying dangerous goods

- 33.1 A person in charge of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load dangerous goods must hoist on the vessel the Flag B by day and a red light by night.
- 33.2 A person in charge of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading dangerous goods, except –
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.
- 33.3 A person in charge of any vessel carrying dangerous goods in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except –
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.

#### 34. Loading or discharge of cargo

- 34.1 A person must not discharge, drop, cause or allow to be discharged or dropped, into water any cargo or anything from a vessel, wharf or land that would or may constitute a danger to navigational safety.
- 34.2 A person who discharges or drops any cargo or any other material into the region's waters that would or may constitute a danger to navigation safety is liable for the cost of removal.

34.3 A person handling logs on shore or loading logs onto a vessel in the Port of Napier Limited Breakwater Harbour (refer Schedule 1, Map 1.7) must monitor the operation and immediately identify any logs lost into the water and track them until they have been removed.

34.4 A person handling or loading logs in the Port of Napier Limited Breakwater Harbour must immediately advise Port of Napier Limited Breakwater Harbour Security and the Harbourmaster of any logs lost into the water and again once the logs have been recovered.

#### 35. Hot work operations

- 35.1 A person in charge of a vessel must obtain a permit from the Harbourmaster for all hot work carried out on waterborne vessels in the Napier Pilotage Area.
- 35.2 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the hot work operations to be commenced or continued until he or she is satisfied or has caused such precautions to be taken as he or she thinks necessary.

#### 36. Dive operations must display Flag A

- 36.1 A person diving must ensure that Flag A (diver flag) is displayed in such a manner that it can be clearly seen at a distance of 200 metres.
- 36.2 A person in charge of a vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.
- 36.3 Where a person is diving without a vessel, the Flag A must be displayed on a buoy in close proximity to that person and in a manner that the flag can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

## PART 6

### Administrative matters

#### 37. Registration of personal water craft

- 37.1 Every personal watercraft must be registered before it is used in the region. Information on the use of personal watercraft and the registration process can be found at Our Services - Hawke's Bay Regional Council ([datacomsphere.co.nz](http://datacomsphere.co.nz)).
- 37.2 The Harbourmaster must be notified of any change of ownership within 14 days of the craft being sold or disposed of by completion of a change of ownership form (HBRC Transfer of Jetski Ownership - New Owner: Start - Hawke's Bay Regional Council ([datacomsphere.co.nz](http://datacomsphere.co.nz)))

#### 38. Notification of collisions or accidents

- 38.1 A person in charge of a vessel must provide a report<sup>11</sup> if the vessel is involved in an accident or incident that results or could result in -
- damage to another vessel, a navigation aid or any structure; or
  - a vessel to be sunk or grounded; or
  - a vessel to become unseaworthy; or
  - injury to any person.
- 38.2 A report under Bylaw 38.1 must be provided to the Harbourmaster -
- verbally as soon as possible; and
  - in writing within 48 hours.

38.3 A report under Bylaw 38.1 must include -

- the name(s), address(es) and contact details of person(s) in charge of every vessel involved; and
- the name and contact details of any person injured; and
- a full description of any injury to any person; and
- a full description of any damage to any vessel, navigation aid or structure; and
- any other details requested by the Harbourmaster, including time and date of the occurrence, and an outline of the events relating to the occurrence.

#### 39. Exemptions from this Bylaw

- 39.1 Council may, of its own accord or on application by any person, suspend any provision of this Bylaw or exempt any activity from any provision of this Bylaw<sup>12</sup>.
- 39.2 The suspension or exemption may be subject to conditions and have effect for a period of time that the Council considers appropriate. Any suspension or exemption made under this Bylaw must be notified to all interested persons as determined by the Council.

<sup>11</sup> In addition to any other reporting requirements to the Director set out in 'Maritime Rules - Part 91 Navigation Safety Rules'.

<sup>12</sup> Forms under the 'Navigation Bylaw for Hawke's Bay' can be found on ([Our Services - Hawke's Bay Regional Council \(datacomsphere.co.nz\)](http://Our Services - Hawke's Bay Regional Council (datacomsphere.co.nz)))



# SCHEDULE 1

## Coastal waters

### – reserved and restricted use areas

#### Readers' guide for Schedule 1

Table 2 identifies those coastal areas, or parts thereof (from North to South), that the Council has reserved pursuant to Bylaws 8, 11, 12 or 14 or where water users are advised to exercise caution when operating in their vicinity.

Schedule 1 contains two distinct area usage types:

- Access lanes and reserved areas - relevant schedules include conditions of use, which are regulatory provisions pursuant to this Bylaw. Breaches of these conditions could result in enforcement action.
- Cautionary areas - relevant schedules do not contain regulatory provisions but instead includes an advisory note. An advisory note is provided for information purposes only, offering best-practice advice and guidance to the water user.

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

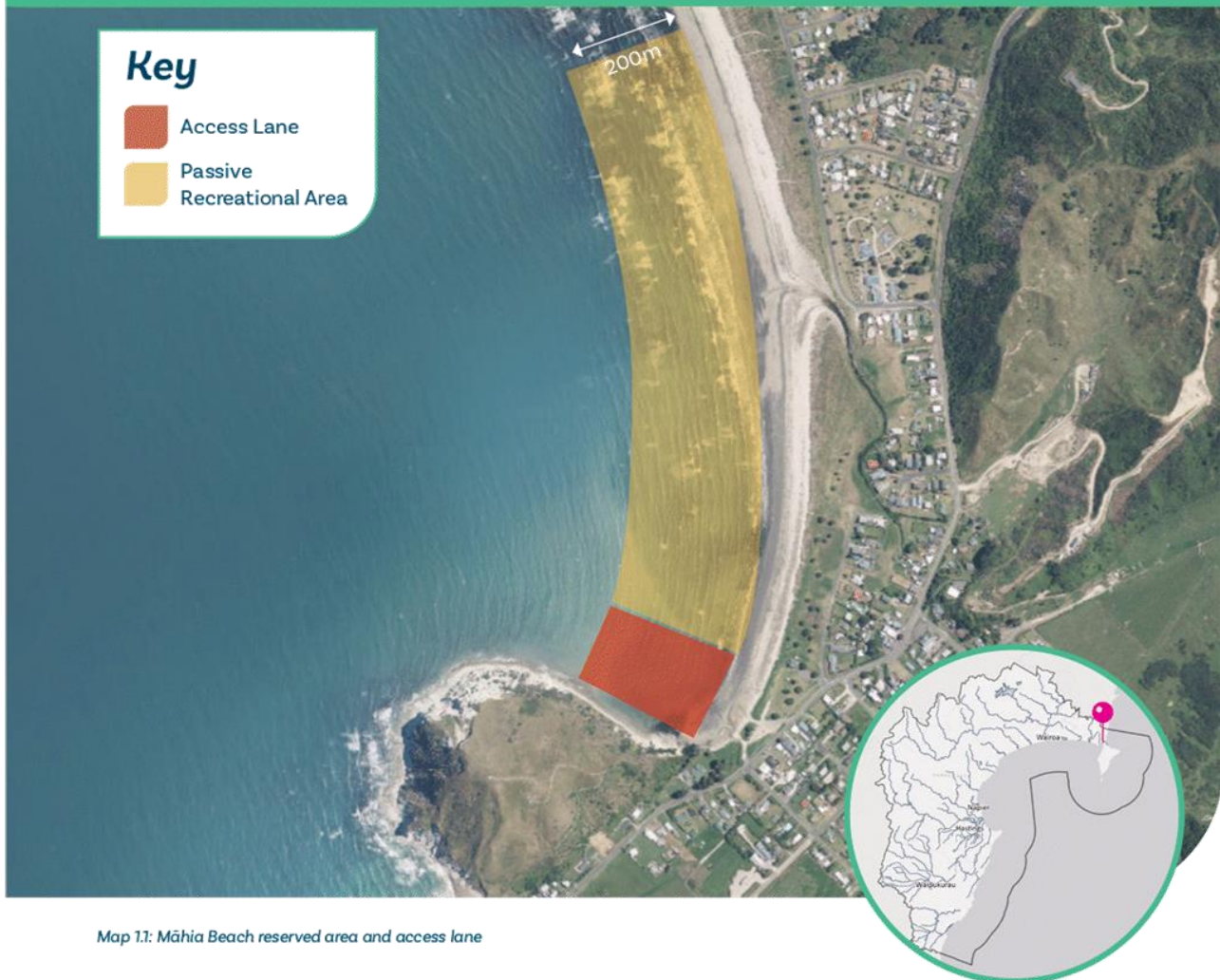
Table 2: Coastal areas reserved for navigation safety purposes

Type (purpose) of area	Location	Map	Page
Access lanes for the purpose of allowing power-driven vessels to navigate from a beach or launching area	Māhia Beach	1.1	21
	Waimarama Beach	1.2	22
Reserved area for swimmers & non-power driven vessels	Hardinge Road (Napier Port Beach)	1.3	23
Reserved for passive recreation	Ahururi Estuary (Pandora Pond)	1.4	24
	Pourerere	1.5	25
	Napier Pilotage Area	1.6	26
Cautionary zones*	Whangawehi Beach	1.7	28
	Waikokopu	1.8	29
	Kairakau Beach	1.9	30
	Pourerere Beach	1.10	31

\* Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.

# Māhia Beach

## Schedule 1.1



Map 1.1: Māhia Beach reserved area and access lane

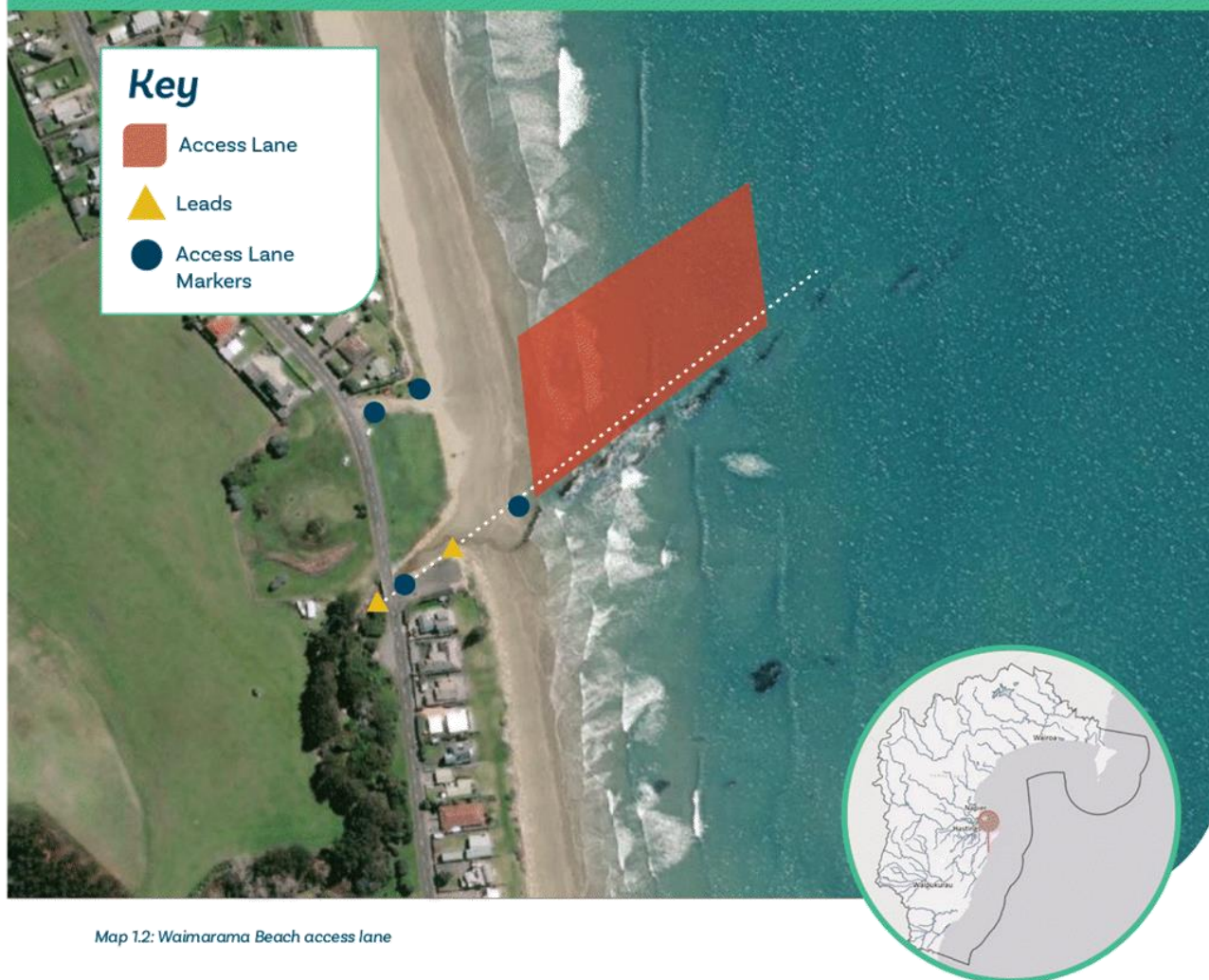
## Conditions of use

- a. The areas designated as such in Map 1.1 are reserved for:
  - i. passive recreation pursuant to Bylaw 8; and
  - ii. an access lane for the launching and operation of powered vessels pursuant to Bylaw 14.
- b. In the reserved area, a person must not, without reasonable excuse, operate a vessel at a proper speed exceeding 5 knots.
- c. The access lane can be identified by:
  - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
  - orange posts with horizontal black bands on shore; and
  - orange buoys with black bands if the access lane is marked at sea.



# Waimarama Beach

Schedule 1.2



Map 1.2: Waimarama Beach access lane

## Conditions of use

- a. The area designated as an access lane in Map 1.2 is reserved for the launching and operation of powered vessel pursuant to Bylaw 14.
- b. The access lane can be identified by:
  - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
  - orange posts with horizontal black bands on shore; and
  - orange buoys with black bands if the access lane is marked at sea.

# Hardinge Road Beach

Schedule 1.3



Map 1.3: Hardinge Road Beach reserved areas

## Conditions of use

- a. The area designated at Hardinge Road in Map 1.3 is reserved for swimming and board sports only. Motorised vessels are not permitted to enter the area between the buoys and the shore at any time, unless authorised by the Harbourmaster or an enforcement officer.
- b. Board sports must be carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport.



# Ahuriri Estuary (Pandora Pond)

## Schedule 1.4



Map 1.4: Ahuriri Estuary (Pandora Pond) reserve area

## Conditions of use

- The area designated as such in Map 1.4 is reserved for passive recreation pursuant to Bylaw 8.
- No powered vessels or foiling craft are allowed in the reserved area as shown in Map 1.4, except those being used by, or on behalf of approved organisations for environmental monitoring, scientific research,<sup>13</sup> or support vessels for training/competition.
- The reserved area can be identified by signs in the immediate vicinity of the reserve that clearly identify the area and purpose.

<sup>13</sup> 'Approved organisations' refer to those organisations specified in rules 16 of the Hawke's Bay Regional Coastal Environment Plan (2018). These being Department of Conservation, the Council, a territorial authority, a district health board, or a Crown Research Institute.



# Pourerere Stream

Schedule 1.5

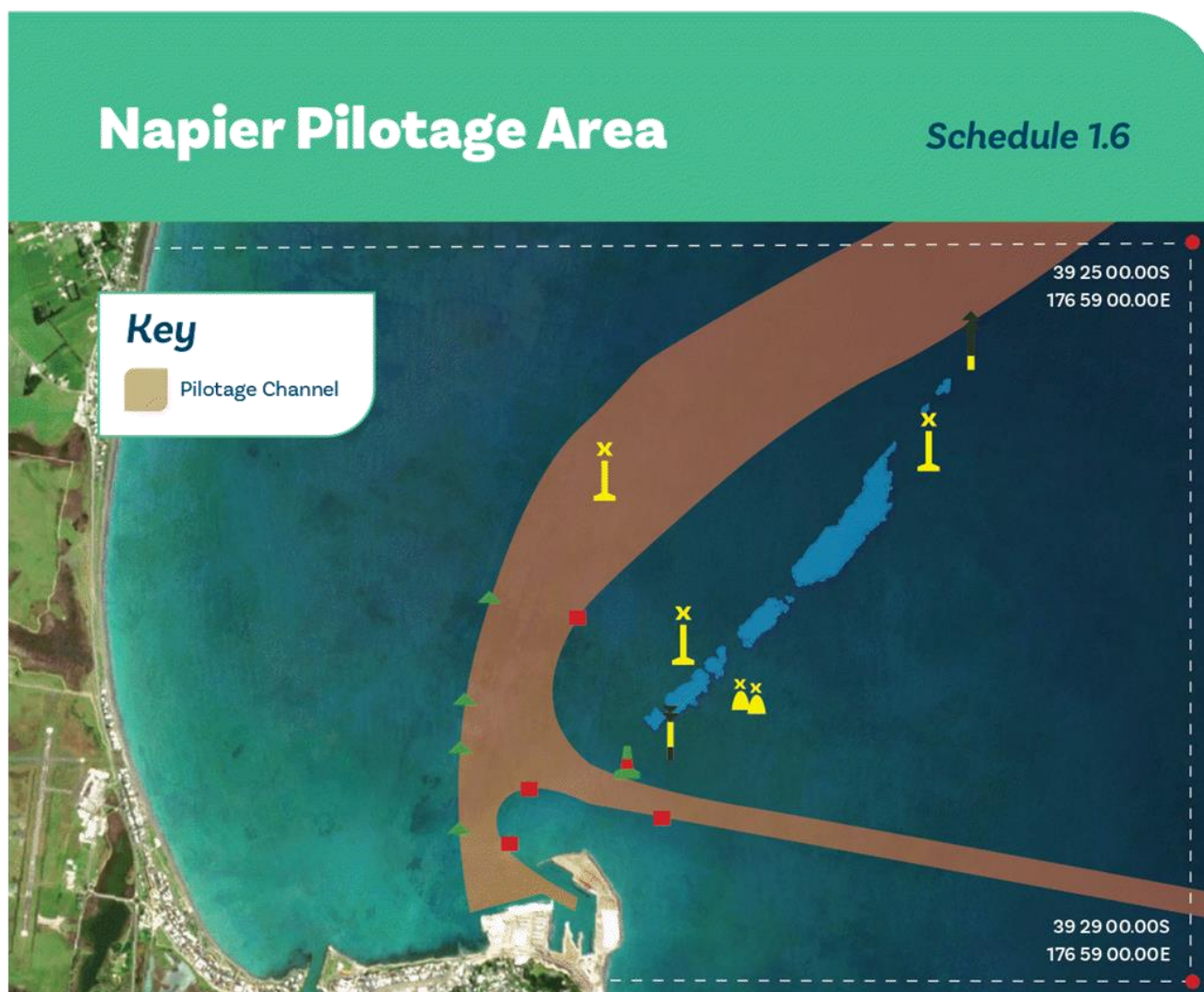


Map 1.5: Pourerere Stream

## Conditions of use

- a. The area designated as such in Map 1.5 is reserved for passive recreation pursuant to Bylaw 8.
- b. No powered vessel or high-speed craft, including foiling and sail boards, are allowed in the reserved area as shown in Map 1.5 between the bridge and the coast.

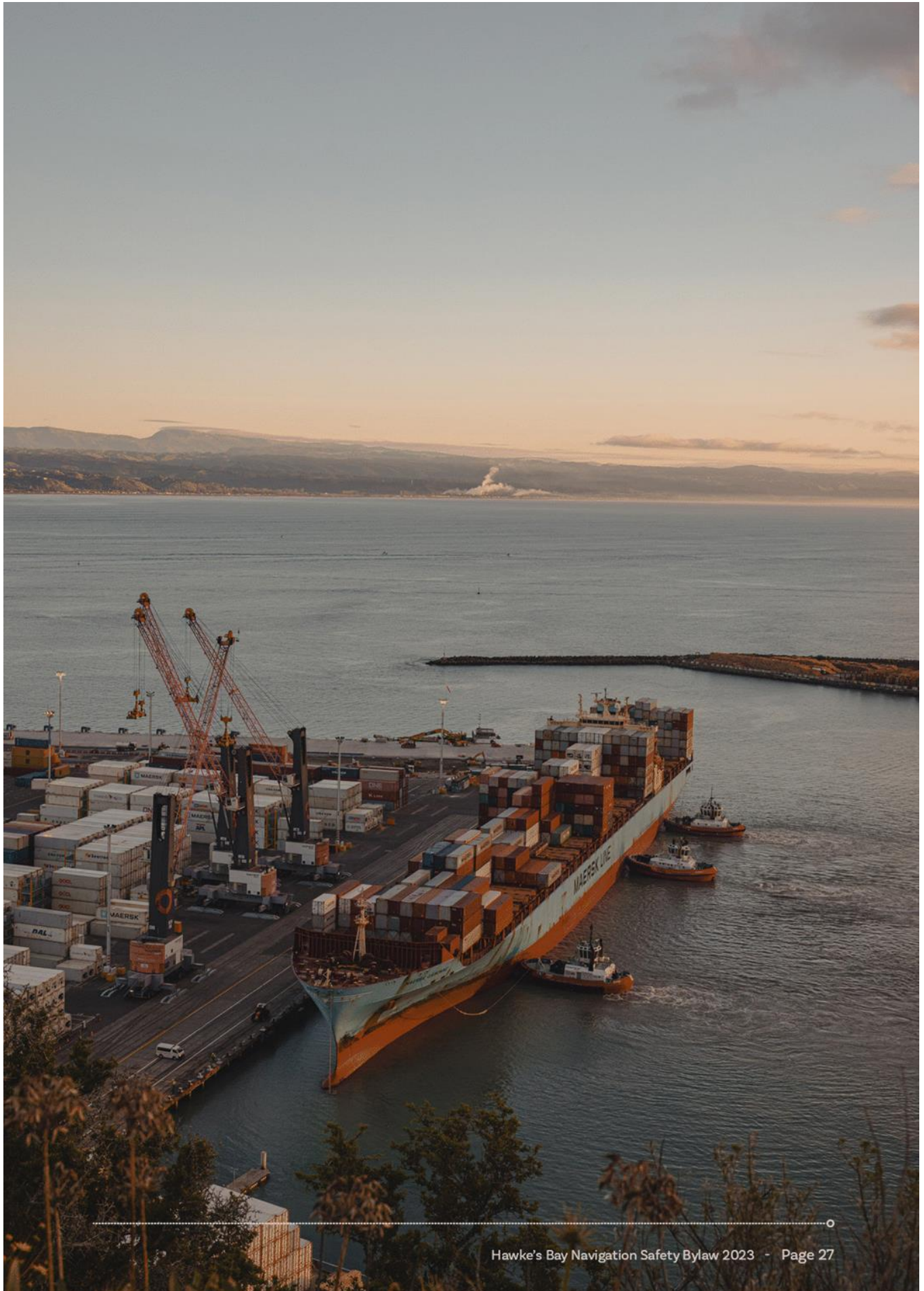




Map 1.6: Napier Pilotage Area

## Conditions of use

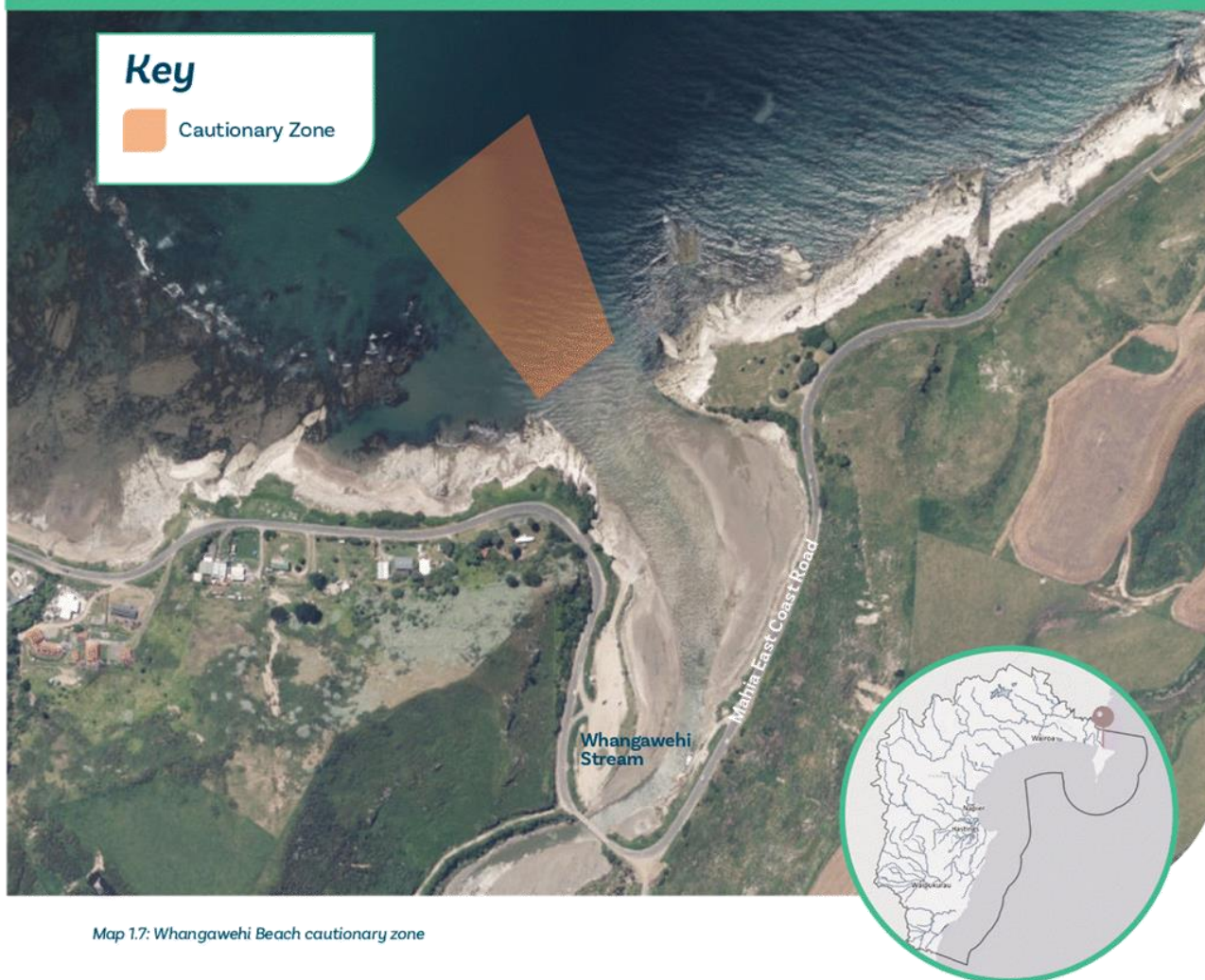
- a. The area designated as the Napier Pilotage Area is shown in Map 1.6 and as defined in the Maritime Rule 90 (Pilotage).
- b. The highlighted area in Map 1.6 is the Napier Breakwater Harbour and Approaches.
- c. While within the Napier Breakwater Harbour and Approaches, a person in charge of a vessel must comply with all relevant requirements set out in this Bylaw, including Bylaws 12, 13, 19, 32, 33, 34 and 35.
- d. A person in charge of any vessel, other than a piloted vessel, pilot exempt vessel, or contractor, must:
  - not enter the Breakwater Harbour without approval from Napier Harbour Control; and
  - not linger in the vicinity of the Breakwater Harbour and Approaches, especially during the arrival and departure of vessels.
- d. There must be no anchoring, set nets, set lines or crayfish pots in the Breakwater Harbour and Approaches as shown in Map 1.6.





# Whangawehi Beach

Schedule 1.7



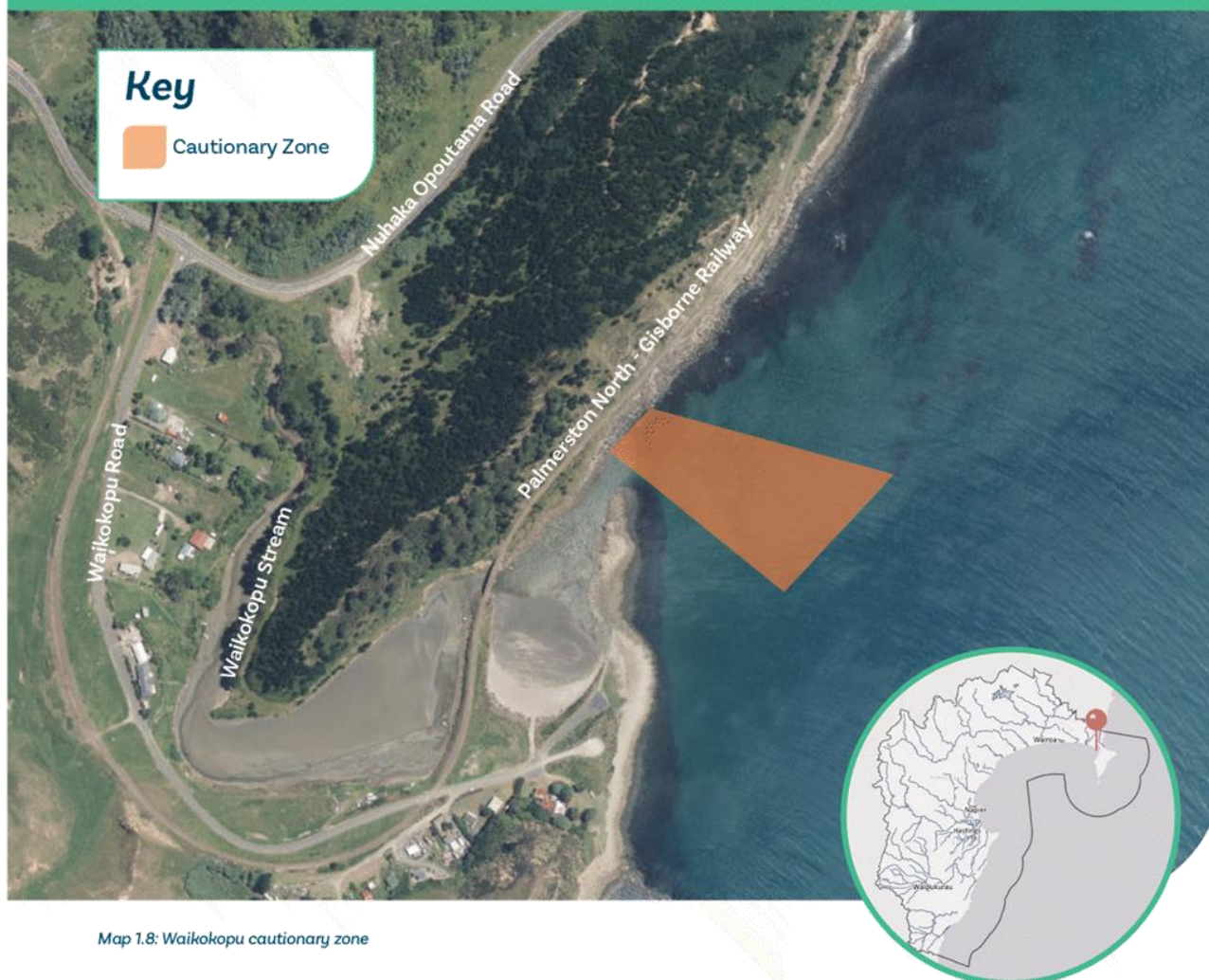
Map 1.7: Whangawehi Beach cautionary zone

## Advisory note

- The area identified as such in Map 1.7 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area.

# Waikokopu

## Schedule 1.8



Map 1.8: Waikokopu cautionary zone

### Advisory note

- The area identified as such in Map 1.8 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area



# Kairakau Beach

Schedule 1.9



Map 1.9: Kairakau Beach cautionary zone

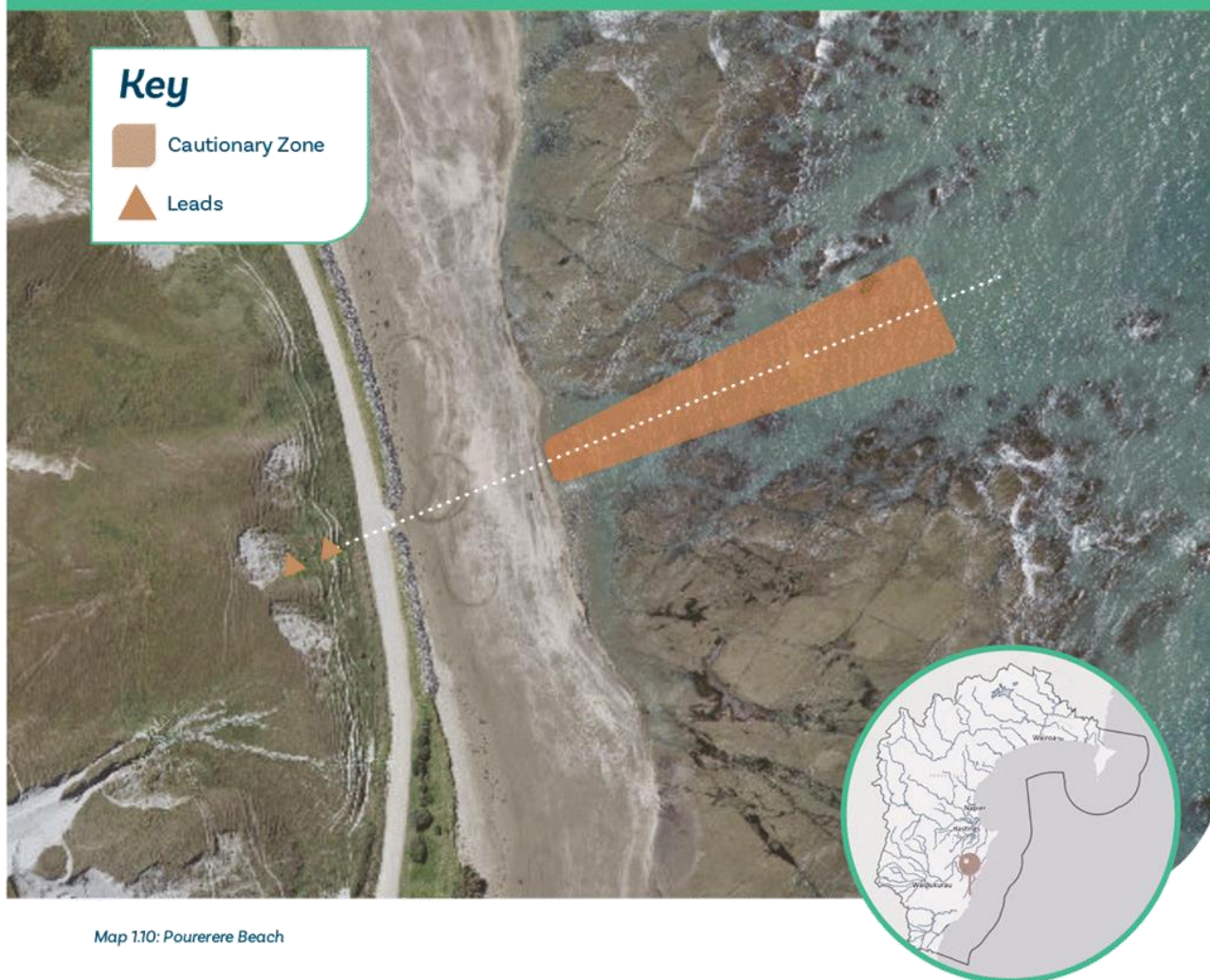
## Advisory note

- The area identified as such in Map 1.9 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are two orange posts with horizontal black bands embedded close to the southern headland as aids to navigation.



# Pourerere Beach

Schedule 1.10



Map 1.10: Pourerere Beach

## Advisory note

- The area identified in map 1.10 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are two leads and a buoy positioned as depicted on the map used as aids to navigation.





## SCHEDULE 2

### Inland waters

#### – reserved and restricted use areas

### Readers' guide for Schedule 2

Table 3 identifies those rivers and lakes, or parts thereof (from North to South), that the Council has reserved pursuant to bylaws 8 or 14, or for which speed restrictions have been uplifted under Bylaw 15.

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

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

Table 3: River and lake reserved areas and speed uplifted areas

Type (purpose) of area	Location	Map	Page
Speed uplifted areas	Wairoa River	2.1	34
	Mohaka River	2.2	35
	Ngaruroro River and te awa o Mokotūāraro (Clive)	2.3	36-37
	Kairakau River	2.4	38
	Pōrangahau River	2.5	39
Reserved area for swimmers	Pōrangahau River	2.5	39
Reserved area for rowing	Te Awa o Mokotūāraro River (Clive)	2.3	36-37
Reserved area for passive recreation	Ngaruroro River	2.3	36-37
Reserved area for shared recreation	Ngaruroro River	2.3	36-37

*\* Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.*



# Wairoa River

## Schedule 2.1



Map 2.1: Wairoa River speed uplifted area

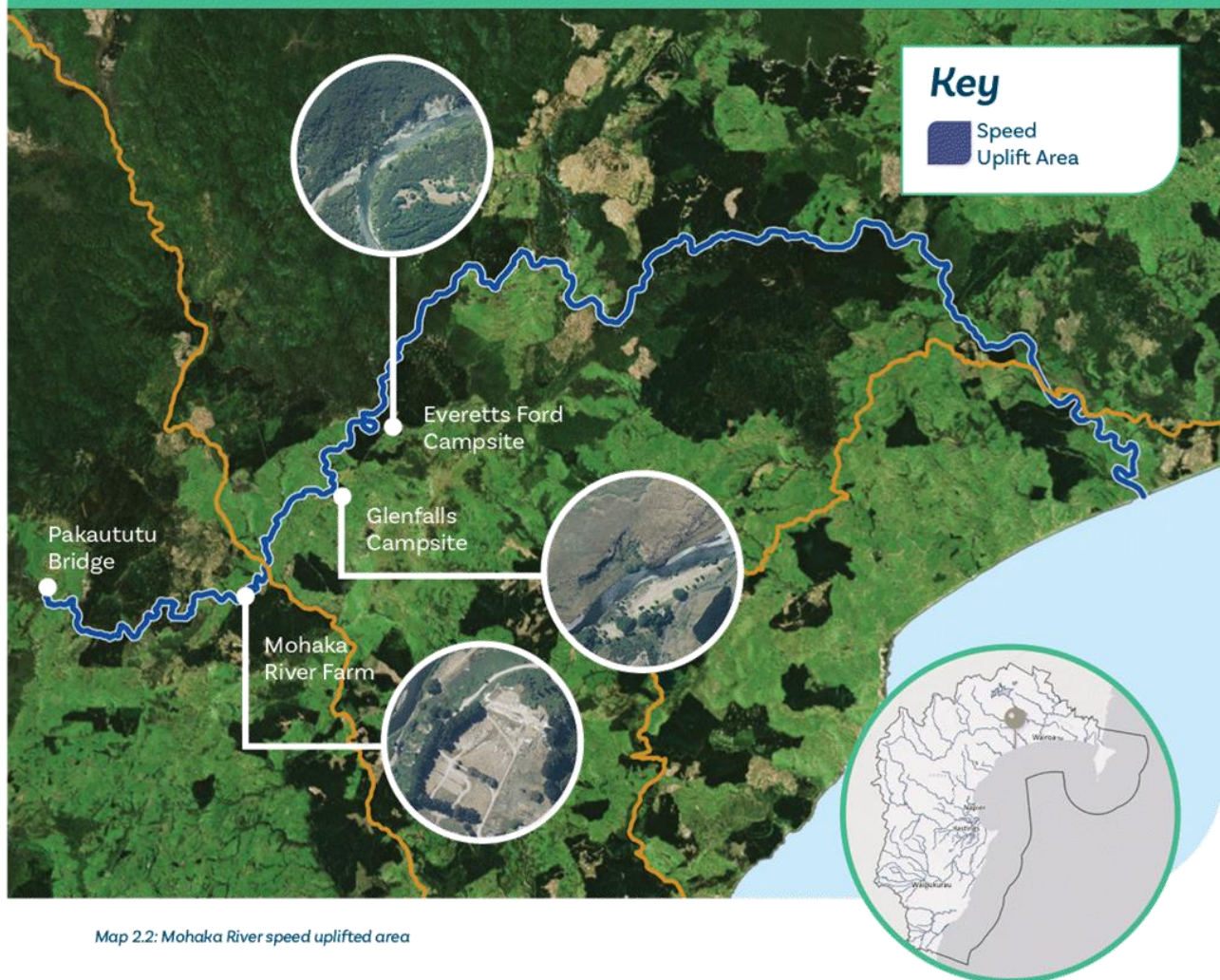
### Conditions of use

- Parts of the Wairoa River (Map 2.1) extending 5 metres from the riverbank are designated as a speed uplifted area pursuant to Bylaw 15.
- Speed restrictions specified in Bylaw 28 do not apply, subject to ensuring the vessel is 5 metres or more from the nearest riverbank.



# Mohaka River

## Schedule 2.2



Map 2.2: Mohaka River speed uplifted area

## Conditions of use

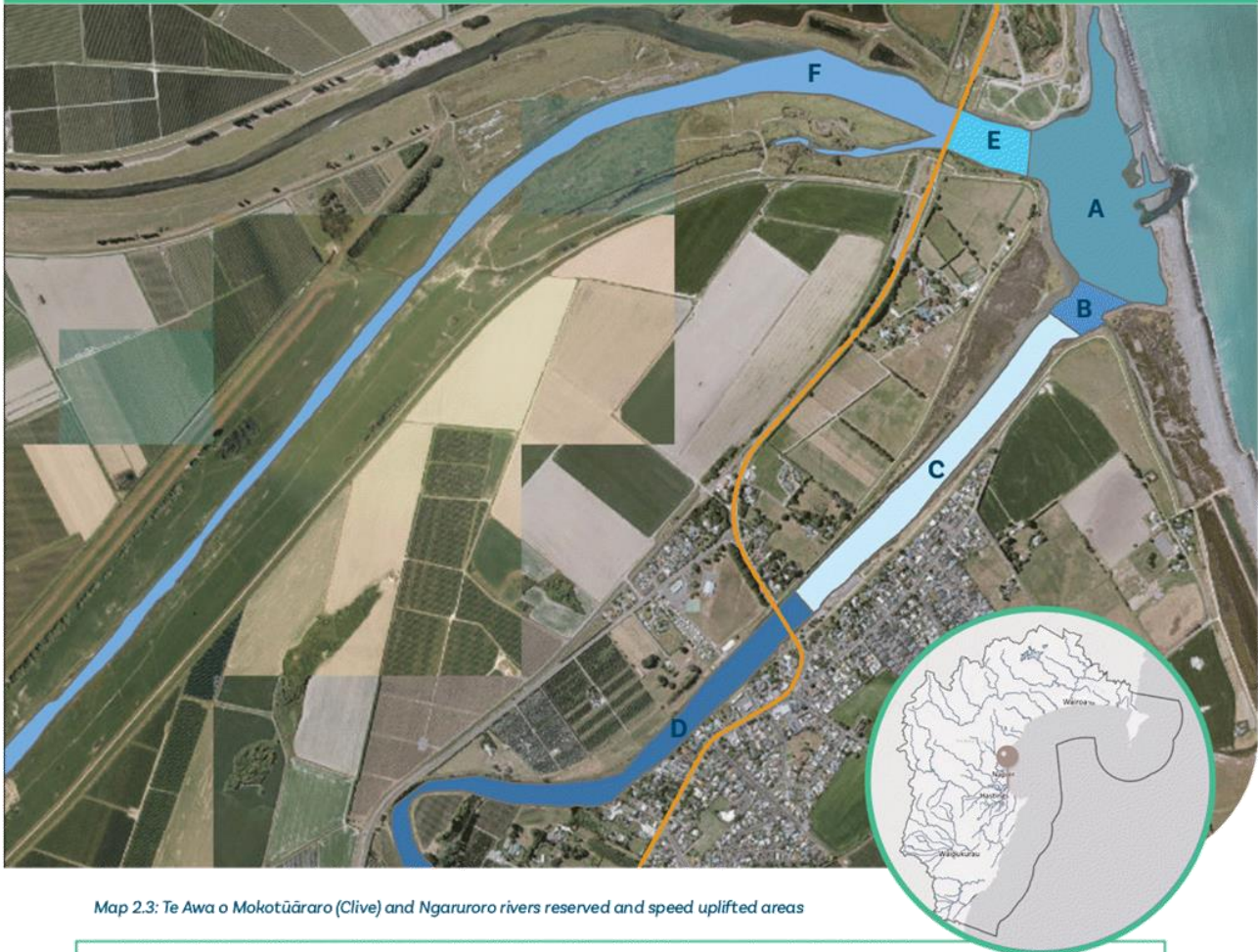
- a. Excluding those parts designated as reserved areas in clause (b) below, Mohaka River extending from the Pakaututu Bridge to the sea is designated as a speed uplifted area pursuant to Bylaw 15.
- b. Parts of the Mohaka River designated as such in Map 2 as:
  - Mohaka River Farm; and
  - Glenn Falls campsite; and
  - Everett's Park;
  - are reserved for passive recreation pursuant to Bylaw 8.
- c. No person may propel or navigate a vessel in the reserved areas at a proper speed exceeding 5 knots.



# Ngaruroro and Te Awa o Mokotūāraro

(formerly known as Clive River)

## Schedule 2.3



Map 2.3: Te Awa o Mokotūāraro (Clive) and Ngaruroro rivers reserved and speed uplifted areas

### Key

- A - Non Restricted Area**  
Available to all motorised craft. Have fun but play safe.
- B - Safety Buffer Area**  
'Passing through Area' only & covers the section of the te awa o Mokotūāraro 50m upstream from Muddy Creek.
- C - Regulated Area**  
Motorised craft travel in an anti-clockwise direction, keeping the centre clear for non-motorised craft
- D - Rowing Area**  
5 Knot speed restriction for all motorised craft.
- E - Passive Water Activity Area**  
Swimming, fishing, canoeing etc, 5 knot speed restriction for all motorised craft.
- F - Shared Area**  
5 knot speed restriction for all motorised craft during duckshooting and whitebaiting seasons only. Unrestricted at all other times.

## Conditions of use

**Parts of the te awa o Mokotūāraro (formerly known as Clive River) and Ngaruroro River (as shown in Map 2.3) have been designated as follows:**

### Area A – Unrestricted Speed Area

- a. Speed restrictions specified in Bylaw 28 do not apply from the confluence of the Ngaruroro River with the te awa o Mokotūāraro (formerly known as Clive River), and from the point at which Muddy Creek enters the te awa o Mokotūāraro to the sea.

### Area B – Safety Buffer Area

- b. Speed restrictions specified in Bylaw 28 do not apply to that part of te awa o Mokotūāraro extending from the point at which Muddy Creek enters the te awa o Mokotūāraro to a line 50 metres upstream of that point. This part of the river is reserved for the passage of vessels between Areas A and C.

### Area C – Regulated Area

- c. For that part of the te awa o Mokotūāraro extending from a line 50 metres upstream of the point at which Muddy Creek enters the te awa o Mokotūāraro to 75 metres downstream of the SH2 bridge, speed restrictions specified in Bylaw 28 do not apply between the hours of:
  - 7.30am and 8.00pm on Tuesdays, Thursdays, Fridays and Saturdays; or
  - 12 noon and 8.00pm on Sundays; or
  - 7.30am and 5.00pm on Mondays and Wednesdays.
- d. Motorised vessels must travel in an anti-clockwise direction, keeping the centre clear for non-motorised vessels.

### Area D – Rowing Area

- e. That part of te awa o Mokotūāraro upstream of the SH2 bridge and for a distance of 75 metres downstream of the bridge is reserved for use by non-motorised vessels solely powered manually and associated support vessel (powered or unpowered).
- f. Unless otherwise provided for in (e) above, no person may propel or navigate a powered vessel, at a proper speed exceeding 5 knots.

### Area E – Passive Water Activity Area

- g. That part of the Ngaruroro River extending from its confluence with te awa o Mokotūāraro River to the SH2 bridge, is reserved for passive recreation.
- h. No person may propel or navigate a vessel in the reserved area at a proper speed exceeding 5 knots.

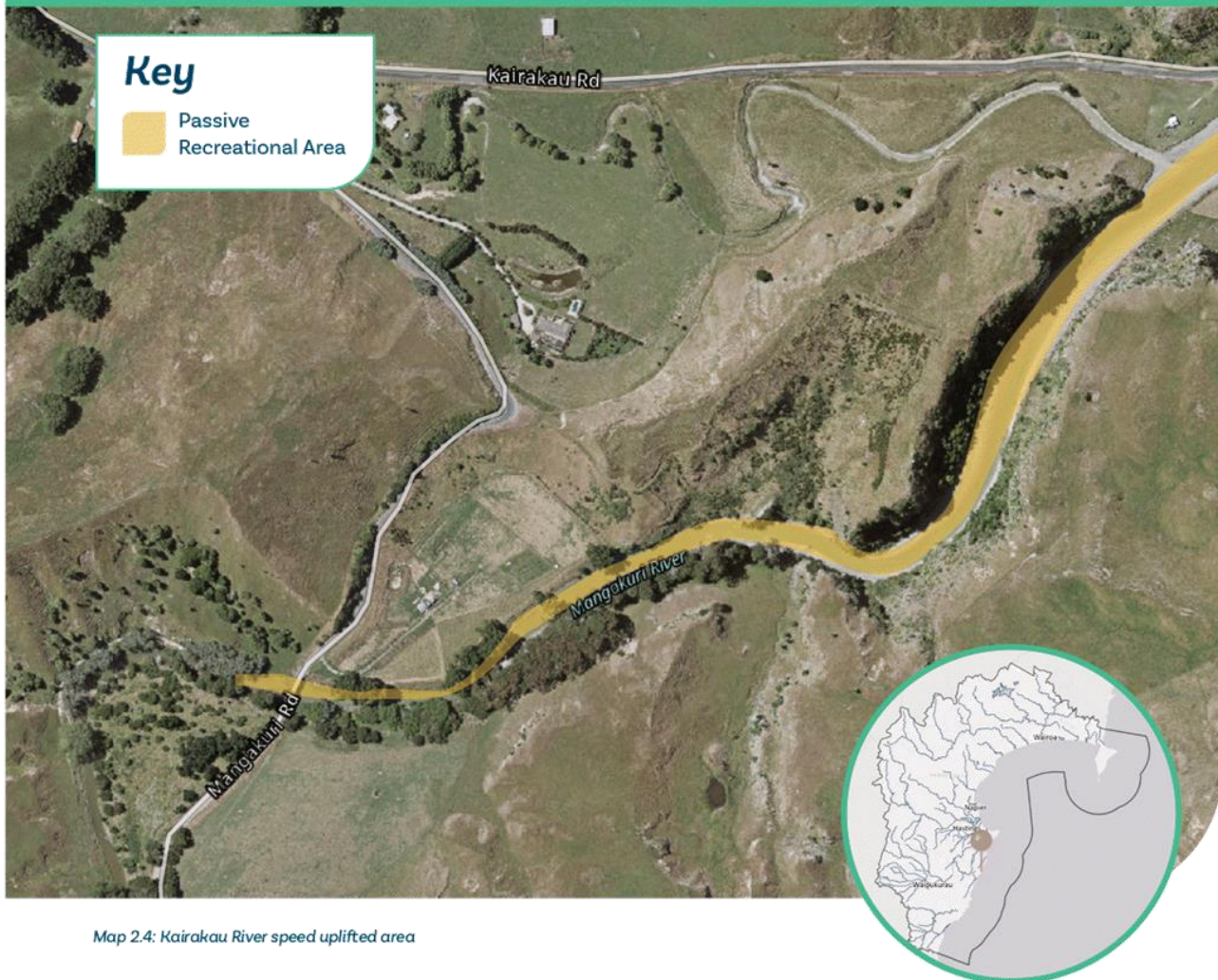
### Area F – Shared Area

- i. That part of the Ngaruroro River from the confluence of te awa o Mokotūāraro to the SH 51 Bridge is reserved as a shared recreational area.
- j. Speed restrictions specified in Bylaw 28 do not apply except that no person may propel or navigate a vessel at a proper speed exceeding 5 knots from 1 May to 30 June (duck shooting season) and 15 August to 30 November (white-baiting season) from the SH 2 bridge to the Chesterhope Bridge.



# Kairakau River

Schedule 2.4



Map 2.4: Kairakau River speed uplifted area

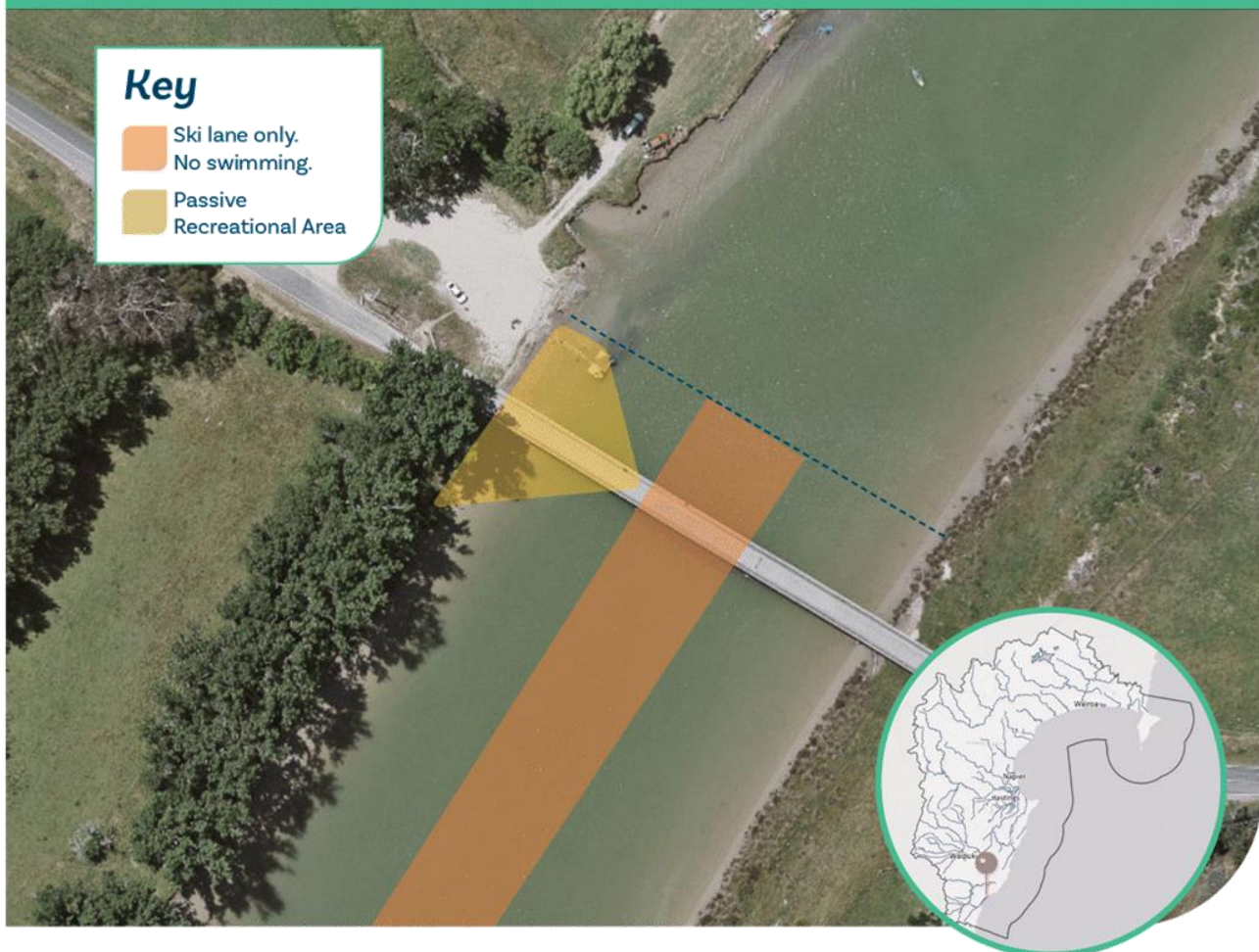
## Conditions of use

- a. Kairakau River (Map 2.4), excluding those parts identified in Schedule 1.9, is designated as a speed uplifted area pursuant to Bylaw 15.



# Pōrangahau River

## Schedule 2.5

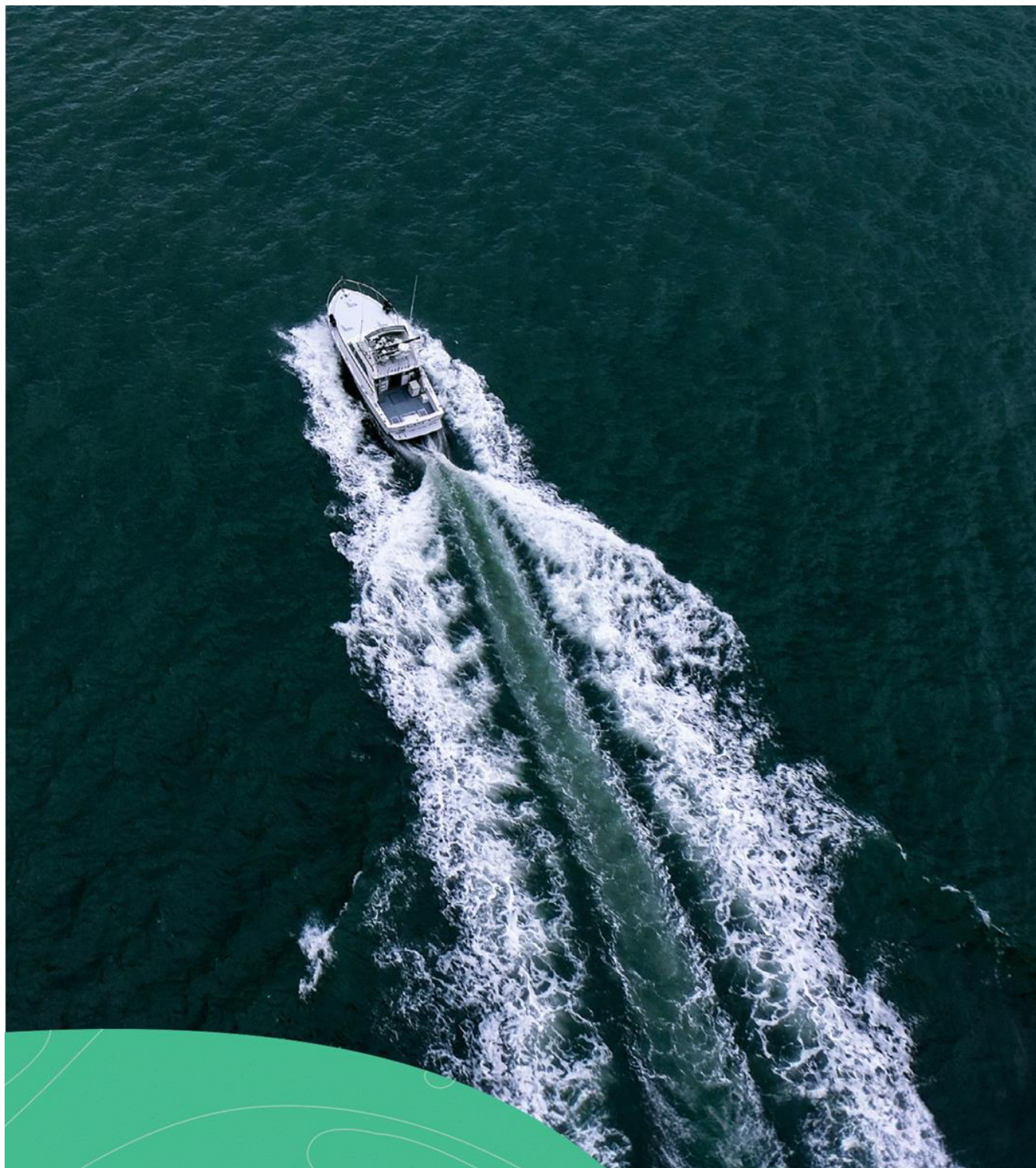


Map 2.5: Pōrangahau River reserved areas and speed uplifted areas

### Conditions of use

- a. Pōrangahau River (Map 2.5), excluding those parts designated as reserved areas in clause (b) below, is designated a speed uplifted area.
- b. That part of the Pōrangahau River extending 30 metres downstream of the Beach Road bridge on the northern bank and out to a line parallel with the second bridge pier from the water's edge, and upstream of the bridge from the second bridge pier to the shore 50 metres upstream of the bridge is reserved for swimming as shown on Map 2.5.
- c. Vessels are prohibited from entering the swimming reserved area unless authorised by the Harbourmaster.
- d. Water skiers towed by boat or personal watercraft must pass the swimming reserved area through the centre bridge span only always having due regard for swimmers. Swimmers are prohibited in this area.
- e. Jet skiing is only permitted from 30 metres downstream of the Beach Road bridge to the sea as shown in Map 2.5.
- f. Vessels may only be launched from the shore 30 metres downstream of the Beach Road bridge or other areas outside of the swimming reserved area.





Hawkes Bay Regional Council  
159 Dalton St, Napier 4110,  
Private Bag 6006, Napier 4142  
Telephone 06 835 9200  
[hbrc.govt.nz](http://hbrc.govt.nz)

  
**HAWKES BAY**  
REGIONAL COUNCIL  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



## Draft Hawkes Bay Navigation Safety Bylaw

# Statement of Proposal

## Statement of Proposal

The Hawke's Bay Regional Council (the Council) is seeking public comment on a draft proposal to amend the Hawke's Bay Navigation Safety Bylaw 2018. The document Draft Hawke's Bay Navigation Bylaw includes proposed changes to the current Bylaw.

The Bylaw has been developed to ensure navigation safety for water users in the Hawkes Bay region. The current Bylaw came into force on 1 November 2018.

Section 159 of the Local Government Act 2002 (LGA) requires that all Council bylaws be reviewed every ten years, with two years to adopt a reviewed bylaw.

## Purpose of the Bylaw

The purpose of the Navigation Bylaw is to ensure that different users of coastal and inland waters in the Hawkes Bay region can safely use and share our waters, whether it is for recreational or commercial purposes. The Bylaw is in addition to the requirements of the Maritime Transport Act 1994 and the Maritime Rules.

We want to keep people safe on the water around Hawke's Bay. We want to recognise the different values and uses associated with the region's waterways and ensure that people use and share them safely. Changes proposed in the draft Bylaw will help us to build on our successes under the current Bylaw and are necessary to address new and emerging safety issues.

## Review of bylaws under the LGA

The purpose of local government is to:

- enable democratic local decision-making and action by, and on behalf of, communities; and
- to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

To effectively manage navigation safety on water the Council has the optional ability, under the LGA together with the Maritime Transport Act 1994, to develop specific rules to manage navigation safety through a bylaw.

The Council also needs to keep the Navigation Bylaw current and fit for purpose to reflect changing uses and previous experiences gained over the life of the current Bylaw. The best way to do this is through a review of the current Bylaw, including formal consultation with those affected under a prescribed process outlined in the LGA.

## Legislative compliance

Under section 155 of the LGA, in the making of the draft Navigation Bylaw, the Council must consider whether:

- the proposed Bylaw is the most appropriate way of addressing a perceived problem;
- the proposed Bylaw is the most appropriate form of bylaw, and
- the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.





### Appropriateness of Bylaw to address a perceived problem

To that end, the Council has identified in the table overleaf, alternative methods to using bylaws to manage risks to navigation safety in the Hawkes Bay region.

Options considered	Reasons for rejection or acceptance
Revoke Bylaw and transfer jurisdiction to Maritime New Zealand	No Bylaw means that the Council has no regulatory responsibilities (other than those relating to the Harbour Master granted under the Maritime Transport Act 1994) to enforce appropriate behaviour and ensure navigation safety on Hawke's Bay waters.
<b>X</b> <b>Outcome Rejected</b>	Without the Bylaw, monitoring and enforcement responsibilities revert to Maritime New Zealand, which may not have local capacity to adequately manage risks to navigation safety in Hawke's Bay waters.
Revoking Bylaw and include rules in the Coastal Environment Plan	The Coastal Environment Plan is an alternative regulatory tool provided through the Resource Management Act 1991 (RMA). The RMA does not include provisions that address maritime safety or navigation as these are more appropriately addressed under the Maritime Transport Act 1994 and other legislation.
<b>X</b> <b>Outcome Rejected</b>	The Coastal Environment Plan does not address most inland waters.
	Regulating maritime issues under the RMA is therefore inappropriate and not considered an appropriate option.
Status quo – the Council maintains a Bylaw for navigation safety matters in the Hawke's Bay region in accordance with the LGA.	The Council is aware of and can be directly involved in matters of local significance.
	Is consistent with the Memorandum of Understanding that the Council has with Maritime New Zealand (and other Councils) in which all parties agree to adopt and implement the New Zealand Port & Harbour Marine Safety Code. It is an expectation of the code that councils will use their statutory powers to manage and maintain their harbours and navigable waters so that they are fit for the intended uses. This includes putting in place appropriate bylaws to manage maritime safety risks.
<b>✓</b> <b>Outcome Accepted</b>	The Bylaw serves to assist the Port Company as a risk control for the conduct of their own marine operations in the port and their associated obligations under the Health and Safety Act 1995 and the Port Company Act 1988.

### Most appropriate form of Bylaw

Under the LGA, the Council must determine whether the Navigation Bylaw is in the most appropriate form (e.g. standalone, amendment to existing document, consolidation with other bylaws).

The Council has determined that a standalone document is appropriate. There are several reasons why the Council believes a standalone document is the most appropriate form of Bylaw. A standalone document:

1. holds all of the relevant regulations in one place and is easily accessible;
2. is targeted and focusses only on navigation safety;
3. ensures that the Bylaw and the matters being addressed cannot be confused with others;
4. is relatively short and concise and can be easily printed or referenced in its entirety; and
5. becomes a repository for all the legal matters associated with navigation safety within the Hawkes Bay region.

### New Zealand Bill of Rights Act 1990

Under section 155(3) of the LGA the Council must determine that the Navigation Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

The Bill of Rights Act 1990 protects the civil and political rights of all New Zealanders. The Act covers:

- Life and security of the person
- Democratic and civil rights
- Non-discrimination and minority rights
- Search, arrest and detention
- Criminal procedure
- The right to justice.

The Council considers the Navigation Bylaw as proposed here, is not inconsistent with the Bill of Rights Act 1990.

## Summary of changes

An internal review of the efficiency and effectiveness of the current Navigation Bylaw has now been completed. In most cases it has been determined that the existing rules are effective for ongoing navigation safety. However, in the five years since the last Bylaw was reviewed and updated the Council has noted changes to the use of some area, the emergence of new uses and technologies, as well as opportunities to improve alignment across maritime regulations going forward.

Proposed changes to the current Navigation Bylaw to be 'tested' with the public are summarised below.

Changes to current Bylaw	Reason(s) for the change	Draft (2023) Bylaw reference
Bylaw section re-ordering, refining, and reducing document size. Material from the Maritime Transport Act and Maritime Rules is now referenced rather than included in the Bylaw where possible.	To streamline the Bylaw and make more readable and relevant to water users.	Various
New or strengthened provisions regarding: - the seaworthiness of ships - speed to reference restrictions in reserved areas and mooring zones.	To mitigate navigational risk and the potential for harm caused by unseaworthy vessels as well as excessive speed in reserved areas and mooring zones.	Pages 14-15
Removed redundant clauses regarding: - licencing of hire vessels - tanker operations.	Regulations, certifications or safety protocols exist in other forms.	N/A
Refined section on rocket launching.	To help promote public safety and awareness and also include flexibility on public notice provisions.	Page 11
Removed Te Paehahi Beach from schedule.	Schedule (and associated regulations) deemed unnecessary.	N/A
Increased regulation in these spatial areas: - Napier Hardinge Road beach - Pourerere beach lagoon - Napier Pandora Pond - Mohaka River	To mitigate collision risk in mixed use areas.	Schedules 1.3, 1.4, 1.5, 2.2
Decreased regulation in these spatial areas: - Whangawehi Beach - Kairakau Beach - Waikokpu Beach.	Variable seasonal coastal conditions mean attempting to demarcate some areas is impractical. Water users are instead advised to exercise caution. These areas are identified and scheduled as 'cautionary zones' with 'advisory notes' included within the proposed Bylaw.	Schedules 1.7, 1.8, 1.9
Include new schedule for Pourerere Beach.	To advise water users to exercise caution.	Schedule 1.10

For a further explanation of key issues being addressed by the Draft Bylaw and changes proposed, please refer to the consultation document on the review.





*Tukua mai ō whakaaro*

## Have your say

The easiest way is  
online at [hbrc.govt.nz](https://hbrc.govt.nz)  
search: [#haveyoursay](https://hbrc.govt.nz)



## Public consultation and submissions

Copies of the Draft Hawke's Bay Navigation Safety Bylaw and a consultation document summarising the proposal and including a submission form are available:

1. Online at [hbrc.govt.nz](https://hbrc.govt.nz), search: [#consultation](https://hbrc.govt.nz)
2. At the Hawke's Bay Regional Council offices at 159 Dalton Street, Napier
3. On request from the Hawke's Bay Regional Council by:
  - emailing [haveyoursay@hbrc.govt.nz](mailto:haveyoursay@hbrc.govt.nz), or
  - phoning 06 835 9200.

### *The Hawke's Bay Regional Council welcomes your views and feedback.*

Any organisation or member of the public may make a submission on the Draft Hawke's Bay Navigation Safety Bylaw. A submission is a statement in support of, or in opposition to, any part of this statement of proposal or the Draft Bylaw. Submissions may focus on:

- the effectiveness of the proposed changes to the Bylaw in managing risks to navigation and safety in the Hawke's Bay region;
- identifying any management issues; and
- identifying any gaps or additional changes required to manage risks to navigation and safety in the Hawke's Bay region.

### *To have your say, you can:*

- make an on-line submission to [hbrc.govt.nz](https://hbrc.govt.nz), search: [#haveyoursay](https://hbrc.govt.nz) or scan our QR code;
- email your submission to [haveyoursay@hbrc.govt.nz](mailto:haveyoursay@hbrc.govt.nz);
- post your submission to Hawke's Bay Regional Council, Private Bag 6006, Napier 4142; or
- hand deliver your submission to 159 Dalton Street, Napier.

**Public submissions close at 8pm,  
Sunday 22 October 2023.**

### *When making a submission:*

- clearly state your name, address, email, telephone number and preferences on being heard at a hearing;
- state the most important points you want the Hawke's Bay Regional Council to consider;
- make your comments as specific as possible; and
- include the relevant section to which your comments refer.

Pages 10 and 11 of the consultation document includes a submission form to assist you in providing your feedback on the draft Bylaw.

A hearing of submission on the draft Bylaw will be scheduled following receipt of submissions.



An aerial photograph of a swimmer in the ocean. The swimmer is wearing a blue and white patterned swimsuit and a blue and orange striped snorkel. A green navigation overlay is visible on the water, showing various lines and shapes. The text 'Draft Hawke's Bay Navigation Safety Bylaw 2023' is overlaid on the image.

# Draft Hawke's Bay Navigation Safety Bylaw 2023



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# PART 1

## Preliminary provisions



Figure 1: The Hawke's Bay region

### 1. Title and commencement

- 1.1 This Bylaw may be cited as the Navigation Safety Bylaw for Hawke's Bay 2023.
- 1.2 This Bylaw shall come into force on the date of Council resolution (to be specified following public consultation).

### 2. Purpose

- 2.1 This Bylaw is made for the purpose of regulating navigation safety in the Hawke's Bay region and is to be read in conjunction with Maritime Rules, Part 91 Navigation Safety Rules<sup>1</sup> and Maritime Rules, Part 22 Collision Prevention<sup>2</sup> prepared by Maritime New Zealand.

### 3. Application

- 3.1 This Bylaw is made pursuant to Maritime Transport Act 1994 (the Act) and applies to all navigable waters<sup>3</sup> within the Hawke's Bay Regional Council boundary as shown in Figure 1, except –
  - Lake Waikaremoana and
  - Lake Waikareiti.

<sup>1</sup> <https://www.maritimenz.govt.nz/rules/part-91/>.

<sup>2</sup> <https://www.maritimenz.govt.nz/rules/part-22/>.

<sup>3</sup> Navigable waters refer to any waters, whether coastal or inland, which are able to be navigated; and includes harbours.

#### 4. Interpretation

4.1 In this Bylaw, unless the context otherwise requires:

**Access lane** means those areas designated as access lanes in schedules 1 and 2 of this Bylaw.

**Accident** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means an occurrence that involves a ship and in which—

- a. a person is seriously harmed as a result of—
  - i. being on the ship; or
  - ii. direct contact with any part of the ship, including any part that has become detached from the ship; or
  - iii. direct exposure to the wash of the ship or interaction (other than direct contact) between 2 ships; or
  - iv. being involved in the salvage of any ship— except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- b. the ship sustains damage or structural failure that—
  - i. adversely affects the structural strength, performance, or seaworthiness of the ship; or
  - ii. would normally require major repair or replacement of the affected component; or
  - iii. poses a threat to the safety of people on board the ship; or
- c. there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the ship; or
- d. there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the ship which poses a risk to the ship or other ships; or
- e. there is a significant loss of, or significant damage to, property (not being the cargo carried by the ship) or the property of any person (whether or not on board the ship), whether or not the loss or damage arises from an interaction between 2 ships or
- f. there is a loss or escape of any substance or thing that—

- i. may result, or has resulted, in serious harm to any person; or
- ii. may pose a risk, or has resulted in damage, to the ship or other ships; or
- iii. may pose a risk, or has resulted in damage, to any property (whether or not on board the ship); or
- g. a person is lost at sea (whether or not subsequently found) or is missing; or (h) the ship is foundering, capsizing, being abandoned, stranding, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board.

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

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

**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.

**Beacon** means a structure permanently fixed to the seabed used as an aid to navigation.

**Buoy** means a float secured a weight that lays on the seabed serving as a navigational or location mark, or to indicate reefs, or other hazards or a mooring.

**Bylaw** means the Navigation Bylaw for Hawke's Bay 2023 (and for the avoidance of doubt, includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).

**Cautionary zone** means an area identified as such in schedules 1 (Coastal waters) and 2 (Inland waters) where water users must exercise particular caution.

**Commercial vessel** has the same meaning as in section 2 of the Maritime Transport Act 1994 –

Means a ship that is not:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.



**Council** means the Hawke's Bay Regional Council.

**Crew** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port).

**Director** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

**Emergency response craft** means any vessel approved by the Harbourmaster for use in, emergency response and includes Police, Customs, Harbourmaster, Naval and Port Company vessels.

**Enforcement officer** means any person who has been appointed by the Council under section 33G of the Maritime Transport Act 1994 for the purpose of monitoring, controlling and enforcing the operations of vessels, pursuant to these Bylaws.

**Explosive** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means an explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than dangerous goods of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class as defined in Schedule 7 of the Hazardous Substances and New Organisms Act 1996.

**Flag A** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm x 600mm.

**Flag B** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag B of the international code of signals, a burgee (swallow-tailed) flag coloured in red, or a rigid replica, of not less than 600mm x 600mm.

**Gross tonnage** means total internal volumetric capacity of all the vessel's enclosed spaces, including non-cargo spaces.

**Harbourmaster** has the same meaning as in section 2 of the Maritime Transport Act 1994<sup>4</sup> – in relation to a port, a harbour, or other waters in a region, means any person appointed as a harbourmaster of that port or harbour, or those waters, under Part 3A.

**Incident** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means any occurrence, other than an accident that is associated with the operation of a vessel, that affects or could affect the safety of operation.

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

**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** means length overall, which, in relation to a vessel means the distance from the foremost part of the stem, not including any bow sprit or similar fitting to the aftermost part of the transom.

**Maritime Rules** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means maritime rules made by the Minister under Part 4; and includes emergency maritime rules made by the Director under section 37.

**Master** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means any person (except a pilot) having command or charge of any ship.

**Moored** means –

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

**Mooring** means –

- a. any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and
- b. includes any wire, rope, chain, buoy, or other device attached or connected to the weight.
- c. but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

**Navigate** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

**Navigation aid** has the same meaning as in section 2 of the Maritime Transport Act 1994 – includes:

- a. any lightship and any floating or other light exhibited for the guidance of ships;
- b. any description of fog signal not carried on a vessel;

<sup>4</sup> For the functions and powers of the Harbourmaster refer to sections 33E and 33F of the Act.

- c. all marks and signs in aid of marine navigation; and
- d. any electronic, radio, or other aid of marine navigation not carried on board any ship.

**Navigation bylaw** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means a bylaw made (or deemed to have been made) under Part 3A.

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

**Owner** has the same meaning as in section 2 of the Maritime Transport Act 1994) –

- a. in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship;
- b. in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship;
- c. in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) applies, means the person registered as the owner in the Fishing Vessel Register kept under section 98 of the Fisheries Act 1996;
- d. in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible;
- e. in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship.

**Paddle craft** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means powered only by a craft's occupant(s) using a single- or double-bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

**Personal flotation device** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules (as set out below) – means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- a. type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- b. a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005

**Personal watercraft<sup>5</sup>** has the same meaning as in section 33B of the Maritime Transport Act 1994 – means a power-driven ship that –

- a. has a fully enclosed hull; and
- b. does not take on water if capsized; and
- c. is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

**Person in charge of a vessel** means –

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

**Pilot** has the same meaning as in section 2 of the Maritime Transport Act 1994 (as set out below) – in relation to any ship, means any person not being the master or a member of the crew of the ship who has the conduct of the ship.

**Pleasure craft** has the same meaning as in section 2 of the Maritime Transport Act 1994 –

- 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

<sup>5</sup> For the avoidance of doubt, 'personal watercraft' includes a jetski.



- b. excludes a ship that is – provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
  - i. 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;
  - ii. operated or provided by
    - a. a club, incorporated society, or trust for non-recreational purposes; or
    - b. a business.

**Proper speed** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means the speed through the water.

**Public Notice** has the same meaning as in section 13 of Legislation Act 2019 – means a notice published –

- a. in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or
- b. on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge.

**Recreational craft** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – means a vessel that is:

- a. a pleasure craft; or
- b. solely powered manually; or
- c. solely powered by sail.

**Ramp** means a structure that is used to launch and/or recover a vessel.

**Region** means the Hawke's Bay Region by the Local Government (Hawke's Bay) Reorganisation Order 1989.

**Reserved area** means an area reserved by the Council for a specified navigation safety purpose as set out in these Bylaws and identified as such in schedules 1 (Coastal waters) and 2 (Inland waters).

**Seaplane** has the same meaning as in section 2 of the Maritime Rules – Part 91 Navigation Safety Rules – includes a flying boat and any other aircraft designed to manoeuvre on the water,

**Seaworthy**, for the purposes of these Bylaws, means the state and/or condition of a vessel that would allow for safe navigation, as determined by the Harbourmaster. Unseaworthy has the opposite meaning.

**Ship** has the same meaning as in section 2 of the Transport Act 1994 – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- c. a submarine or other submersible.

**Shore** means the land along the edge of a body of water, including lakes and rivers

**Speed through the water (STW)** means the speed of a vessel in relation to the water and other floating bodies/vessels on the water that are subject to the same external forces.

**Structure** has the same meaning as in section 2 of the Resource Management Act 1991 – means: any building, equipment, device, or other facility made by people and which is fixed to land, and includes any raft.

**Support vessel** means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions.

**Vessel** has the same meaning as in section 2 of the Maritime Rules Part 91 Navigation Safety Rules – means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of water over which it operates;
- c. a submarine or other submersible; and
- d. a seaplane while it is on the surface of the water.

## PART 2

### General matters

#### 5. Maritime rules to form part of this Bylaw

- 5.1 Subject to bylaw 6 (Officers not affected) to 15 (Speed uplifted areas), the most current version of the Maritime Rules, Part 91 Navigation Safety Rules and Part 22 Collision Prevention shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under these Bylaws.

#### 6. Officers not affected

- 6.1 Sections 8 (Reserved areas for specific activities), 9 (Reserved areas for rocket launching operations), 10 (Reserved areas for temporary events), 11 (Restricted anchorages), 12 (Prohibited anchorages), 13 (Moving prohibited zones), and 14 (Access lanes), do not apply to the Harbourmaster or any enforcement officer while acting in the course of his or her duty.

<sup>6</sup> Of note, surf lifesaving and the coastguard are also exempt from complying to the extent necessary to carry out their duties pursuant to Maritime Rule 91.6(5) and (6)(e).



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## PART 3

### Reserved areas and restrictions

#### 7. The making of reserved areas

- 7.1 Council or the Harbourmaster may make reserve areas and impose controls for one or more of the following purposes –
- to identify one or more of those areas described in Table 1 and specify conditions of use; or
  - to prescribe the construction and maintenance of any type of mooring (for example the weight, size and length of mooring components); or
  - to prohibit or restrict any activity to ensure adequate precautions are taken to achieve the purpose of these Bylaws.
- 7.2 A control in Bylaw 7.1 may –
- prohibit, restrict, allow, or control any matter or thing generally, for any specific category of case, or in a particular case; or
  - apply to all activities or to any specified category of activity; or
  - apply to the region or to a specified part of the region; or
  - apply at all times or at any specified time or period of time.

Table 1: Types of reserved areas

Type	Description	Bylaw references*
Reserved areas for specific activities	Refers to areas allocated for a specific activity (e.g. water skiing or swimming) by these Bylaws	Refer Bylaw 8 Schedules 1.1, 1.4, 1.5, 2.2
Reserved area for rocket launching operations	Refers to an area allocated for rocket launchings operations & identified as such in a public notice	Refer Bylaw 9
Reserved area for temporary events	Refers to an area allocated for a temporary event and identified as such in a public notice	Refer Bylaw 10
Restricted anchorages	Refers to areas where vessels may anchor provided, they are ready for immediate departure & as marked on maps in schedules 1 (Coastal waters) & 2 (Inland waters)	Refer Bylaw 11
Prohibited anchorages	Refers to areas where vessels must not anchor as marked on map 1.7 in schedules 1 (Coastal waters)	Refer Bylaw 12 Schedule 1.6
Moving prohibited zone	Refers to the area of water that exist around any vessel of 500 gross tonnage or greater that is under pilotage within the Napier Pilotage Area	Refer Bylaw 13 Schedule 1.6
Access lanes	Refers to areas marked on maps in schedules 1 (Coastal waters) that are allocated to persons being towed or to vessels landing or departing from the shore	Refer Bylaw 14 Schedules 1.1, 1.2
Speed uplifted areas	Refers to areas where Council has uplifted speed restrictions set out under Bylaw 27 on a permanent or temporary basis	Refer Bylaw 15 Schedule 2.1, 2.2, 2.3, 2.4

\* Indicative maps of reserved areas, access lanes and speed uplifted areas are presented in schedules 1 (Coastal waters) and 2 (Inland waters).

**8. Reserved areas for specific activities**

- 8.1 'Reserved areas for specific activities' refers to areas in schedules 1 (Coastal waters) and 2 (Inland waters) of this Bylaw that are allocated for a specified activity in the interests of navigation safety.
- 8.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 8.3 Where a person is using a reserved area for the purpose for which it is reserved, a person must not enter the reserved area other than to use it for the purpose for which it is reserved.

**9. Reserved area for rocket launching operations**

- 9.1 'Reserved area for rocket launching operations' refer to waters allocated, from time to time, for the purposes of –
- launching or recovering a licensed vehicle or object<sup>8</sup> into outer space; and
  - ensuring public safety during those operations.
- 9.2 A person must:
- not obstruct or interfere with rocket launching operations for which the area is reserved pursuant to bylaws 9.3 to 9.5; and
  - comply with all applicable controls and restrictions specified in a public notice under Bylaw 9.5.
- 9.3 A reservation under Bylaw 9.1 is subject to written permission from the Harbourmaster to
- temporarily prohibit or regulate the use of ships in a specified area; and
  - temporarily regulate, or authorise a person to regulate, the admission of persons to an area specified in accordance with bylaws 9.4 and 9.5.
- 9.4 Where the Harbourmaster is satisfied, on considering an application under Bylaw 9.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.

- 9.5 Every grant of an application under Bylaw 9.3 is subject to the applicant providing public notice<sup>8</sup> identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

**10. Reserved areas for temporary events**

- 10.1 'Reserved areas for temporary events' refer to waters allocated, from time to time, for temporary events, including sporting, ceremonial or customary events, training activities, or other organised water activities.
- 10.2 A person must not obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
- 10.3 A reservation under Bylaw 10.1 is subject to written permission from the Harbourmaster to
- temporarily suspend any clause of these Bylaws in that area during the conduct of the race, speed trial, competition, or other organised water activity; and/or
  - temporarily reserve the area for the purpose of that activity; and/or
  - temporarily suspend the designation of permanent access lanes or reserved areas for other purposes.
- 10.4 Where the Harbourmaster is satisfied, on considering an application under Bylaw 10.3 that the application may be granted without endangering the public, he or she may grant the application for a period to be specified in a public notice, and on such conditions (if any) as he or she may specify.
- 10.5 Every grant of an application under Bylaw 10.3 is subject to the applicant providing public notice
- not less than 7 days or more than 14 days before the commencement of the activity; and
  - identifying the reserved area and specifying the controls and restrictions, including the period of the allocation and any other relevant details required by the Harbourmaster.

<sup>7</sup> Pursuant to the 'Outer Space and High-altitude Activities Act 2017' and other relevant New Zealand law.

<sup>8</sup> Public notice of any areas currently reserved for rocket launching operations may be found on [www.rocketlabusa.com](http://www.rocketlabusa.com).



**11. Restricted anchorages**

- 11.1 'Restricted anchorages' refer to areas designated as such in schedules 1 (Coastal waters) and 2 (Inland waters).
- 11.2 A person must not anchor or moor any vessel in any restricted anchorage areas unless the vessel is capable and ready for immediate departure.

**12. Prohibited anchorages**

- 12.1 'Prohibited anchorages' refer to areas designated as such in the schedule 1.
- 12.2 A person must not anchor or moor any vessel within any prohibited anchorage area without written permission from the Harbourmaster.

**13. Moving prohibited zone**

- 13.1 'Moving prohibited zone' refers to the area of water that exists around any vessel of 500 gross tonnage or greater navigating within the Napier Pilotage Area. The moving prohibited zone –
- extends 100 meters from each side of a vessel or the width of the marked channel, whichever is the lesser distance; and
  - continues at the width in (a) to 500m ahead of the vessel.
- 13.2 A person in charge of a vessel under 500 gross tonnes must not navigate their vessel within the moving prohibited zone of any vessel, without written authority from the Harbourmaster.

**14. Access lanes**

- 14.1 'Access lanes' refer to areas designated as an access lane in schedules 1 (Coastal) and 2 (Inland waters) and for the purposes of providing safe navigational access to shore.
- 14.2 A person must not propel, navigate, or manoeuvre a vessel in an access lane for the purpose for which it is declared, except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

<sup>9</sup> Regardless of any uplifting in the 5 knots speed limit the person in charge of a vessel is expected to operate in a safe manner, at all times, according to his or her circumstances, including exercising due caution and operating at a safe speed.

**14.3 A person must not –**

- proceed in a manner that is dangerous in relation to any vessel or other person in the access lane; or
- obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

- 14.4 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

**15. Speed uplifted areas**

- 15.1 'Speed uplifted areas' refer to areas designated as such in schedule 2 (Inland waters), where Council has uplifted the 5 knot speed restrictions set out in Bylaw 28 (speed of vessels).
- 15.2 A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner<sup>9</sup> that does not endanger or unduly interfere with any other person who is –
- on, in or using the water; or
  - fishing or undertaking recreational activity in the vicinity of the vessel.

## PART 4

### Operating requirements

#### 16. The person in charge of a vessel must be responsible

- 16.1 A person on board must be nominated as the person in charge of the vessel before undertaking a voyage.
- 16.2 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 flotation devices).
- 16.3 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.

#### 17. Personal flotation devices

- 17.1 A person on board a vessel that is 6 metres or less in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.2 If instructed to do so by the person in charge, a person on board a vessel greater than 6 metres in length must wear a properly secured personal flotation device, of an appropriate size for that person, when the vessel is underway.
- 17.3 Bylaws 17.1 to 17.2 do not apply to –
- any surfboard or similar unpowered craft; and
  - any person engaged in board sports, if a wetsuit is worn at all times; and
  - a recreational diver on a boat of 6 metres or less in length within 5 miles of shore, if a full body wetsuit is worn at all times; and
  - a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a sporting organisation approved by the Harbourmaster pursuant to Bylaw 17.4; and

- a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- a commercial raft; and
- any stand-up paddle boarder, while physically involved in riding breaking waves, provided the paddle boarder is attached to the board by means of a leg rope.

- 17.4 The Harbourmaster may approve a national sporting organisation for the purposes of Bylaw 17.3(d) if that organisation has in place a safety system that the Harbourmaster is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

#### 18. Swimming or diving around wharves

- 18.1 A person must not jump, dive, swim or undertake other related activities within 50 metres of –
- any commercial jetty, wharf, or quay used for the berthing and unberthing of vessels, or
  - any other wharf, boat ramp or designated boat launching area when a vessel is manoeuvring within 50 metres of the wharf, boat ramp or designated launching area.
- 18.2 However, Bylaw 18.1 does not apply if –
- the Harbourmaster has given written permission; and
  - the person given permission under Bylaw 18.2(a) displays a Flag A and meet any other conditions deemed appropriate by the Harbourmaster.



**19. Use of vessel engine around wharves, ramps and boat trailers**

- 19.1 A person must not operate the propulsion system of a vessel while it is made fast alongside any wharf, or while it is loading or unloading at any ramp or boat trailer, in such a way that it may damage any property, scour the bed of the ramp or waterway, or injure any person.
- 19.2 In addition to the requirements of Bylaw 19.1, a person in charge of a commercial vessel in the Port of Napier Breakwater Harbour must ensure crew members are stationed forward and aft on any berthed vessel prior to and for the duration of testing a propulsion system.

**20. Seaworthiness**

- 20.1 A person must not operate an unseaworthy vessel within the region.
- 20.2 However, Bylaw 20.1 does not apply if –
- the Harbourmaster has given written permission for the unseaworthy vessel to be anchored or moored in order to carry out repairs or modifications (and subject to meeting any conditions deemed appropriate by the Harbourmaster); or
  - the Harbourmaster has directed that vessel be moved or removed from the region's waters; or
  - in an emergency or following an accident or incident to –
    - to clear a main navigation channel; or
    - to prevent further damage; or
    - to position the vessel in a safe anchorage or mooring.
- 20.3 An unseaworthy vessel may be deemed to be a navigational hazard by the Harbourmaster.

**21. Seaplanes**

- 21.1 A person navigating a vessel must not impede a seaplane in the process of landing or taking off or in flight near the water.
- 21.2 A person must not take off, land or operate a seaplane in flight near the water in any area which is not reserved for that purpose, without written permission from the Harbourmaster. An application must be submitted no less than 48 hours before the proposed operation.

**22. Anchoring and mooring**

- 22.1 A person must not anchor or moor a vessel in a manner that –
- obstructs the passage of other vessels or the approach to any wharf, pier or jetty; or
  - creates a hazard to other vessels.
- 22.2 A person must not cut, break, destroy or unlawfully detach –
- the mooring or anchor of any vessel; or
  - the fastening securing any vessel lying in, at or near a wharf, dock or other landing place.
- 22.3 A person in charge of a vessel berthed at a wharf, or at anchor, must ensure that the vessel is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.
- 22.4 A person in charge of a moored vessel must ensure there is a safe means of access for authorized persons.

**23. Damage to navigation aids**

- 23.1 A person must not secure their vessel to any navigation aid without written permission from the Harbourmaster.
- 23.2 A person must not damage, remove, deface, or otherwise interfere with any navigation aid, warning marker or warning sign erected by, or duly authorised by, the Harbourmaster.
- 23.3 A person must not erect, maintain, or display any beacon, buoy or other device, which may be used or mistaken as a recognised aid to navigation without written permission from the Harbourmaster.

**24. Flashing light and sound signals**

- 24.1 A person must only use a flashing light, siren or other sound prescribed in a Maritime Rule for the purpose prescribed in that rule unless –
- it is being tested for the purpose prescribed in a Maritime Rule; or
  - it is a blue light or siren operated by police, customs or Harbourmaster; or
  - it is a purple flashing light used for the minimum time possible to actively respond to an accident or incident; or

- 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 written permission.
- 24.2 A person using a purple flashing light in Bylaw 24.2(1)(c) must comply with all applicable laws the same as any other member of the public.

## 25. Vessels making sound signals

- 25.1 A person must not blow or sound the whistle, siren or horn of a vessel, unless –
- a. they are being used as a navigation safety signal or for the testing of equipment; or
  - b. they are being used for the purposes of a sporting event, or a celebration event and provided they are used in locations where there will be no confusion to any other person about the navigation safety signal being sent; or
  - c. the Harbourmaster has given written permission.

## 26. Means of communication

- 26.1 A person in charge of a vessel navigating coastal waters must ensure the vessel carries at least one means of communication that –
- a. provides the ability to communicate with a land-based person from any area where the vessel is intended to be operated; and
  - b. has sufficient coverage and power to operate for the actual duration of the voyage; and
  - c. in the case of vessels 6 metres or less in length, is either waterproof or is carried in a waterproof bag or container.

## 27. Minimum age for operating powered vessels

- 27.1 A vessel capable of exceeding a speed of 10 knots can only be operated by a person who is over 15 years old.

- 27.2 However, Bylaw 27.1 does not apply if –
- a. the Harbourmaster has upon request provided a written exemption pursuant to Bylaw 39; and
  - b. that person is under the direct supervision of another person who is –
    - i. 15 years of age or older; and
    - ii. in immediate reach of the controls; and
    - iii. not the person responsible for observing another person being towed.

- 27.3 The Harbourmaster when considering whether to grant an exemption under Bylaw 27.2(b) must have regard to –

- a. the competency of the person to propel or navigate a power-driven vessel at a proper speed exceeding 10 knots; and
- b. the awareness of the person of relevant navigation safety rules and bylaws; and
- c. the adequacy supervision during the proposed activity or activities.

## 28. Speed of vessels

- 28.1 A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots –
- a. within 50 metres of any other vessel or person in the water; or
  - b. within 200 metres of:
    - i. the shore; or
    - ii. of any structure; or
    - iii. on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
  - c. within 200 metres of any vessel or structure that is displaying Flag A (diver's flag); or
  - d. any reserved area made under Bylaw 7(1)(a) that has a 5-knot speed limit; or
  - e. any mooring zone.
- 28.2 A person must not operate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of their body extending over the fore part, bow, or side of that vessel.
- 28.3 However, the speed limit in Bylaw 28(1)(a) does not apply to –



- a. a large vessel that cannot be safely navigated at that speed; or
  - b. a vessel participating in sail training, coaching, or racing administered by:
    - i. a club affiliated to Yachting New Zealand; or
    - ii. a non-profit organisation involved in sail training or racing; or
  - c. a vessel training for or participating in competitive rowing, paddling or surf lifesaving, including support vehicles; or
  - d. a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed at that speed; or
  - e. a vessel operating in a reserved area made under Bylaw 7(1)(a) that allows for a higher speed limit as identified and provided for in:
    - i. bylaws 8, 9, 10, or 14; and
    - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these Bylaws.
- 28.4 However, the speed limit in Bylaw 28.1(b) does not apply to –
- a. a vessel operating in a speed uplifted zone made under Bylaw 7(1)(a) that allows for a higher speed limit; or
  - b. a vessel operating in accordance with a speed uplifting established under
    - i. bylaws 8, 9, 10, or 14; and
    - ii. schedules 1 (Coastal waters) and 2 (Inland waters) of these Bylaws; or
  - c. 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 relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport; or
  - d. a vessel in Bylaw 28.3(a), (c), (d), and (e).

## 29. Visibility of paddle craft

- 29.1 A person using a paddle craft of 6 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).

## 30. Visibility and collisions

- 30.1 A person operating a vessel must comply with Maritime Rules Part 22 (Collision Prevention), including requirements for when lights must be exhibited and for the exhibition of sidelights and stern lights on sailing vessels of less than 7 metres in length.
- 30.2 In the event of a vessel being involved in an accident or incident on water that results or could result in –
- a. damage to another vessel, a navigation aid or any structure; or
  - b. a vessel to be sunk or grounded; or
  - c. a vessel to become unseaworthy; or
  - d. injury to any person; – a person in charge of that vessel must report the incident to the Harbourmaster pursuant to Bylaw 38.
- 30.3 In the event of an accident or incident on water that involves damage to a vessel that affects or is likely to affect its seaworthiness –
- a. a person in charge of the vessel must not move that vessel except:
    - i. to clear the main navigational channel or to moor or anchor in safety; or
    - ii. in accordance with the directions of the Harbourmaster; and
  - b. a person in charge of that vessel must report to the Harbourmaster pursuant to Bylaw 38.
- 30.4 Except for a collision causing a person to be seriously harmed (as defined in the Act), bylaws 30.1, 30.2 and 30.3 do not apply to:
- a. a vessel participating in sail training, coaching or racing administered by:
    - i. a club affiliated to Yachting New Zealand; or
    - ii. non-profit organisation involved in sail training, coaching or racing; or
  - b. a craft training for or participating in competitive rowing or paddling.

**31. Obstructions and hazards**

- 31.1 A person must not obstruct access from the river or seaward to any wharf, landing place, boat ramp, designated launching area, slipway or mooring without written permission from the Harbourmaster.
- 31.2 In the event of an incident where cargo is lost into water and has the potential to be a maritime hazard to other vessels, a person must immediately report the incident to the Harbourmaster pursuant to Bylaw 38.<sup>10</sup>

**32. Vessels must not impede a large vessel in the Napier Pilotage Area**

- 32.1 While within the Napier Pilotage Area (refer schedule 1, map 1.4) a person in charge of a vessel under 500 gross tonnage must not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.
- 32.2 A person in charge of a vessel must not anchor, moor or navigate a recreational vessel within 50 metres of a vessel moored at a commercial berth within the Napier Pilotage Area, unless authorised to do so by the Harbourmaster.

<sup>10</sup> The Harbourmaster may direct the recovery of lost cargo, e.g. logs in accordance with 33F of the Act and require notification again once the cargo has been recovered.





## PART 5

### Dangerous goods and works

#### 33. Vessels carrying dangerous goods

- 33.1 A person in charge of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load dangerous goods must hoist on the vessel the Flag B by day and a red light by night.
- 33.2 A person in charge of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading dangerous goods, except –
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.
- 33.3 A person in charge of any vessel carrying dangerous goods in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except –
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.

#### 34. Loading or discharge of cargo

- 34.1 A person must not discharge, drop, cause or allow to be discharged or dropped, into water any cargo or anything from a vessel, wharf or land that would or may constitute a danger to navigational safety.
- 34.2 A person who discharges or drops any cargo or any other material into the region's waters that would or may constitute a danger to navigation safety is liable for the cost of removal.

34.3 A person handling logs on shore or loading logs onto a vessel in the Port of Napier Limited Breakwater Harbour (refer Schedule 1, Map 1.7) must monitor the operation and immediately identify any logs lost into the water and track them until they have been removed.

34.4 A person handling or loading logs in the Port of Napier Limited Breakwater Harbour must immediately advise Port of Napier Limited Breakwater Harbour Security and the Harbourmaster of any logs lost into the water and again once the logs have been recovered.

#### 35. Hot work operations

- 35.1 A person in charge of a vessel must obtain a permit from the Harbourmaster for all hot work carried out on waterborne vessels in the Napier Pilotage Area.
- 35.2 If in any case the Harbourmaster is not satisfied that adequate precautions have been taken, the Harbourmaster may forbid the hot work operations to be commenced or continued until he or she is satisfied or has caused such precautions to be taken as he or she thinks necessary.

#### 36. Dive operations must display Flag A

- 36.1 A person diving must ensure that Flag A (diver flag) is displayed in such a manner that it can be clearly seen at a distance of 200 metres.
- 36.2 A person in charge of a vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.
- 36.3 Where a person is diving without a vessel, the Flag A must be displayed on a buoy in close proximity to that person and in a manner that the flag can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

## PART 6

### Administrative matters

#### 37. Registration of personal water craft

- 37.1 Every personal watercraft must be registered before it is used in the region. Information on the use of personal watercraft and the registration process can be found at Our Services - Hawke's Bay Regional Council ([datacomsphere.co.nz](http://datacomsphere.co.nz)).
- 37.2 The Harbourmaster must be notified of any change of ownership within 14 days of the craft being sold or disposed of by completion of a change of ownership form (HBRC Transfer of Jetski Ownership - New Owner: Start - Hawke's Bay Regional Council ([datacomsphere.co.nz](http://datacomsphere.co.nz))).

#### 38. Notification of collisions or accidents

- 38.1 A person in charge of a vessel must provide a report<sup>11</sup> if the vessel is involved in an accident or incident that results or could result in -
- damage to another vessel, a navigation aid or any structure; or
  - a vessel to be sunk or grounded; or
  - a vessel to become unseaworthy; or
  - injury to any person.
- 38.2 A report under Bylaw 38.1 must be provided to the Harbourmaster -
- verbally as soon as possible; and
  - in writing within 48 hours.

- 38.3 A report under Bylaw 38.1 must include -

- the name(s), address(es) and contact details of person(s) in charge of every vessel involved; and
- the name and contact details of any person injured; and
- a full description of any injury to any person; and
- a full description of any damage to any vessel, navigation aid or structure; and
- any other details requested by the Harbourmaster, including time and date of the occurrence, and an outline of the events relating to the occurrence.

#### 39. Exemptions from this Bylaw

- 39.1 Council may, of its own accord or on application by any person, suspend any provision of this Bylaw or exempt any activity from any provision of this Bylaw<sup>12</sup>.
- 39.2 The suspension or exemption may be subject to conditions and have effect for a period of time that the Council considers appropriate. Any suspension or exemption made under this Bylaw must be notified to all interested persons as determined by the Council.

<sup>11</sup> In addition to any other reporting requirements to the Director set out in 'Maritime Rules - Part 91 Navigation Safety Rules'.

<sup>12</sup> Forms under the 'Navigation Bylaw for Hawke's Bay' can be found on ([Our Services - Hawke's Bay Regional Council \(datacomsphere.co.nz\)](http://Our Services - Hawke's Bay Regional Council (datacomsphere.co.nz)))



# SCHEDULE 1

## Coastal waters

### – reserved and restricted use areas

#### Readers' guide for Schedule 1

Table 2 identifies those coastal areas, or parts thereof (from North to South), that the Council has reserved pursuant to Bylaws 8, 11, 12 or 14 or where water users are advised to exercise caution when operating in their vicinity.

Schedule 1 contains two distinct area usage types:

- Access lanes and reserved areas - relevant schedules include conditions of use, which are regulatory provisions pursuant to this Bylaw. Breaches of these conditions could result in enforcement action.
- Cautionary areas - relevant schedules do not contain regulatory provisions but instead includes an advisory note. An advisory note is provided for information purposes only, offering best-practice advice and guidance to the water user.

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

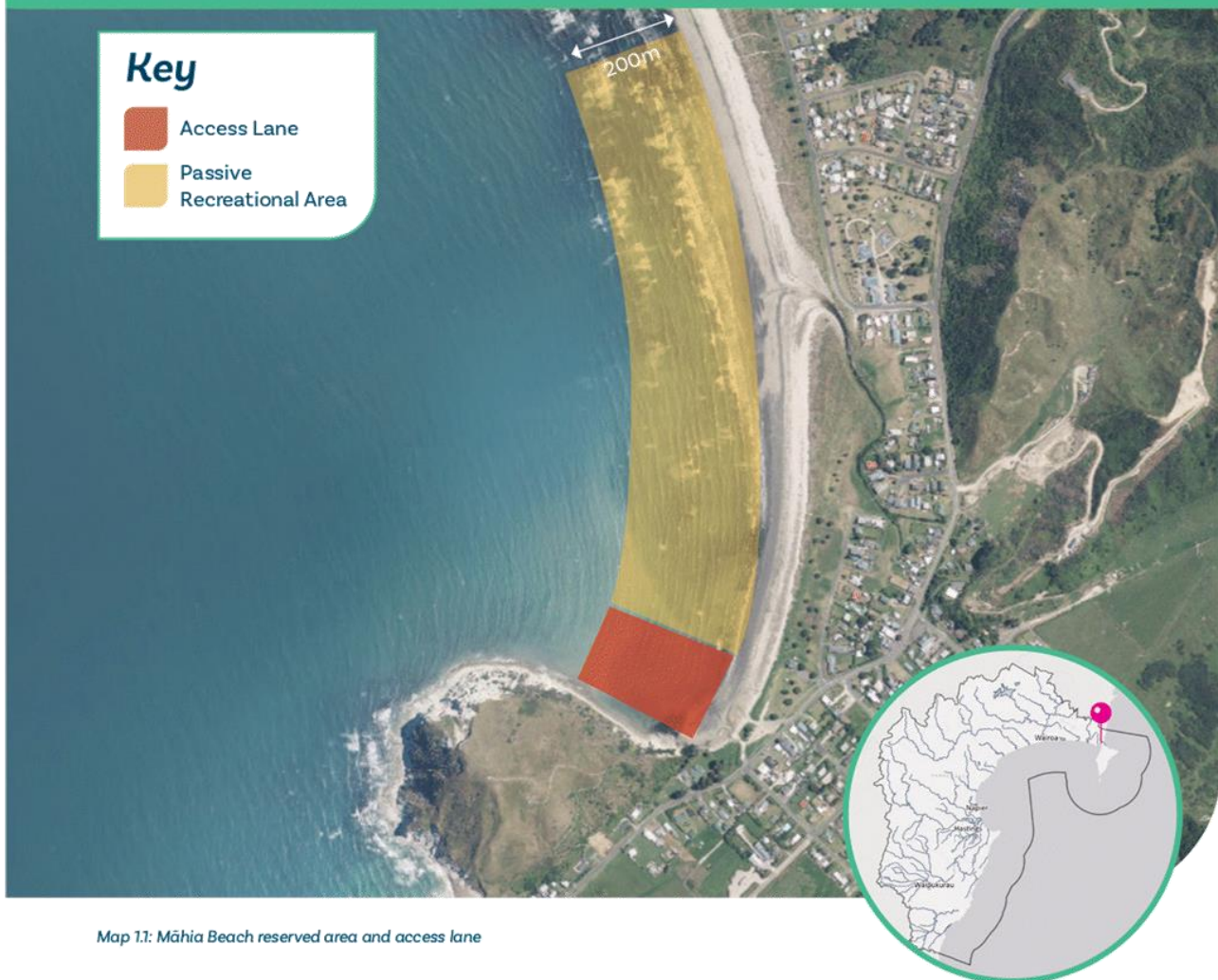
Table 2: Coastal areas reserved for navigation safety purposes

Type (purpose) of area	Location	Map	Page
Access lanes for the purpose of allowing power-driven vessels to navigate from a beach or launching area	Māhia Beach	1.1	21
	Waimarama Beach	1.2	22
Reserved area for swimmers & non-power driven vessels	Hardinge Road (Napier Port Beach)	1.3	23
Reserved for passive recreation	Ahururi Estuary (Pandora Pond)	1.4	24
	Pourerere	1.5	25
	Napier Pilotage Area	1.6	26
Cautionary zones*	Whangawehi Beach	1.7	28
	Waikokopu	1.8	29
	Kairakau Beach	1.9	30
	Pourerere Beach	1.10	31

\* Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.

# Māhia Beach

## Schedule 1.1



Map 1.1: Māhia Beach reserved area and access lane

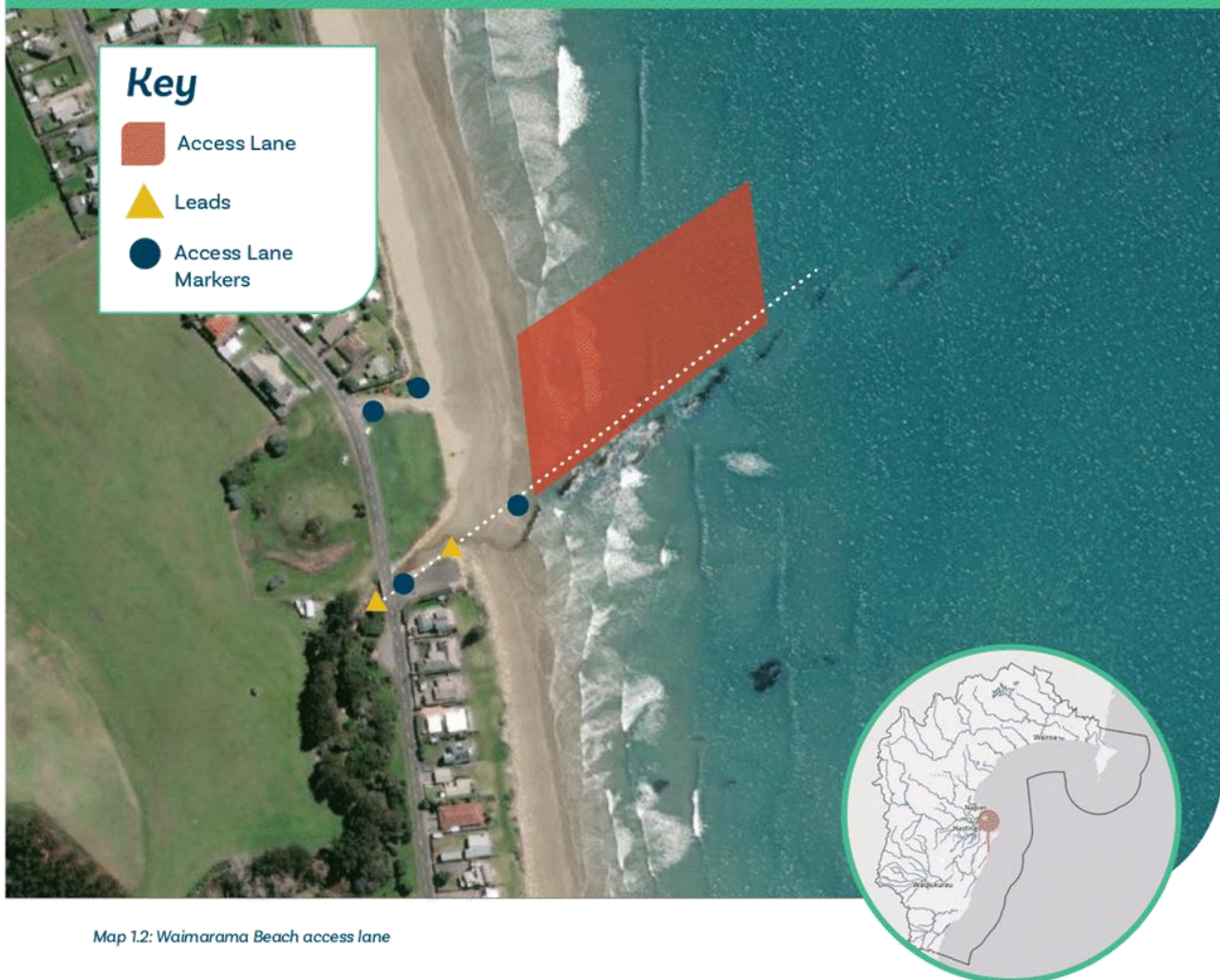
## Conditions of use

- a. The areas designated as such in Map 1.1 are reserved for:
  - i. passive recreation pursuant to Bylaw 8; and
  - ii. an access lane for the launching and operation of powered vessels pursuant to Bylaw 14.
- b. In the reserved area, a person must not, without reasonable excuse, operate a vessel at a proper speed exceeding 5 knots.
- c. The access lane can be identified by:
  - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
  - orange posts with horizontal black bands on shore; and
  - orange buoys with black bands if the access lane is marked at sea.



# Waimarama Beach

Schedule 1.2



Map 1.2: Waimarama Beach access lane

## Conditions of use

- a. The area designated as an access lane in Map 1.2 is reserved for the launching and operation of powered vessel pursuant to Bylaw 14.
- b. The access lane can be identified by:
  - signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
  - orange posts with horizontal black bands on shore; and
  - orange buoys with black bands if the access lane is marked at sea.

# Hardinge Road Beach

Schedule 1.3



Map 1.3: Hardinge Road Beach reserved areas

## Conditions of use

- a. The area designated at Hardinge Road in Map 1.3 is reserved for swimming and board sports only. Motorised vessels are not permitted to enter the area between the buoys and the shore at any time, unless authorised by the Harbourmaster or an enforcement officer.
- b. Board sports must be carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport.



# Ahuriri Estuary (Pandora Pond)

## Schedule 1.4



Map 1.4: Ahuriri Estuary (Pandora Pond) reserve area

## Conditions of use

- a. The area designated as such in Map 1.4 is reserved for passive recreation pursuant to Bylaw 8.
- b. No powered vessels or foiling craft are allowed in the reserved area as shown in Map 1.4, except those being used by, or on behalf of approved organisations for environmental monitoring, scientific research,<sup>13</sup> or support vessels for training/competition.
- c. The reserved area can be identified by signs in the immediate vicinity of the reserve that clearly identify the area and purpose.

<sup>13</sup> 'Approved organisations' refer to those organisations specified in rules 16 of the Hawke's Bay Regional Coastal Environment Plan (2018). These being Department of Conservation, the Council, a territorial authority, a district health board, or a Crown Research Institute.



# Pourerere Stream

Schedule 1.5

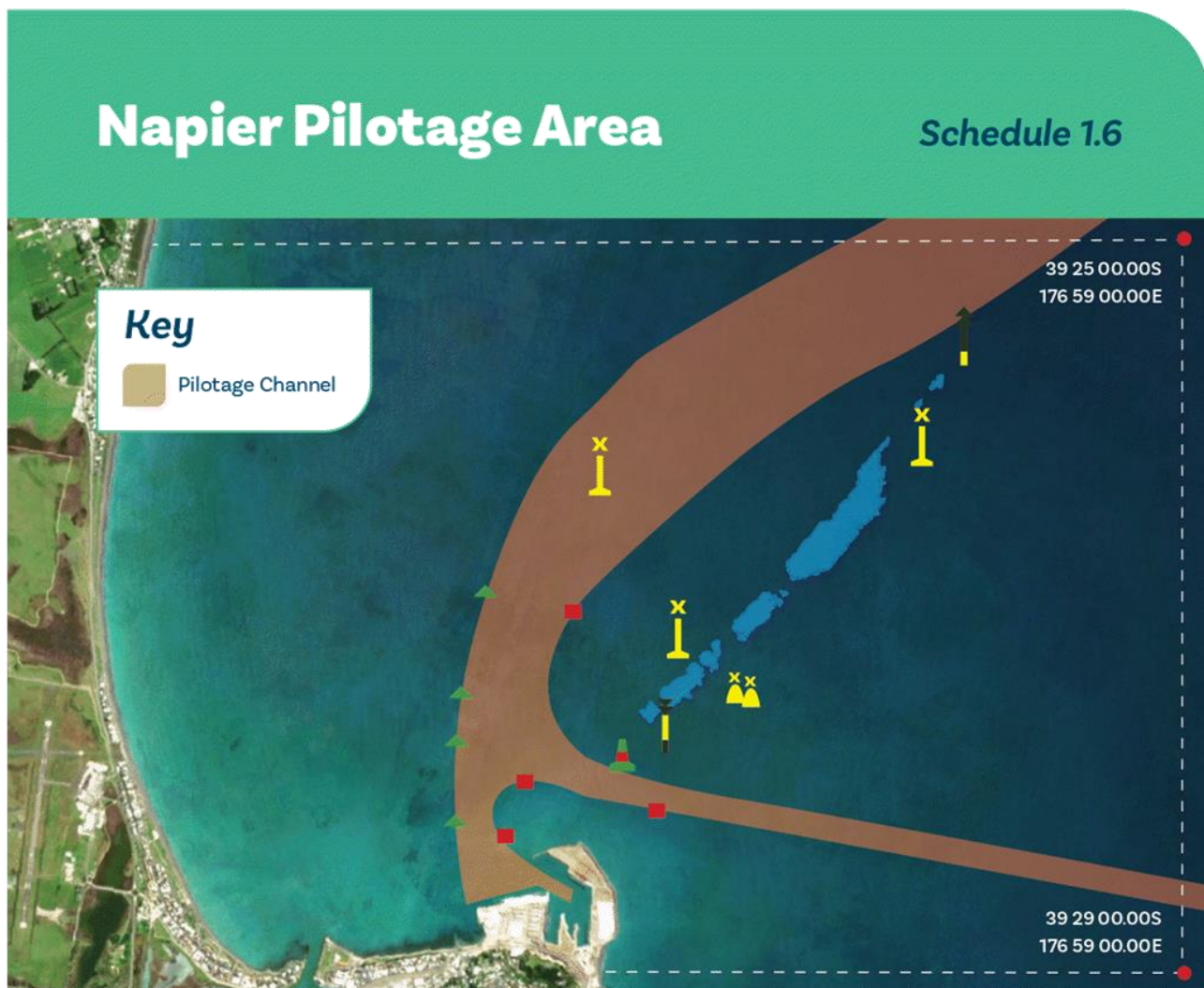


Map 1.5: Pourerere Stream

## Conditions of use

- a. The area designated as such in Map 1.5 is reserved for passive recreation pursuant to Bylaw 8.
- b. No powered vessel or high-speed craft, including foiling and sail boards, are allowed in the reserved area as shown in Map 1.5 between the bridge and the coast.

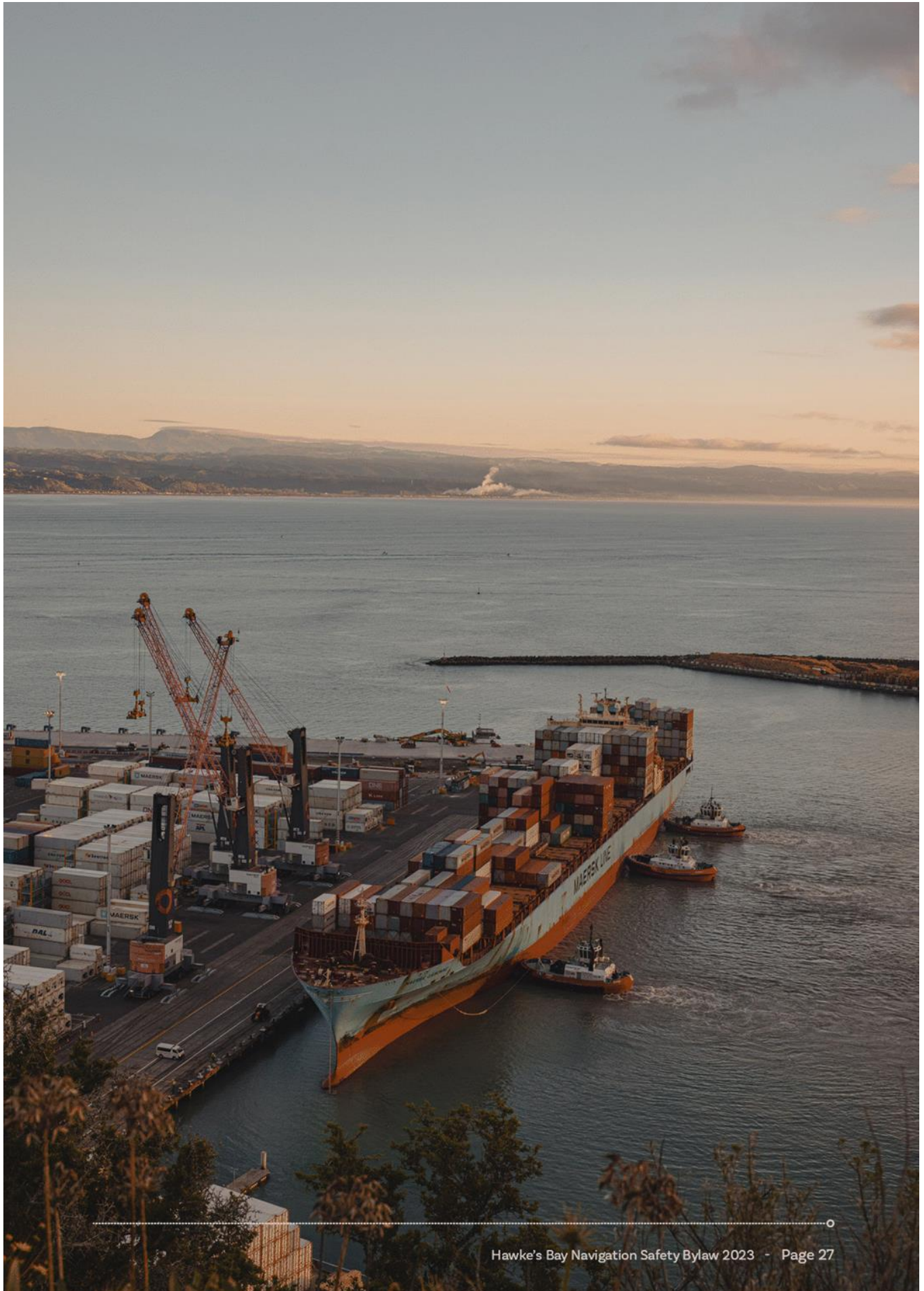




Map 1.6: Napier Pilotage Area

## Conditions of use

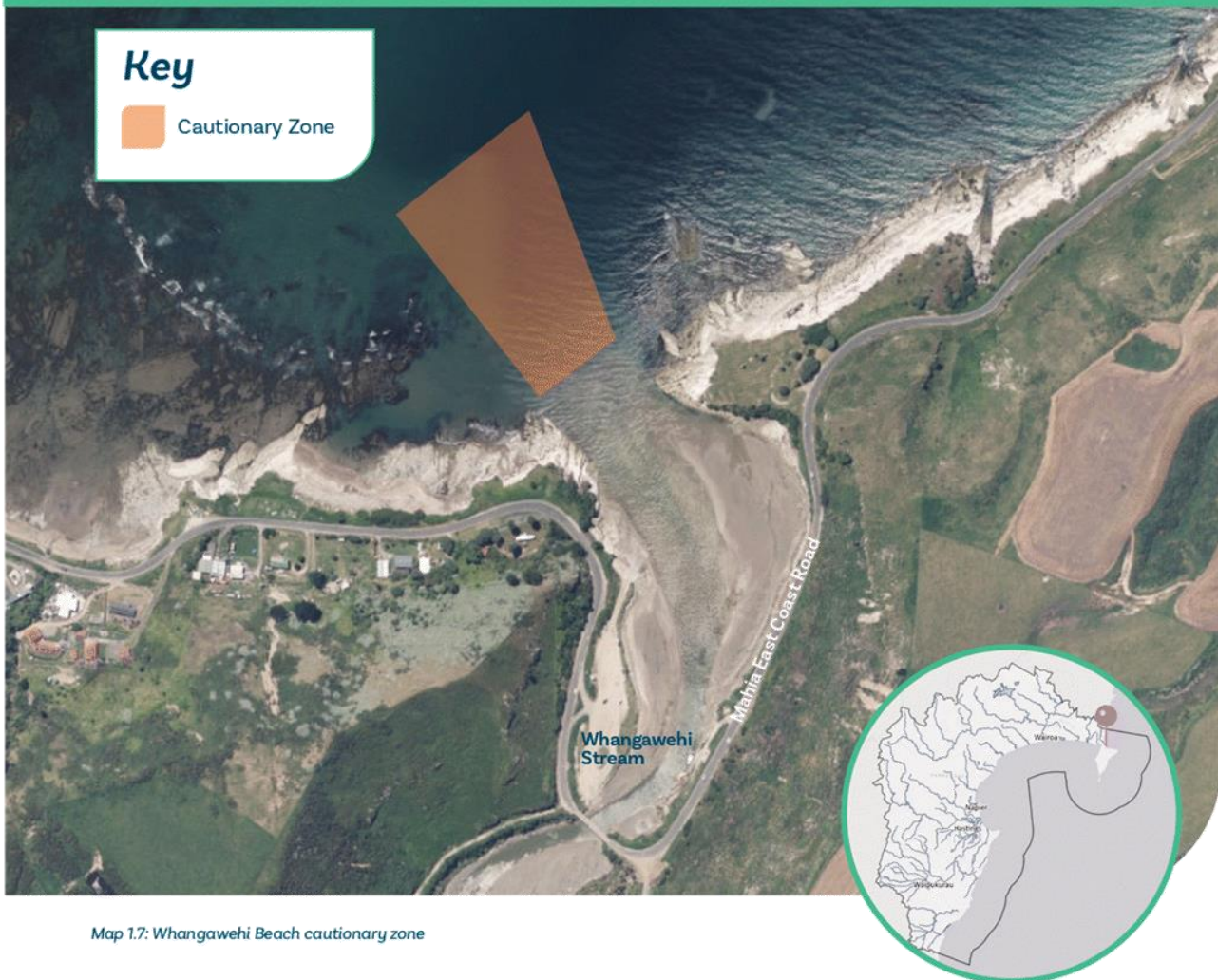
- a. The area designated as the Napier Pilotage Area is shown in Map 1.6 and as defined in the Maritime Rule 90 (Pilotage).
- b. The highlighted area in Map 1.6 is the Napier Breakwater Harbour and Approaches.
- c. While within the Napier Breakwater Harbour and Approaches, a person in charge of a vessel must comply with all relevant requirements set out in this Bylaw, including Bylaws 12, 13, 19, 32, 33, 34 and 35.
- d. A person in charge of any vessel, other than a piloted vessel, pilot exempt vessel, or contractor, must:
  - not enter the Breakwater Harbour without approval from Napier Harbour Control; and
  - not linger in the vicinity of the Breakwater Harbour and Approaches, especially during the arrival and departure of vessels.
- d. There must be no anchoring, set nets, set lines or crayfish pots in the Breakwater Harbour and Approaches as shown in Map 1.6.





# Whangawehi Beach

Schedule 1.7



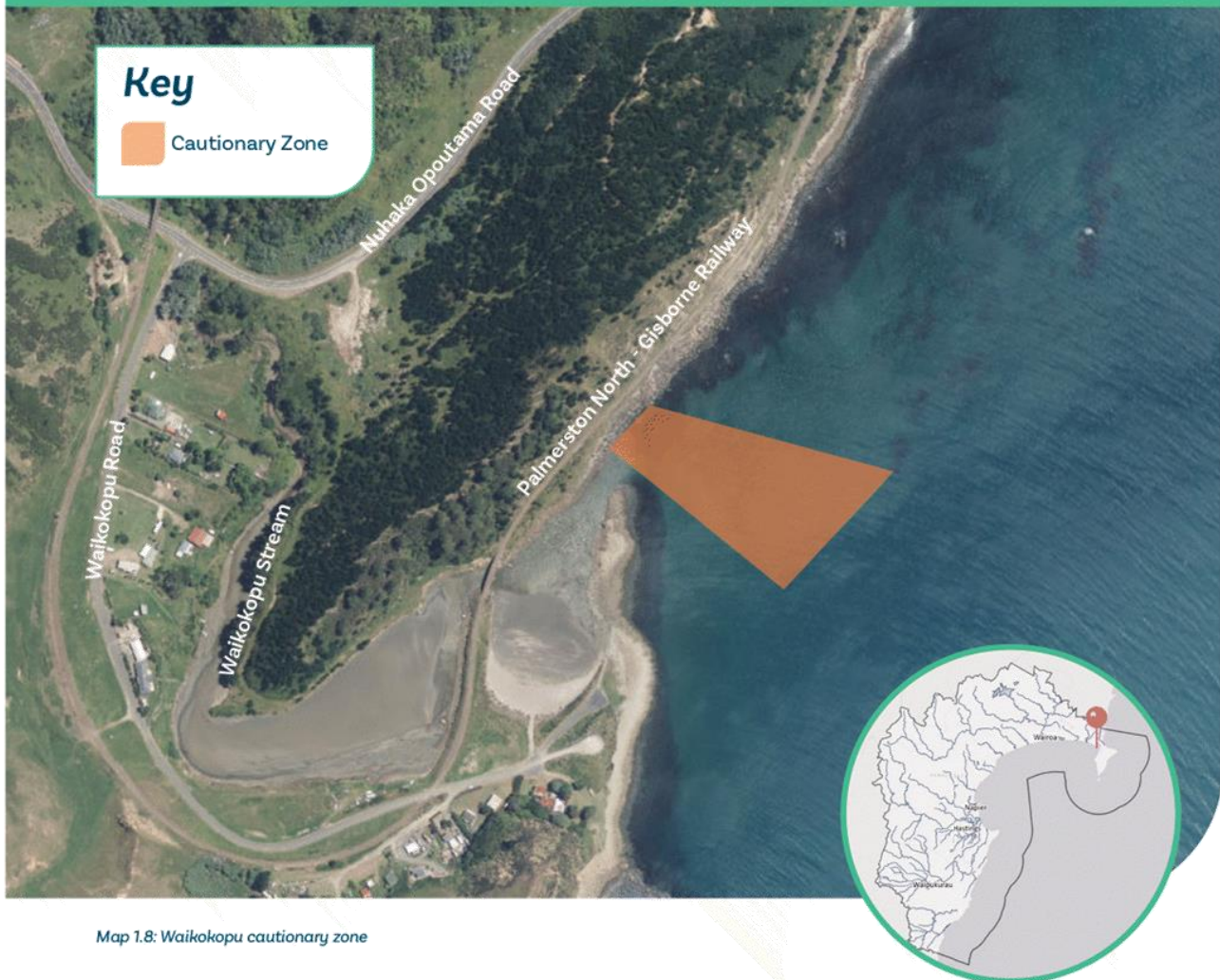
Map 1.7: Whangawehi Beach cautionary zone

## Advisory note

- The area identified as such in Map 1.7 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area.

# Waikokopu

## Schedule 1.8



Map 1.8: Waikokopu cautionary zone

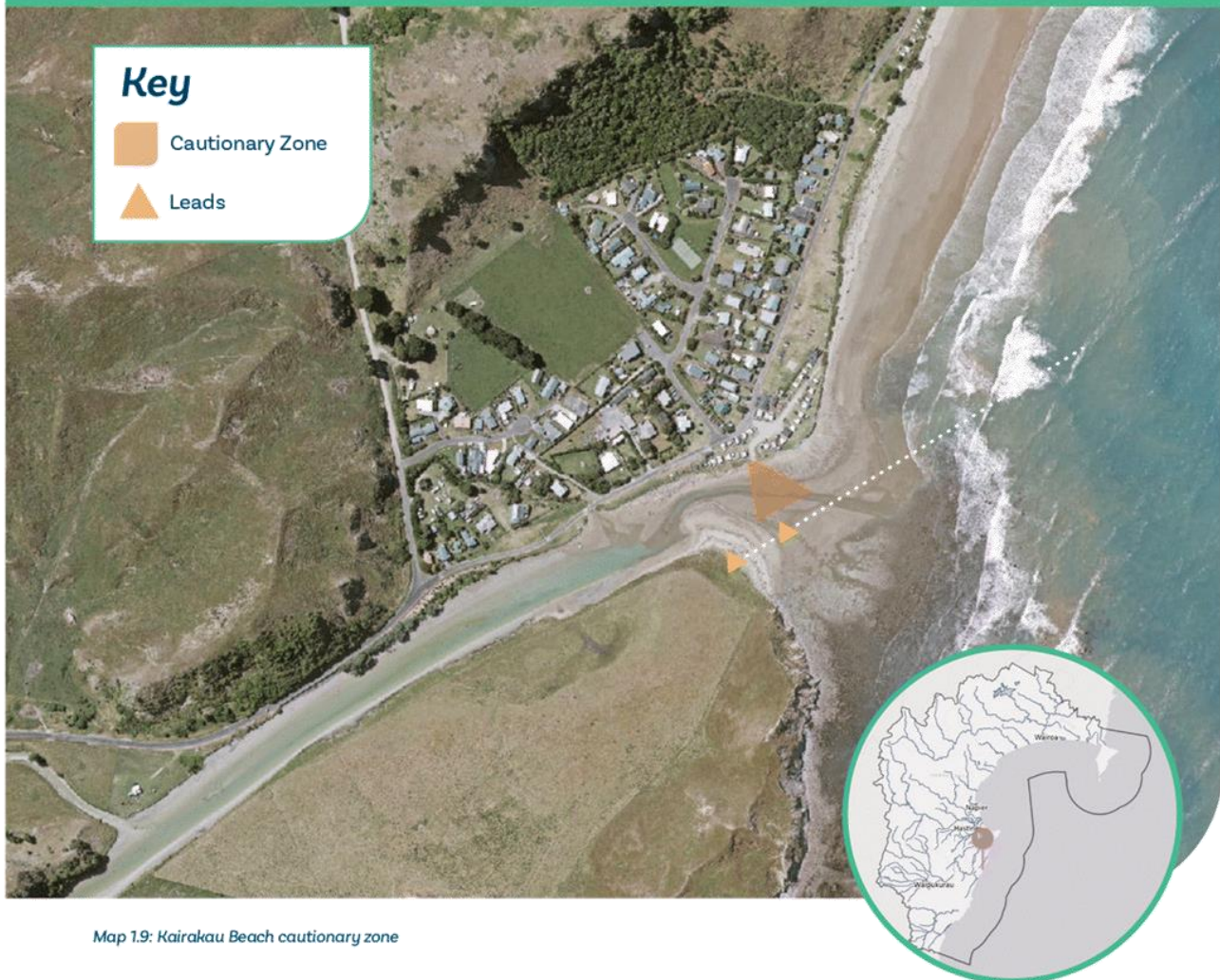
### Advisory note

- The area identified as such in Map 1.8 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area



# Kairakau Beach

## Schedule 1.9



Map 1.9: Kairakau Beach cautionary zone

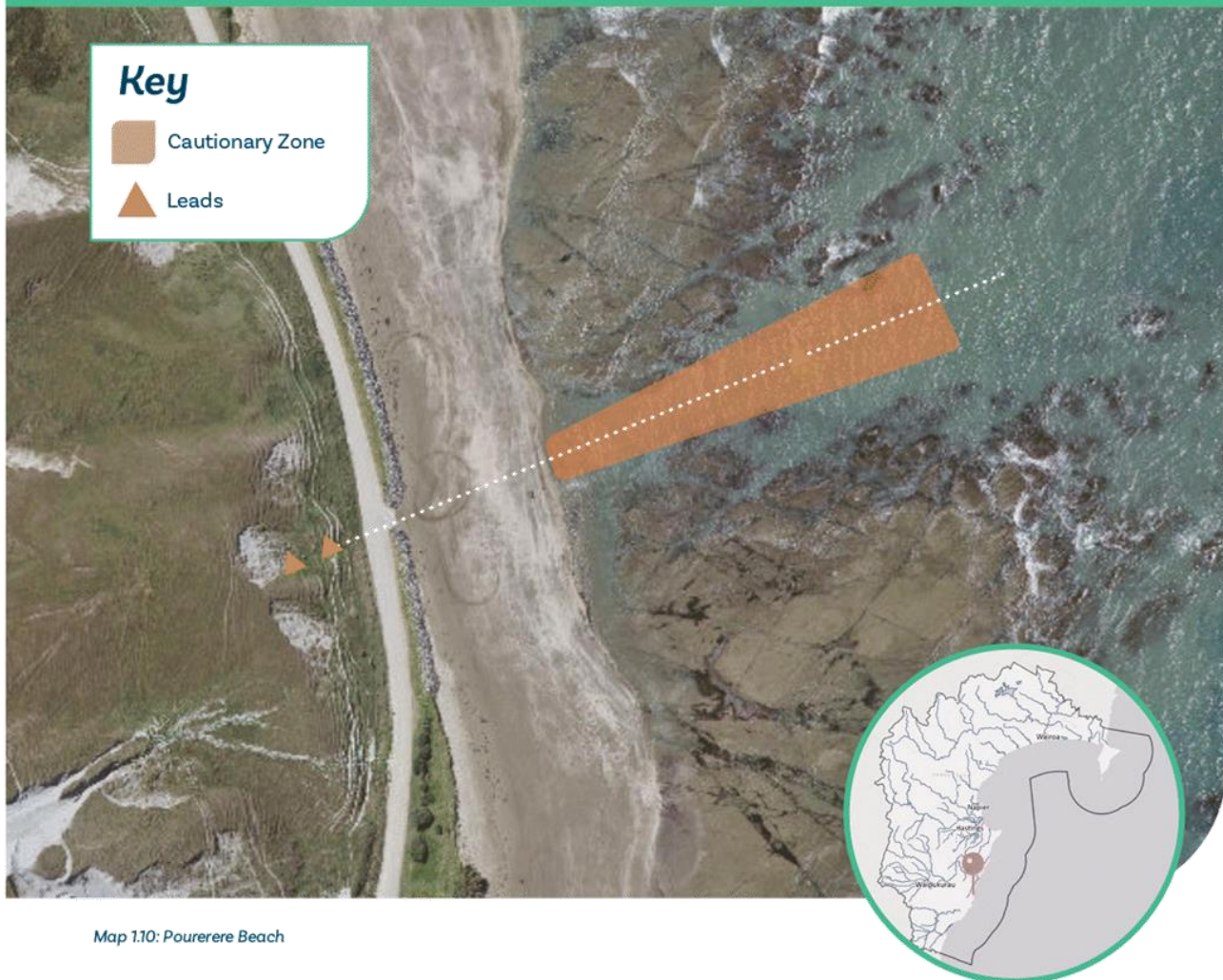
### Advisory note

- The area identified as such in Map 1.9 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are two orange posts with horizontal black bands embedded close to the southern headland as aids to navigation.



# Pourerere Beach

Schedule 1.10



Map 1.10: Pourerere Beach

## Advisory note

- The area identified in map 1.10 is a cautionary zone and is frequently used for the launching and recovery of powered vessels.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are two leads and a buoy positioned as depicted on the map used as aids to navigation.







## SCHEDULE 2

### Inland waters

#### – reserved and restricted use areas

### Readers' guide for Schedule 2

Table 3 identifies those rivers and lakes, or parts thereof (from North to South), that the Council has reserved pursuant to bylaws 8 or 14, or for which speed restrictions have been uplifted under Bylaw 15.

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

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

Table 3: River and lake reserved areas and speed uplifted areas

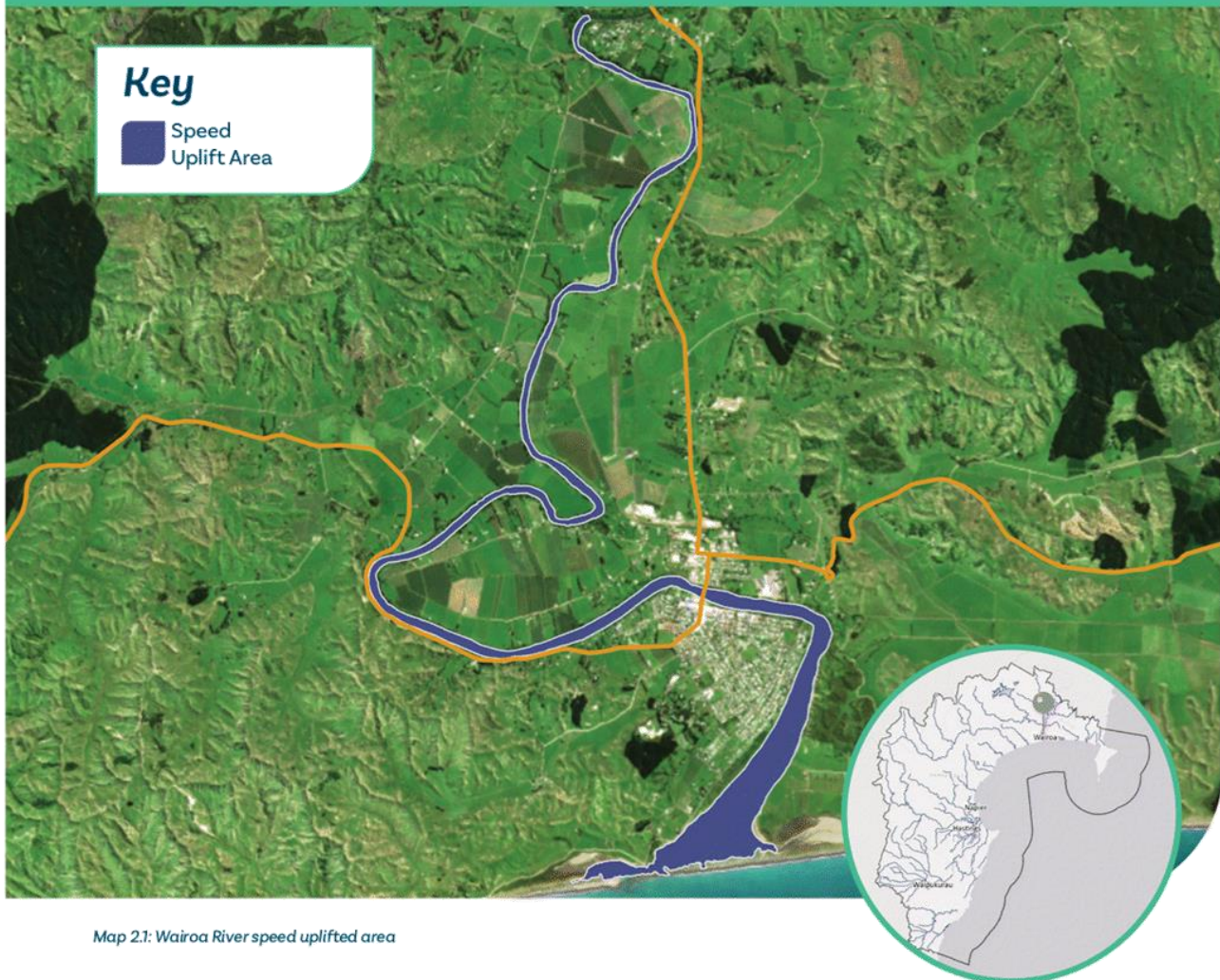
Type (purpose) of area	Location	Map	Page
Speed uplifted areas	Wairoa River	2.1	34
	Mohaka River	2.2	35
	Ngaruroro River and te awa o Mokotūāraro (Clive)	2.3	36-37
	Kairakau River	2.4	38
	Pōrangahau River	2.5	39
Reserved area for swimmers	Pōrangahau River	2.5	39
Reserved area for rowing	Te Awa o Mokotūāraro River (Clive)	2.3	36-37
Reserved area for passive recreation	Ngaruroro River	2.3	36-37
Reserved area for shared recreation	Ngaruroro River	2.3	36-37

*\* Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.*



# Wairoa River

## Schedule 2.1



Map 2.1: Wairoa River speed uplifted area

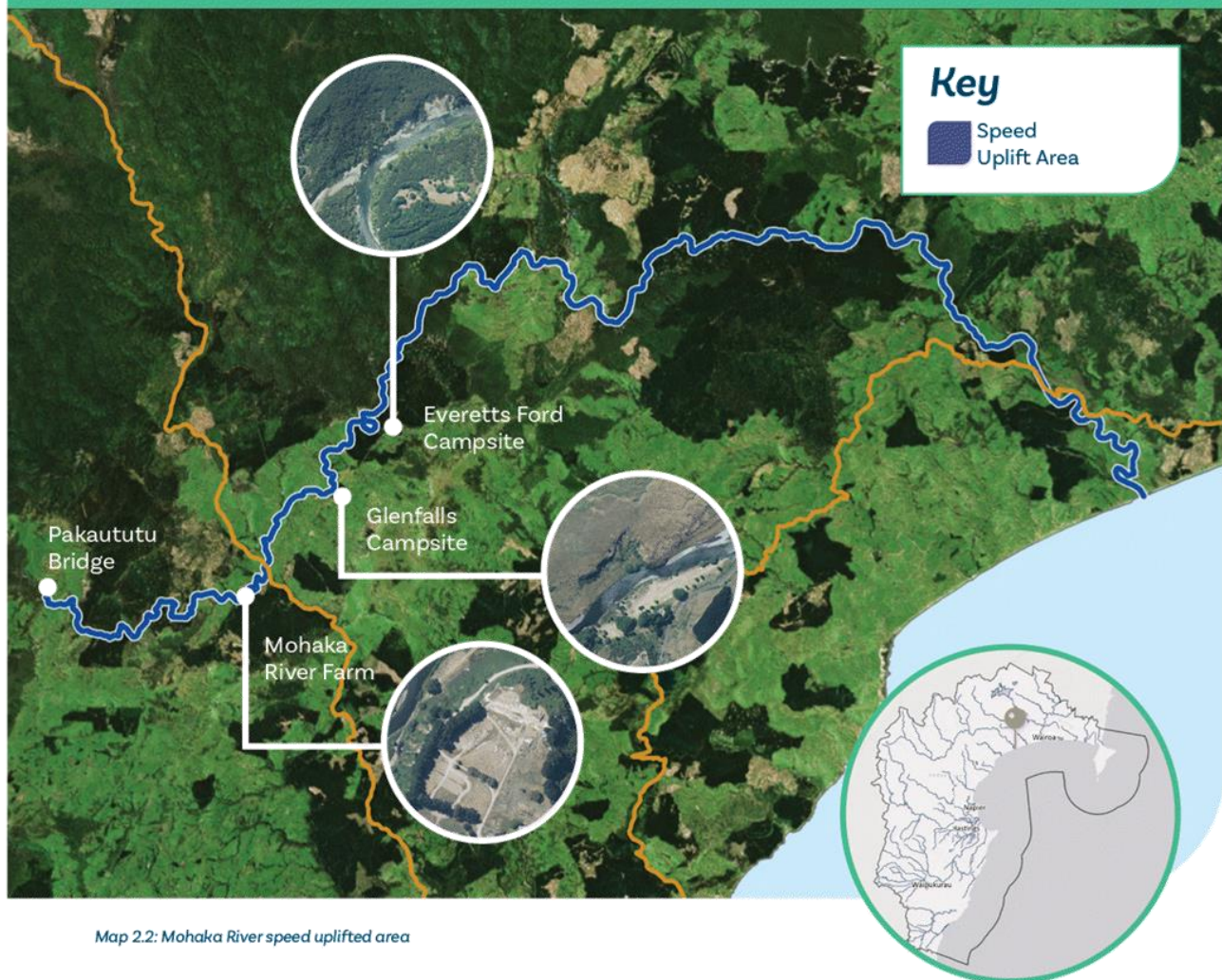
### Conditions of use

- Parts of the Wairoa River (Map 2.1) extending 5 metres from the riverbank are designated as a speed uplifted area pursuant to Bylaw 15.
- Speed restrictions specified in Bylaw 28 do not apply, subject to ensuring the vessel is 5 metres or more from the nearest riverbank.



# Mohaka River

## Schedule 2.2



Map 2.2: Mohaka River speed uplifted area

## Conditions of use

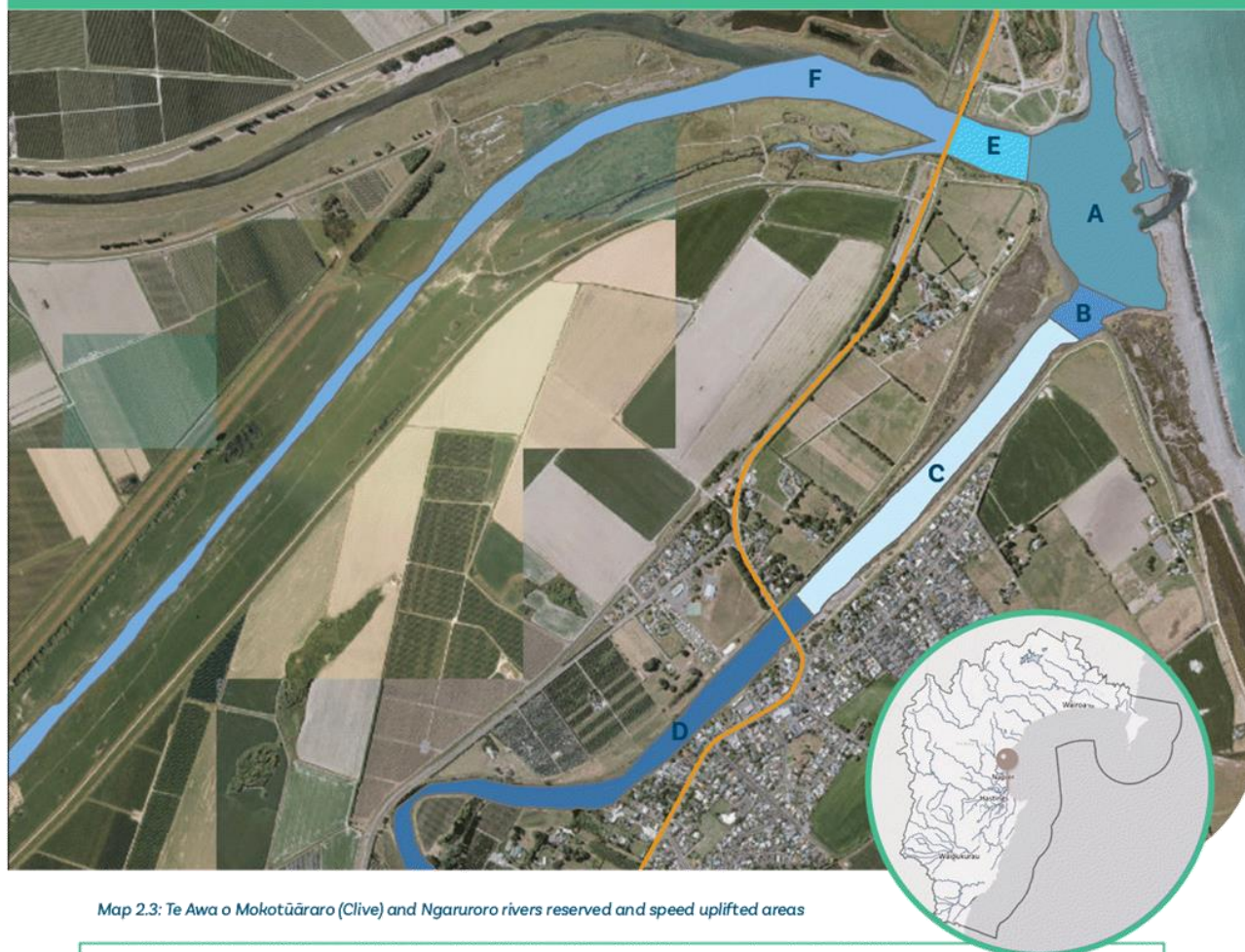
- a. Excluding those parts designated as reserved areas in clause (b) below, Mohaka River extending from the Pakaututu Bridge to the sea is designated as a speed uplifted area pursuant to Bylaw 15.
- b. Parts of the Mohaka River designated as such in Map 2 as:
  - Mohaka River Farm; and
  - Glenn Falls campsite; and
  - Everett's Park;
  - are reserved for passive recreation pursuant to Bylaw 8.
- c. No person may propel or navigate a vessel in the reserved areas at a proper speed exceeding 5 knots.



# Ngaruroro and Te Awa o Mokotūāraro

(formerly known as Clive River)

## Schedule 2.3



Map 2.3: Te Awa o Mokotūāraro (Clive) and Ngaruroro rivers reserved and speed uplifted areas

### Key

- A - Non Restricted Area**  
Available to all motorised craft. Have fun but play safe.
- B - Safety Buffer Area**  
'Passing through Area' only & covers the section of the te awa o Mokotūāraro 50m upstream from Muddy Creek.
- C - Regulated Area**  
Motorised craft travel in an anti-clockwise direction, keeping the centre clear for non-motorised craft
- D - Rowing Area**  
5 Knot speed restriction for all motorised craft.
- E - Passive Water Activity Area**  
Swimming, fishing, canoeing etc, 5 knot speed restriction for all motorised craft.
- F - Shared Area**  
5 knot speed restriction for all motorised craft during duckshooting and whitebaiting seasons only. Unrestricted at all other times.

## Conditions of use

**Parts of the te awa o Mokotūāraro (formerly known as Clive River) and Ngaruroro River (as shown in Map 2.3) have been designated as follows:**

### Area A – Unrestricted Speed Area

- a. Speed restrictions specified in Bylaw 28 do not apply from the confluence of the Ngaruroro River with the te awa o Mokotūāraro (formerly known as Clive River), and from the point at which Muddy Creek enters the te awa o Mokotūāraro to the sea.

### Area B – Safety Buffer Area

- b. Speed restrictions specified in Bylaw 28 do not apply to that part of te awa o Mokotūāraro extending from the point at which Muddy Creek enters the te awa o Mokotūāraro to a line 50 metres upstream of that point. This part of the river is reserved for the passage of vessels between Areas A and C.

### Area C – Regulated Area

- c. For that part of the te awa o Mokotūāraro extending from a line 50 metres upstream of the point at which Muddy Creek enters the te awa o Mokotūāraro to 75 metres downstream of the SH2 bridge, speed restrictions specified in Bylaw 28 do not apply between the hours of:
  - 7.30am and 8.00pm on Tuesdays, Thursdays, Fridays and Saturdays; or
  - 12 noon and 8.00pm on Sundays; or
  - 7.30am and 5.00pm on Mondays and Wednesdays.
- d. Motorised vessels must travel in an anti-clockwise direction, keeping the centre clear for non-motorised vessels.

### Area D – Rowing Area

- e. That part of te awa o Mokotūāraro upstream of the SH2 bridge and for a distance of 75 metres downstream of the bridge is reserved for use by non-motorised vessels solely powered manually and associated support vessel (powered or unpowered).
- f. Unless otherwise provided for in (e) above, no person may propel or navigate a powered vessel, at a proper speed exceeding 5 knots.

### Area E – Passive Water Activity Area

- g. That part of the Ngaruroro River extending from its confluence with te awa o Mokotūāraro River to the SH2 bridge, is reserved for passive recreation.
- h. No person may propel or navigate a vessel in the reserved area at a proper speed exceeding 5 knots.

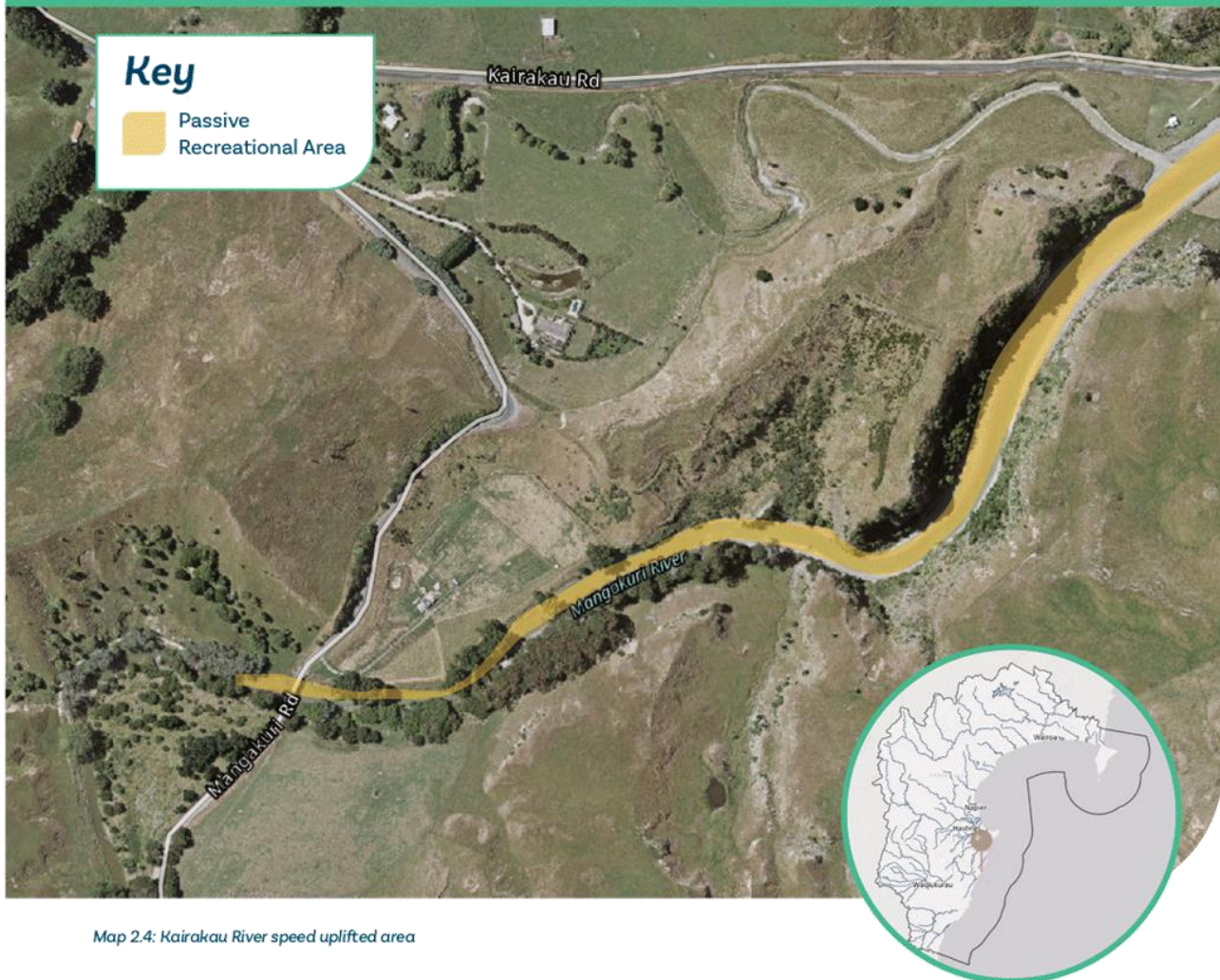
### Area F – Shared Area

- i. That part of the Ngaruroro River from the confluence of te awa o Mokotūāraro to the SH 51 Bridge is reserved as a shared recreational area.
- j. Speed restrictions specified in Bylaw 28 do not apply except that no person may propel or navigate a vessel at a proper speed exceeding 5 knots from 1 May to 30 June (duck shooting season) and 15 August to 30 November (white-baiting season) from the SH 2 bridge to the Chesterhope Bridge.



# Kairakau River

Schedule 2.4



Map 2.4: Kairakau River speed uplifted area

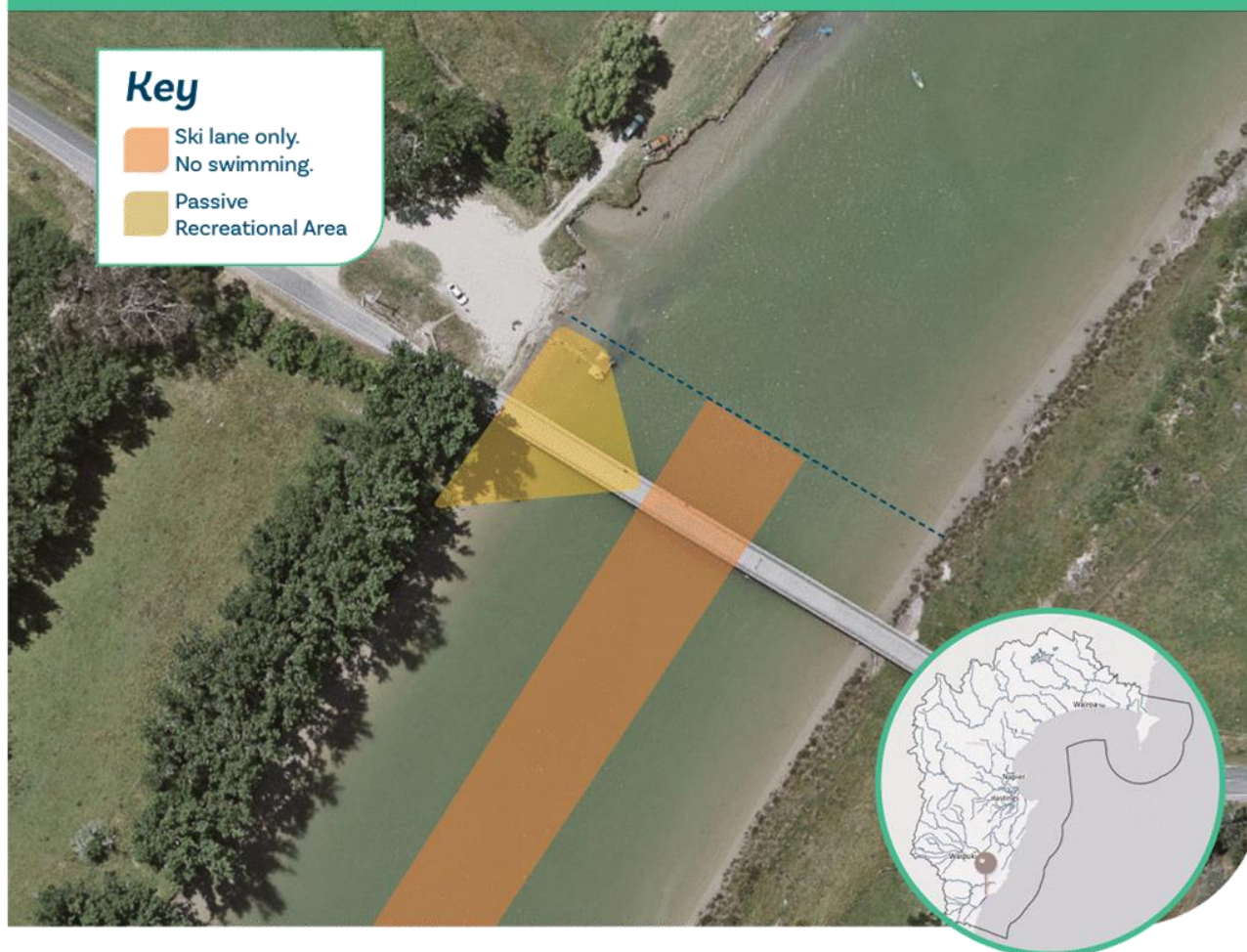
## Conditions of use

- a. Kairakau River (Map 2.4), excluding those parts identified in Schedule 1.9, is designated as a speed uplifted area pursuant to Bylaw 15.



# Pōrangahau River

## Schedule 2.5

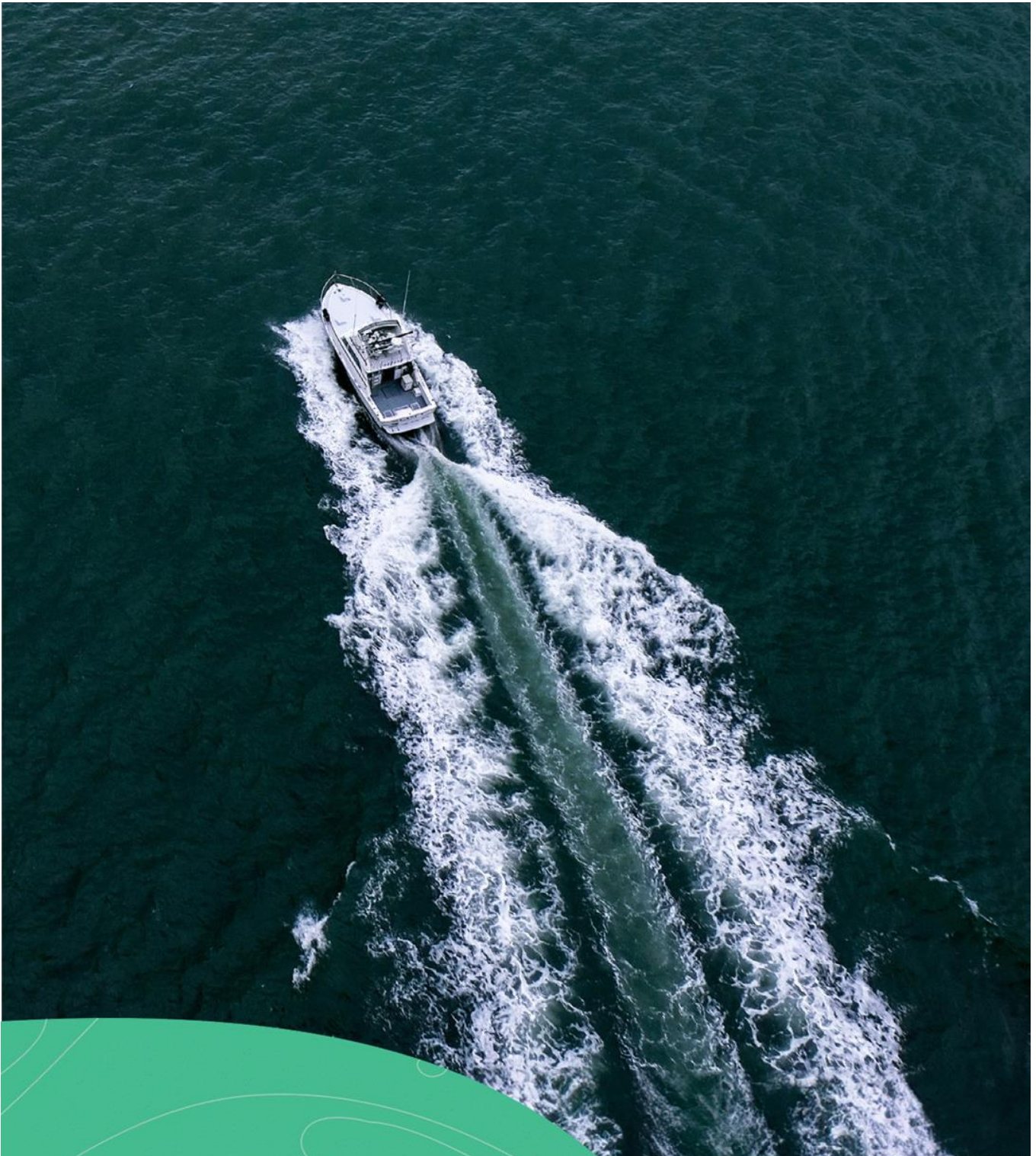


Map 2.5: Pōrangahau River reserved areas and speed uplifted areas

### Conditions of use

- a. Pōrangahau River (Map 2.5), excluding those parts designated as reserved areas in clause (b) below, is designated a speed uplifted area.
- b. That part of the Pōrangahau River extending 30 metres downstream of the Beach Road bridge on the northern bank and out to a line parallel with the second bridge pier from the water's edge, and upstream of the bridge from the second bridge pier to the shore 50 metres upstream of the bridge is reserved for swimming as shown on Map 2.5.
- c. Vessels are prohibited from entering the swimming reserved area unless authorised by the Harbourmaster.
- d. Water skiers towed by boat or personal watercraft must pass the swimming reserved area through the centre bridge span only always having due regard for swimmers. Swimmers are prohibited in this area.
- e. Jet skiing is only permitted from 30 metres downstream of the Beach Road bridge to the sea as shown in Map 2.5.
- f. Vessels may only be launched from the shore 30 metres downstream of the Beach Road bridge or other areas outside of the swimming reserved area.





Hawkes Bay Regional Council  
159 Dalton St, Napier 4110,  
Private Bag 6006, Napier 4142  
Telephone 06 835 9200  
[hbrc.govt.nz](http://hbrc.govt.nz)

  
**HAWKES BAY**  
REGIONAL COUNCIL  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



Consultation Document for the

# Hawke's Bay Navigation Safety Bylaw Review 2023



**HAWKES BAY**  
REGIONAL COUNCIL  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



# Message from our Harbourmaster



*For me, being Hawke's Bay's Harbourmaster is essentially about ensuring people make it home safe and sound to their whanau at the end of the day's activity in, or on, the water.*

In Hawke's Bay we're lucky to have an extensive coastline, multiple river systems, accessible beaches, a large lake to our north, as well as a busy port. We see a wide variety of year-round recreational and cultural water-based activities, alongside our commercial users.

Our goal is to keep people safe on the water in and around our region. We want to recognise the different values and uses associated with Hawke's Bay's waterways and ensure that people use and share them safely.

Our Navigational Safety Bylaw helps us do this. Its purpose is to ensure that different users of coastal and inland waters across the region can safely use and share our waters, whether it is for recreational or commercial purposes. The Bylaw is in addition to the requirements of the Maritime Transport Act 1994 and the Maritime Rules and considers factors specific to our region.

Hawke's Bay Regional Council is responsible for keeping our Navigation Safety Bylaw fit for purpose by completing a review every five years to reflect changing uses and previous experiences gained since the last review. As part of the review, we must include a formal consultation with our community to allow them to have their say.

A lot has happened since our last Bylaw review in 2018. We've seen the expansion of 6 Wharf, Te Whiti, at Napier Port, an ever-increasing number of cruise ships, new technologies and new types of watercraft taking to the water, all of which we take into account as part of our review.

In northern Hawke's Bay, we're also seeing increased activity from Rocket Lab from its location at the tip of the Māhia Peninsula. Together we've worked on safety around launch conditions, including zone marking, advertising and radio communications.

An updated Draft Hawke's Bay Navigation Bylaw 2023 has been prepared. Changes proposed in this draft Bylaw will help us to build on our successes under the current Bylaw and are necessary to address new and emerging safety issues. This consultation document outlines the proposed changes for the 2023 version and details how you can provide your feedback.

We thank you in advance for taking part in the consultation and engaging with us on how we best keep the people of Hawke's Bay safe in and around our region while enjoying both our coastal and inland water environments.

*So be safe everyone, and enjoy,*

**Captain Martin Moore**







## Help us keep people safe on the water

The purpose of our Navigational Safety Bylaw is to keep people safe on the water around Hawke's Bay. We want to recognise the different values and uses associated with the region's waterways and ensure that people use and share them safely. Every five years we review our Bylaw to assess and improve its effectiveness in response to actual and potential safety issues as well as looking ahead to the future for any emerging risks.

The Bylaw considers all our water users and our many areas, some of which are particularly popular and used for multiple water activities or sports. It's some of these shared areas that we need to look most closely at, as well as ensuring all our boaties have good safety systems in place and the right equipment on board.

This document summarises the safety issues that have been identified and proposed key changes we're looking to make for the 2023 edition. A proposed Navigation Safety Bylaw 2023 has been drafted and is available for review alongside the 2018 version.

We want your feedback on proposed changes. Please feel free to respond to the questions and give us any other feedback.

**The easiest way to have your say is online at [hbrc.govt.nz](https://hbrc.govt.nz), search: #consultation**

## Hawke's Bay's Navigational Safety Bylaw

Navigational Safety Bylaws are created in accordance with the Maritime Transport Act (1994) and the Local Government Act (2002). Our Bylaw has been established to regulate maritime safety in Hawke's Bay's navigable waters. It should be read in conjunction with other Maritime Rules particularly parts 91 and 22.

Previous editions of Hawke's Bay's Navigation Safety Bylaw have included or repeated elements of the Maritime Transport Act (1994) and the Maritime Rules, we're aiming to simplify our next version by only referencing the specific rules.

This Bylaw review and associated consultation are solely concerned with issues of navigational safety. They do not cover topics associated with environmental protection which are addressed elsewhere and remain outside the scope of this review.

**Tukua mai ō whakaaro**

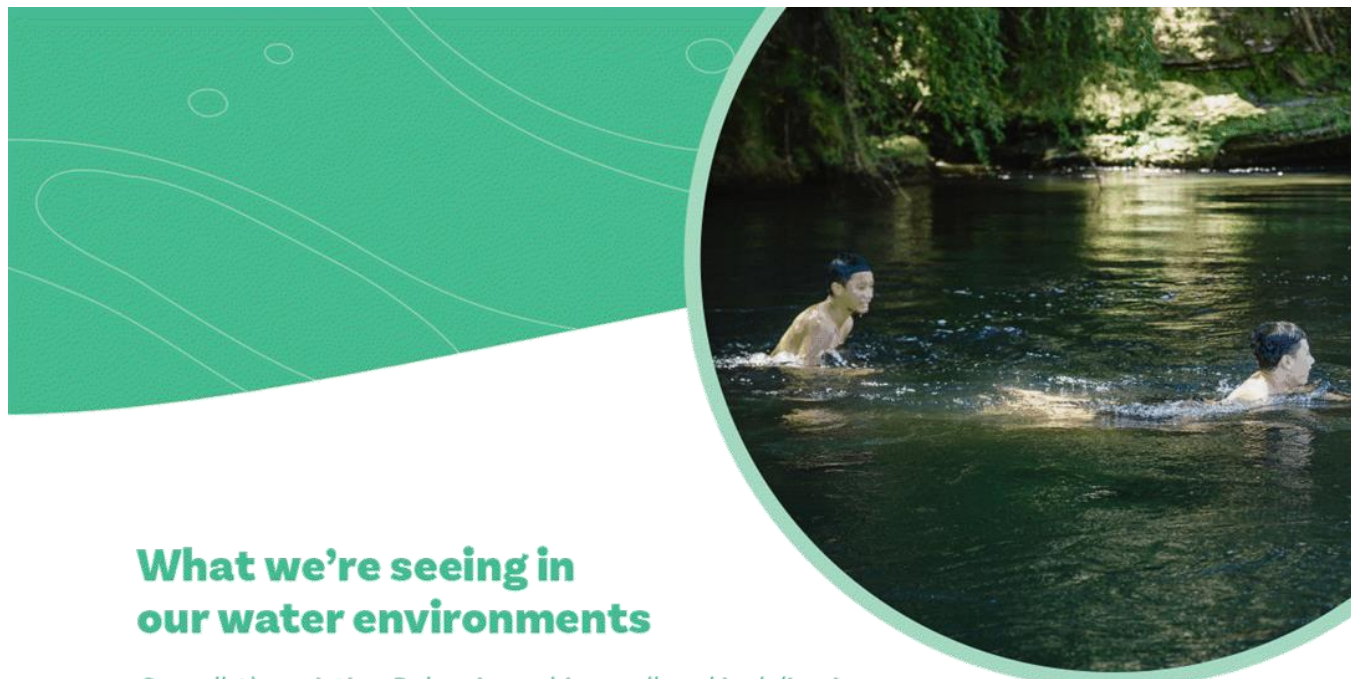
**Have your say**



*The easiest way is online at [hbrc.govt.nz](https://hbrc.govt.nz), search: #haveyoursay*

### Consultation timeline:

22 September 2023	Feedback period opens
22 October 2023	Feedback period ends
6 November 2023	Hearings for submitters to present their views in person
6 December 2023	Council considers and deliberates on feedback
31 January 2024	Council adopts Navigational Safety Bylaw 2023



## What we're seeing in our water environments

*Overall, the existing Bylaw is working well and is delivering as intended. Inevitably over the 'life' of The Bylaw new issues emerge. This review is an opportunity to build on our success as well as address new and emerging issues and ensure our Bylaw continues to be effective, efficient, and relevant.*

### Mixed Use Areas

What we do in and on the water is changing and evolving. This may be due to the increased popularity of certain areas or sports, or the evolution of new sports. It may also be due to the changing nature of the environment or water way, meaning an activity is no longer suitable, safe or accessible, or that it is spilling out into new areas.

We have seen changes in water activities at both Napier's Pandora Pond and the waterfront at Hardinge Road with a much wider variety of sports and recreational uses than previously. There is now a much larger community of ocean swimmers along Hardinge Road, as well as paddle boarders, foiling and winged craft, power vessels, along with casual swimmers up towards Perfume Point.

In Pandora Pond and the inner harbour, there has been an increased uptake of waka ama training and school learn-to-sail programmes utilising these confined and sometimes busy areas.

Similarly, the community at Pourerere is growing year on year. What was once a relatively tranquil lagoon area used for passive recreational water activities is now seeing an increasing volume of water users as well as more people using motorised craft.

These areas where we see such mixed use in relatively confined areas can present safety challenges due to the potential risk of collision between passive recreational water users (e.g. swimmers or learner sailors) and faster moving watercraft.

We do note that many water activities are relative to the weather or sea conditions and that due to this, some users may not often coincide. For example, when there is big swell or windy, choppy conditions that might suit surfers or wind sports, these conditions are less favourable to swimmers, so the actual risk is most often less than the perceived risk.

One of our key safety tools, the five-knot rule, also guides us in many situations. Any water-craft should go no faster than 5 knots (a fast walking pace) within 50 metres of another vessel or swimmer, or 200 metres of the shore, any structure, or vessel flying a dive flag.



### New Technologies

America's Cup sailing has rapidly launched hydrofoil technologies into the recreational user community. Located under the water and attached to the hull or board by a mast, a hydrofoil lifts the hull or board of the watercraft out of the water, decreasing drag and increasing speed. The below surface foil and mast may be a potential hazard to people when used at speed.

As we look to the future, foiling bikes, small sail boats with foils and commuter crafts are in development and will also become more and more accessible to people. While we are yet to see them in Hawke's Bay, we'd like to acknowledge their possible future arrival.

Underwater drones have also been highlighted as a new technology, though we are yet to see many of them in Hawke's Bay.

### Accessibility

While less revolutionary, the volume and use of inflatable jet boats is on the rise. Used to explore and access deep into our river systems, recent design developments mean they are increasingly lightweight, durable, stable and accessible. The volume of boats, speed in congested spaces or low visibility areas are concerns that need to be considered, alongside encouraging general education and safety awareness in users, especially those new to the sport.

With the ability of inflatable jet boats to reach far up our rivers, accessibility concerns have been identified as a potential issue. We have a distinct lack of road access to the outer reaches of our rivers should a serious accident occur. With more users comes the risk of a rising number of accidents that may require medical intervention and rescue. As much as possible, we want to avoid or minimise accidents.

### Rocket Lab

From low-frequency beginnings, rocket launches at the Māhia peninsular are now regular and will likely be commonplace into the future. During launch periods we need to be able to keep local water users and boaties safe from the risk of falling debris underneath the flight path.

While there is mention of launch activity in the existing Bylaw, we have sought to make this more prominent and aim to make the public aware about where to find current information on launch windows, reserved marine areas, zoning and similar.

We have also sought to minimise unnecessary bureaucracy for Rocket Lab by including much more flexible public notice provisions.

**Tukua mai ō  
whakaaro**

**Have  
your say**



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online at [hbrc.govt.nz](https://hbrc.govt.nz)  
search: #haveyoursay



## What are we consulting on?

### Proposed Bylaw changes

As previously noted, we are proposing to streamline the Bylaw. Provisions in the current Bylaw that duplicated or paraphrased requirements set out in the Maritime Transport Act (or Maritime Rules) have been removed. By streamlining the Bylaw, we can focus on and tailor provisions specific to this region. Requirements set out under the Maritime Transport Act or Maritime Rules still apply and our Bylaw needs to be read in conjunction with Maritime Rules.

To address the safety challenges of mixed-use areas such as Hardinge Rd, Pandora Pond and Pourerere stream/lagoon we are proposing new requirements, in conjunction with new signage and educational measures. The aim of this is to maintain and improve safety in areas that currently see swimmers, surfers, paddle boarders, foiling craft and motorised boats all in close proximity.

We're proposing to restrict motorised vessels from Napier's Hardinge Road waterfront in the area shown in the map.



Motorised vessels are already restricted from Napier's Pandora Pond, we're proposing to also restrict the use of high-speed foiling craft in the area shown in the map.



We're proposing to restrict the use of motorised vessels and high-speed foiling craft downstream between the bridge and the coast of the Pourerere stream/lagoon area as shown in the map.



We're lucky to have plenty of options for all types of water users in Hawke's Bay. With a best endeavours approach, we hope to provide a safe space in consideration of most users.

### Community feedback



If you have other thoughts, views, or suggestions, on any of the topics we've covered, we'd like to hear about them.

If you know of or have seen something you think might apply to Hawke's Bay in terms of new technologies, please let us know.

Remember they must be about navigational safety for water users in or on our waterways or coastlines.

Environmental considerations are outside the scope of the Navigational Safety Bylaw.



# Key safety tips from our Harbourmaster



**Check the weather**



**What safety equipment do you have?**



**Tell someone where you're heading and when you'll be home**



**Leave the alcohol at home**



**Take two waterproof forms of communication**



**Always wear your life jacket**



**5 knots – Reduce your speed around people, boats and the shore**



**It takes three to ski**



**Tukua mai ō whakaaro**

**Have your say**



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**HAWKES BAY**  
REGIONAL COUNCIL  
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI



## Navigation Safety Bylaw 2023 Feedback form

There are a number of ways to share your views with us on this proposal.  
Please read the consultation document before having your say. Thank you for taking the time to get involved.

First name: ..... Last name: .....

Email: .....

Address: .....

If you are submitting as the official spokesperson on behalf of an organisation, please give the organisation name here: .....

Do you think the proposed Bylaw will be effective (or otherwise) in managing risks to navigation and safety in Hawkes' Bay?

.....

What if any changes do you seek to the proposed Bylaw to address issues, gaps and/or manage risks to navigation and safety in Hawkes Bay?

.....

Do you support restricting the use of motorised vessels for the Napier Hardinge Road as shown in the map?

☐ YES ☐ NO

Do you have any other feedback or views about the use of motorised vessels at Hardinge Road?

.....

.....

Do you support restricting the use of high-speed foiling craft from Napier's Pandora Pond as shown in the map?

☐ YES ☐ NO

Do you have any other feedback or views about high-speed foiling craft, or similar, at Napier's Pandora Pond?

.....

.....

Do you support restricting the use of motorised vessels and high-speed foiling craft, between the bridge and the coast of the Pourerere stream/lagoon area?

☐ YES ☐ NO

.....

## Tukua mai ō whakaaro Have your say

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Do you have any other feedback or views about the use of motorised vessels and high-speed foiling craft at the Pourerere stream/lagoon?

Do you have any feedback on potential regulatory or educational requirements for new technologies such as inflatable jet boats, foiling bikes/commuter craft or underwater drones?

Do you have any further safety issues or feedback on the draft consultation document or proposed Bylaw?

Would you like an in-person hearing on your submission? ☒ YES ☐ NO

If yes, please provide a daytime contact number and/or email address

Need more room? You can attach extra pages, just make sure they include your name and address.

**Privacy Statement** - Submissions are public information. Your name and feedback will be included in public documents as part of the decision-making process. All other personal details will remain private. This information will be held by Hawke's Bay Regional Council but only for the purpose of this consultation process.

One submission per individual.

**Online:** [hbrc.govt.nz](https://hbrc.govt.nz), search: **#haveyoursay** or scan our QR code

**Email:** [haveyoursay@hbrc.govt.nz](mailto:haveyoursay@hbrc.govt.nz)

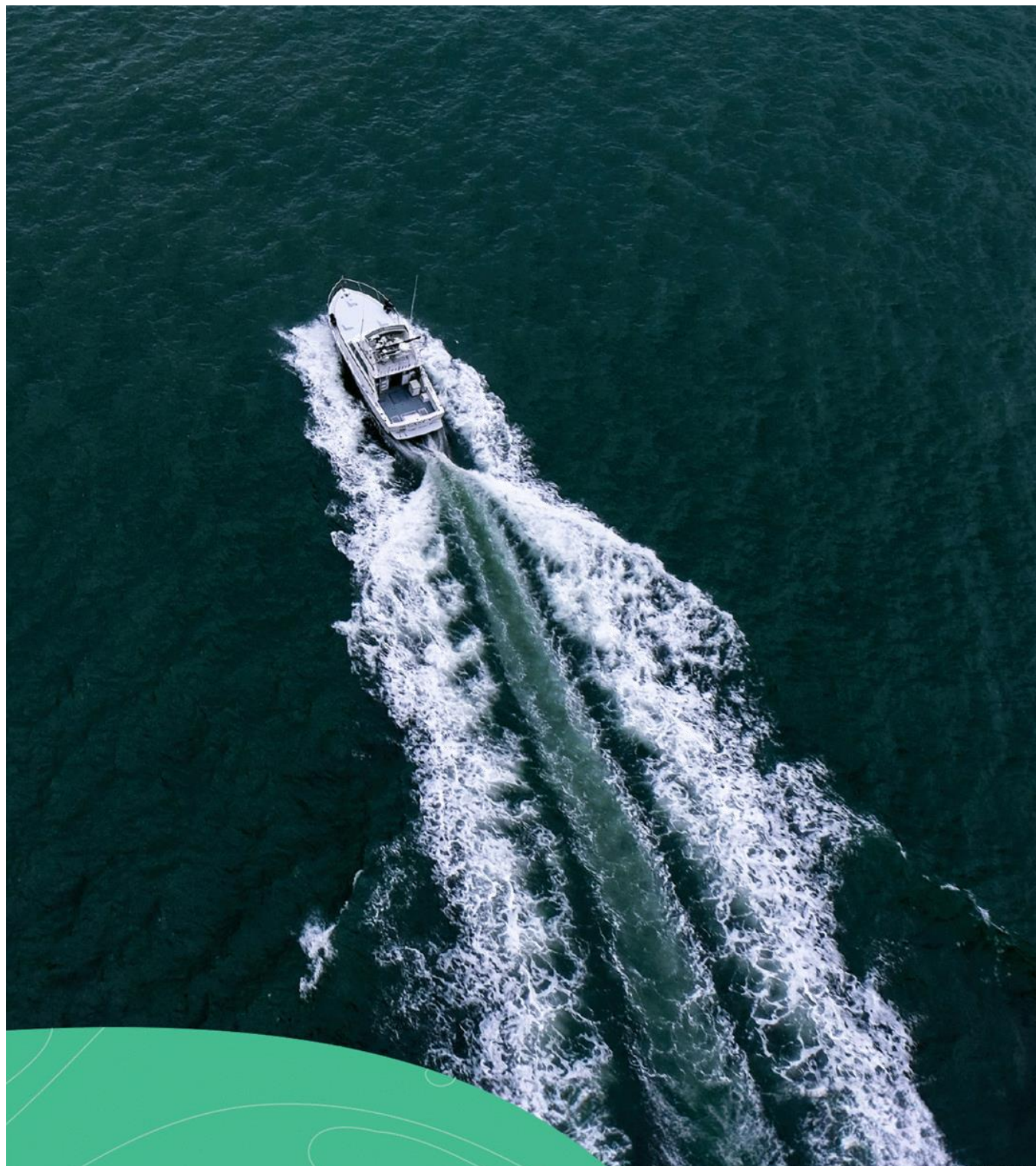
**Post:** Hawke's Bay Regional Council, Private Bag 6006, Napier 4142

**Hand deliver:** 159 Dalton Street, Napier

**HBRC must receive your submission by 8pm on Sunday 22 October 2023**







Hawkes Bay Regional Council  
159 Dalton St, Napier 4110,  
Private Bag 6006, Napier 4142  
Telephone 06 835 9200  
[hbrc.govt.nz](http://hbrc.govt.nz)

  
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