

CENTRAL OTAGO DISTRICT COUNCIL

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**CENTRAL OTAGO DISTRICT  
COUNCIL LAKE DUNSTAN  
NAVIGATION SAFETY  
BYLAWS 2006**

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## **Resolutions of the Central Otago District Council**

### **Revocation of Previous Bylaws**

The Central Otago District Council hereby records the expiry of the Lake Dunstan Harbour Bylaw 1996

### **Making of Bylaws**

The Central Otago District Council, in accordance with section 684B of the Local Government Act 1974, makes the following Bylaws:

## **Part 1. Preliminary and Commencement.**

### **1.1. Title and commencement**

- (1) These Bylaws shall be cited as the Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006 and shall come into force on 21 December 2006.

### **1.2. Areas within which these Bylaws apply**

- (1) These Bylaws apply to all the waters of the Clutha River and tributaries that form the lake known as Lake Dunstan and being located upstream of the Clyde Dam being the waters referred to in a Deed of transfer of responsibilities, functions, duties and powers between the Otago Regional Council and the Central Otago District Council, the deed being dated 26 June 2006 and being the area as published in the New Zealand Gazette No.75, 28 July 1994, page 2418.

### **1.3. Adoption of Functions, Duties and Powers**

- (1) In accordance with Part 39A of the Local Government Act 1974 the Central Otago District Council adopts for Lake Dunstan the following functions, duties and powers:
- (a) the regulation and control of navigation safety; and
  - (b) all of the functions, duties and powers of regional councils set out in Part 39A of the Local Government Act 1974 as transferred to the Central Otago District Council.

### **1.4. Definition of Terms**

- (1) In these Bylaws, unless the context otherwise requires:

“access lane” means an area that has been specified in these Bylaws or declared an access lane under Clause 4.1.

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reaction of the air against the surface of the earth.

“anchor or anchoring”

when used as a verb means the act of 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.

“beacon” means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.

“buoy” means an anchored float serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring.

“buoyancy aid”

means for the purposes of Clause 2.1(2f)

- (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001; or
- (b) a buoyancy aid that the Director of Maritime New Zealand is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 newtons of buoyancy.

(Note that the NZ Standard 5823:1989 or NZ Standard 5823:2001 define a buoyancy aid as any device designed to assist a person to remain afloat in water until rescue is affected.)

“commercial vessel”

means a vessel that is not –

- (a) a pleasurecraft; or
- (b) solely powered manually; or
- (c) solely powered by sail

“council” means the Central Otago District Council.

“craft” means either a vessel or a toboggan, surfboard, windsurfer, sailboard or other object intended to carry or support a person in or on the water.

“dangerous goods”

shall have the same meanings as in the Hazardous Substances and New Organisms Act 1996.

(Note: Dangerous Goods are those listed in Part G of Schedule 9 of the Hazardous Substances and New Organisms Act 1996).

“director of maritime New Zealand”

means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

“enforcement officer”

means an enforcement officer (including an honorary enforcement officer) appointed by the Central Otago District Council under Section 650B of the Local Government Act 1974 for the purposes of Part 39A of that Act.

“explosive”

means capable of sudden expansion owing to a release of internal energy; and includes the capability to generate deflagration or pyrotechnic effects, and explosion has a corresponding meaning. An explosive in relation to the requirement of Clause 6.6(1) to display Flag B means an explosive or an authorised explosive as defined in section 222 of the Hazardous Substances and New Organisms Act 1996, other than explosives 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” means the Divers Flag of the International Code of Signals, a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, or a rigid equivalent, and shall be of a minimum size of 600mm x 600mm.
- “flag B” means the flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent.
- “foreshore” means any part of the bed, shore or banks of Lake Dunstan as are covered and uncovered by the rise and fall of the level of the surface of the lake whether caused by natural means or otherwise.
- “harbourmaster” means the person or persons appointed by the Central Otago District Council as Harbourmaster under Section 650B of the Local Government Act 1974 for the purposes of Part 39A of that Act. Harbourmaster includes any Deputy Harbourmaster and any Inspector or Enforcement Officer acting under the directions or instruction of the Harbourmaster or the Deputy Harbourmaster.
- “hazardous substance” shall have the same meanings as in the Hazardous Substances and New Organisms Act 1996.
- “honorary enforcement officer” means an honorary enforcement officer appointed by the Central Otago District Council.
- “kite surfing” means being propelled by means of a kite on a board or similar craft.
- “landing place” means a wharf, jetty, dock, quay, landing, pile mooring, pontoon, slipway or other facility, where vessels are moored or are launched or retrieved, but does not include a swing mooring.
- “length” in relation to the length of vessels means length overall.
- “master” means any person having commenced or charge of a vessel.
- “navigable” means suitable for navigating a vessel on, through, over or under the water.
- “navigate” means the act or process of managing or directing the course of a vessel on, through, over or under the water.
- “on the surface of the water” in respect of a seaplane that is taking off from, or alighting on the water, means the seaplane is in contact with the water surface.
- “owner” means:
- (a) the person, company or entity licensed under these Bylaws as the owner or operator of the commercial vessel;

- (b) includes the person who is for the time being responsible for the management and/or operation of the commercial vessel;
- (c) in respect of an unlicensed vessel is the person whom for the time being is responsible for the management of the vessel.

“parasailing” “parakiting” or “paragliding”

means any flying or gliding by use of a parachute or kite when being towed by a vessel.

“person” includes a natural person, the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporated.

“person in charge of a vessel:

means the master.

“personal flotation device”

means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by an authority recognised by the Director of Maritime New Zealand for this purpose as meeting –

- (a) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001; or
- (b) a national or international standard that the Director of Maritime New Zealand is satisfied substantially complies with types 401, 402, 403, 404, 405, or 508 of the NZ Standard 5823:1989 or NZ Standard 5823:2001.

“personal water craft”

means a power driven vessel that;

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

“pleasure craft”

means a vessel that is used exclusively for the owner’s pleasure or as the owner’s residence, and is not offered for hire or reward; but does not include:

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

- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

“powered vessel”

means any vessel that is propelled or driven otherwise than solely by oars, paddles or the wind.

“proper speed”

means speed through water.

“public notice” and “publicly notified”

means notice published in a newspaper circulating in the area in which the waterway is situated.

“reserved area”

means an area declared as being reserved for a specified purpose under Clause 4.5

“reward”

means the payment to or for the benefit of the owner or master of a vessel, or a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.

“rules”

means Maritime Rules made under the Maritime Transport Act 1994.

“sailboard”

means a board with a sail or sails designed to be operated by a person standing upright on the board.

“seaplane”

means a flying boat or any other aircraft designed to manoeuvre on the water, and under these bylaws is deemed to be a vessel when operating on the water.

“seaworthy”

means being in a fit condition or readiness to operate safely on the water.

“shore”

when referring to distance from shore, means distance from the waters edge at the time.

“structure”

means any building, equipment, device, or other facility made by people and which is fixed to land and includes slipways, landing places, jetties, pile moorings, swing moorings, rafts, wharves, and other objects whether or not these are above or below the waterline of the foreshore, but excludes navigation buoys.

“support vessel”

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

“swing mooring” and “mooring”

means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating

structure, and includes any wire, rope, buoy or other device attached or connected to the weight, 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.

“swing mooring area”

means the area, where vessel moorings may be placed, designated by the Central Otago District Council as a mooring area in the District Plan under the Resource Management Act 1991 or reserved as a mooring area.

“vessel” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- (a) a barge, or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the force of air against the surface of the water over which it operates; and
- (c) a seaplane whilst it is on the surface of the water.

“water skiing” includes being towed barefoot or on an object of any kind other than a vessel.

“windsurfer” means a board with a sail or sails designed to be operated by a person standing upright on the board.

## 1.5. Interpretation

### ***Notification to Central Otago District Council or the Harbourmaster***

- (1) Notification or report to the Council or the Harbourmaster where there is a requirement of these Bylaws, shall be achieved through notification or reporting in the required form to the Office of the Council at Alexandra.

### ***Bearings***

- (2) In these Bylaws a bearing is a true bearing unless specified otherwise.

### ***Sign Posts and Markers***

- (3) Notwithstanding the geographical designation or description of the area or location of an access lane or reserved area, the boundaries of the area for the purpose of interpretation of these bylaws shall be those indicated by the relevant signs, posts or markers erected by, or on behalf of the Council.

### ***Applicability to Masters and Owners***

- (4) Where any clause of these Bylaws imposes an obligation or duty on the Master of any vessel, that obligation or duty shall, in the case of a vessel that has no Master, be performed or carried out by the owner of the vessel.
- (5) Where any clause of these Bylaw imposes an obligation or duty on both the Master and the owner of a vessel, then if that clause is not complied with, the Master and the owner shall be deemed severally to have committed an offence against these Bylaws. If any such clause is complied with by either the Master or the owner, then

compliance by one shall for the purposes of the clauses of these Bylaws be deemed to be compliance by the other.

***Permission in Writing May be Received by Facsimile and E-mail***

- (6) Persons requiring any approval or permission under these Bylaws in writing shall be deemed to have received such approval or permission if the approval or permission is received by facsimile or by e-mail or by post.

## **Part 2. General Navigation and Safety Matters**

### **2.1. Carrying of Lifejackets/Personal Flotation Devices on a Vessel**

- (1) No person in charge of a pleasure craft shall use or navigate that pleasure craft, unless there is on board in a readily accessible location, at least one Personal Flotation Device of an appropriate size for each person on board.
- (2) Clause 2.1(1) shall not apply to:
  - (a) the navigation or use of any surfboard or similar unpowered craft; or
  - (b) any sailboarder or windsurfer, where a wetsuit is worn at all times; or
  - (c) a diver on a vessel less than 6 metres in length that is used for recreational diving within 5 kilometres of shore, and a full body dive suit is worn at all times; or
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to Part 91 of Maritime Rules; or
  - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
  - (f) a person operating a craft powered solely by paddles, if a serviceable buoyancy aid that remains fit-for-purpose, is designed to be worn on the body and is appropriate to the activity, is carried at all times for each person on board.
- (3) Clause 2.1(1) shall not apply in respect of any sporting event, training activity, ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the pleasure craft and the pleasure craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the pleasure craft.
- (4) Clause 2.1(1) shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbourmaster has granted an exemption in writing. Such an exemption must be sought in writing and may be granted for a specified period or periods if the Harbourmaster is satisfied that adequate safety precautions will be made for rescuing any person participating in the event or activity.

### **2.2. Wearing of Lifejackets / Personal Flotation Devices**

- (1) No person in charge of a pleasure craft may use that craft in circumstances where visibility, rough water, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.

- (2) No person in charge of a pleasure craft less than 5 metres in length shall navigate or use that vessel while it is underway, or allow it to be navigated or used unless every person on board who is under the age of 10 years is wearing a properly secured personal floatation device of an appropriate size for that person.
- (3) No person in charge of a pleasure craft less than 5 metres in length shall navigate or use that pleasure craft while it is underway or allow it to be navigated or used while it is underway during the hours of darkness, unless every person on board is wearing a properly secured Personal Floatation Device of an appropriate size for that person.
- (4) Every person on board a pleasure craft that is underway shall wear a Personal Floatation Device of an appropriate size for that person when requested to do so by the Harbourmaster or an enforcement officer. Such a request shall only be made, if in the opinion of the Harbourmaster or the enforcement officer, the wearing of a Personal Floatation Device is required for the safety of persons on board because of low visibility, rough water or adverse weather.
- (5) Clauses 2.2(2) to 2.2(4) shall not apply to
  - (a) navigation or use of any surfboard or similar unpowered craft; or
  - (b) any person on a sailboard or windsurfer, where a wetsuit is worn by that person at all times; or
  - (c) a diver on a vessel less than 6 metres in length where that vessel is used for recreational diving within 5 kilometres off shore, and a full body dive suit is worn at all times; or
  - (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime Safety; or
  - (e) a member of a visiting foreign watersports team, if the person carries or wears a personal floatation device that is approved by the competent authority for use in that person's country of residence; or
  - (f) a person on a craft powered solely by paddles, if a serviceable buoyancy aid that remains fit-for-purpose, is designed to be worn on the body and is appropriate to the activity, is worn all times.
- (6) No person in charge of a pleasure craft shall use it to tow any person and no person may cause or allow himself or herself to be towed by any such vessel, except where the person being towed is wearing a properly secured Personal Floatation Device of an appropriate size for that person.
- (7) Clause 2.2(6) shall not apply to a person:
  - (a) training for any trick water skiing element of a sporting event supervised in accordance with the safety system at national sporting organisation approved by the Director of Maritime New Zealand pursuant to Part 91 of Maritime Rules; or
  - (b) participating in a sporting event supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to Part 91 of Maritime Rules.

### 2.3. Minimum Age for Operating Powered Vessels

- (1) No person under the age of 15 years shall take charge of, propel or navigate a powered vessel that is capable of a proper speed exceeding 10 knots unless the person is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- (2) The owner of a powered vessel that is capable of a proper speed exceeding 10 knots shall not allow any person under the age of 15 years to take charge of, propel or navigate that vessel unless the person is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls .
- (3) Clauses 2.3(1) and 2.3(2) shall not apply in respect of any sporting event, training activity, or any other recreational activity, where an application has been made in writing to the Harbourmaster and the Harbourmaster has granted an exemption in writing and where any associated conditions imposed by the Harbourmaster are fully complied with.
- (4) Before granting an exemption from Clauses 2.3(1) or 2.3(2) the Harbourmaster must be satisfied that there will be adequate supervision, training and education of the persons under the age of 15 years participating in the event or activity. The exemption must be in writing and may be subject to any conditions the Harbourmaster considers appropriate. The Harbourmaster, for any reason that he or she deems appropriate, may require the exemption to be applied for instead under Clause 6.1(1).
- (5) Clauses 2.3(1) and 2.3(2) shall not apply to any person under the age of 15 years in respect of a sporting event, training activity, or other recreational activity, where the Director of Maritime New Zealand has provided an exemption under Section 47 of the Maritime Transport Act 1994, and where any associated conditions imposed by the Director of Maritime New Zealand are fully complied with. (Note that for such an exemption to apply the Director of Maritime New Zealand must give prior notification to the Council).

### 2.4. Speed of Vessels

- (1) No person may, without reasonable excuse, propel or navigate a vessel, including a vessel towing a person or an object, at a proper speed greater than five knots;
  - (a) within 50 metres of any other vessel, raft or person in or on the water;
  - (b) within 200 metres of the shore or any structure; or
  - (c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals, (divers flag).
- (2) Clause 2.4(1)(a) shall not apply to:
  - (a) A vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by;
    - (i) a club affiliated to Yachting New Zealand; or
    - (ii) a non profit organisation involved in sail training or racing; or

- (b) Coaching boats, safety boats and craft training for, or participating in, competitive rowing, paddling or sailing; or
  - (c) A harbourmaster vessel, emergency response craft, police vessel, tug or pilot vessel, if the vessel's duties cannot be performed in compliance with this clause; or
  - (d) A vessel operating in accordance with a speed uplifting granted on application by the Council or a speed uplifting provided for in these Bylaws; or
  - (e) A vessel operating in a reserved area for which the restriction in Clause 2.4(1)(a) does not apply, provided the vessel is operated in accordance with the conditions for the use of the reserved area.
  - (f) A vessel operating in an access lane provided the vessel is operated in accordance with the conditions for the use of the access lane.
  - (g) A vessel operating in an area to which clause 9.3 relates.
- (3) Clauses 2.4(1)(a) and 2.4(1)(b) shall not apply in respect of any sporting event, training activity, or any other commercial or recreational activity, where an application in writing has been made to the Harbourmaster, and the Harbourmaster has provided an exemption in writing and where any associated conditions imposed by the Harbourmaster are fully complied with.
- (4) Before granting an exemption from Clauses 2.4(1)(a) and 2.4(1)(b) the Harbourmaster must be satisfied that the sporting event, training activity, or other recreational activity will be undertaken safely and not unduly endanger the safety of participants or other persons . The exemption must be in writing and may be subject to any conditions the Harbourmaster considers appropriate. The Harbourmaster, for any reason that he or she deems appropriate, may require the exemption to be applied for instead under Clause 6.1(1).
- (5) Clause 2.4(1)(b) of this Bylaw shall not apply to:-
- (a) A vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared, unless, in the case of a reserved area, this Bylaw provides otherwise; or
  - (b) A vessel operating in accordance with a speed uplifting established under this Bylaw, or any other Rule of law; or
  - (c) A vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
  - (d) A craft training for or participating in competitive rowing or paddling; or
  - (e) A tug, pilot vessel, harbour master vessel, emergency response craft, or police vessel when the vessel's duties cannot be performed in compliance with this clause.

**2.5. Creating a Wake**

- (1) No person shall propel or navigate a sailing or pleasure craft such that its wake causes unnecessary danger or risk of damage to other vessels or structures or unnecessary danger or risk of harm to other persons.

**2.6. Navigating with Persons Extending Outside the Vessel**

- (1) No person shall propel or navigate any type of powered vessel at a proper speed exceeding five knots, while any person has any portion of his or her body extending over the forepart, bow or side of the vessel.
- (2) No person shall have any portion of his or her body extending over the forepart, bow or side of any type of powered vessel while the vessel is being navigated at a proper speed exceeding five knots.

**2.7. Providing of Information on Incidents, Including Collisions and other Accidents**

- (1) The Master of any vessel that;
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded; or
  - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
  - (c) in any manner gives rise to an obstruction; or
  - (d) causes any damage to any structure or to anything on a structure; or
  - (e) is involved in any mishap that results in serious harm to a person, an accident, or an incident, that is required to be reported to Maritime New Zealand in accordance with Section 31 of the Maritime Transport Act 1994;

shall, as well as complying with any accident reporting requirements of Maritime Rules and the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster, and within 24 hours, provide the Harbourmaster with full details of the occurrence in writing. The same report shall be made available on request to the owner of the vessel or property which has been damaged.

- (2) The full details provided to the Harbourmaster under Clause 2.7(1), as well as a full description of how and when the incident occurred, shall include:
- (a) a full description of any injury to persons and their names and their addresses;
  - (b) a full description of any damage to vessels and structures;
  - (c) full details of the state of the environment at the time of, and immediately prior to the incident, including: rainfall, wind direction and strength, visibility, wave heights;
  - (d) details on what was done to secure or recover any unseaworthy vessel; and

- (e) the names and addresses of persons in charge of the vessel at the time of the incident.
- (3) The Master of any vessel for which clause 2.7(1) applies shall give replies to any written or oral questions of the Harbourmaster as to the cause of the accident and actions taken subsequently.

#### **2.8. Seaplanes**

- (1) No person in charge of a watercraft shall navigate that watercraft so that it impedes a seaplane that is landing or taking off.
- (2) No person shall take-off, land or attempt to take-off or land any aircraft or other means for air flying on any areas of water other than with the written permission of the Harbourmaster, The Harbourmaster, for any reason that he or she deems appropriate, may require the permission to be applied for instead under Clause 6.1(1).
- (3) No person shall take-off, land or attempt to take-off or land any aircraft or other means for air flying, on any area of water that is an access lane or reserved for purposes other than aircraft or air flying operations.

#### **2.9. Unseaworthy Vessels**

- (1) No person shall operate any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.
- (2) No person shall operate any vessel in circumstances where persons on board have been advised by the Harbourmaster or an enforcement officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or enforcement officer to proceed to a safe area.
- (3) The person in charge of any vessel for which Clause 2.9(2) applies, shall on request by the Harbourmaster or an enforcement officer, navigate the vessel immediately by the shortest and quickest route, to a safe area nominated by the Harbourmaster or enforcement officer.

#### **2.10. Obstructions to Navigation or Causing of Possible Damage or Injury**

- (1) No person shall navigate or anchor any vessel so as to obstruct the navigation of any waterway; or the access to any wharf, mooring or landing place.
- (2) No person shall moor or anchor any vessel so as to create a hazard or risk of collision with, or damage to, any other moored or anchored vessel.
- (3) No person shall place any obstruction, including any fishing apparatus, in any waterway, which is liable to restrict navigation or cause injury to any person, or damage to any vessel or any property.
- (4) No person shall anchor a vessel within 30 metres of any landing place or wharf, except with the permission of a Harbourmaster or an enforcement officer.

- (5) No person shall anchor a vessel within 50 metres of the shore in a position where it may obstruct the approach to any landing place, except with the permission of a Harbourmaster or an enforcement officer.

**2.11. Beacons, Navigation Markers, Navigation Buoys, Lights or Other Navigation Structures**

- (1) No person shall tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of:
- (a) The Harbourmaster if it is operated by the Council; or
  - (b) The Director of Maritime New Zealand if it is operated by Maritime New Zealand.
- (2) No person shall wilfully damage, remove, deface or otherwise interfere with any sign, light, navigation mark, buoy, beacon or other device or structure erected by or duly authorised by the Council or Maritime New Zealand as a navigation aid or warning.
- (3) No person shall erect, maintain or display any sign, light, mark, buoy or other device that has the characteristics of a navigation aid and which may be used or mistaken as a navigation aid or warning, without the prior written permission of the Council or Maritime New Zealand.
- (4) No person shall erect any water ski course markers or any structure for water ski jumping or other similar purposes without the prior written permission of the Harbourmaster. Such permission shall be subject to whatever conditions the Harbourmaster deems necessary for navigation safety purposes.

**2.12. Vessels not to sound Whistles**

- (1) No person shall blow or sound or cause to be blown or sounded, the whistle, siren or horn of a vessel, except as a navigation safety signal, or when used as part of organised event, such as yacht racing. Nothing in this Bylaw precludes the testing of such a whistle, siren or horn before the vessel is navigated from any landing place.

**2.13. Divers to Display Flag A on Vessel**

- (1) The Master of every vessel from which underwater dive operations are in progress must ensure that Flag A of the International Code of Signals is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.
- (2) Every person diving from a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified from another vessel at a distance in excess of 200 metres.

**2.14. Assistance to the Harbourmaster**

- (1) The Master of any vessel and each other person on board shall give the Harbourmaster all possible aid and assistance in moving the vessel when this is considered by the Harbourmaster to be necessary for reason or navigation.

- (2) The Master of any vessel shall allow the Harbourmaster access to any part of the vessel and provide any reasonable facilities for its inspection as may be required by the Harbourmaster to ensure its safety and the safety or navigation of other vessels.

**2.15. Distance from Vessels Showing Flag B**

- (1) Where possible, the Master of a vessel must not allow that vessel to approach within 200 metres of:
  - (a) Any vessel that is showing Flag B by day or a red all round light by night.

**2.16. Collision Rules to Apply**

- (1) No person shall operate any vessel in contravention of Maritime Rule Part 22 – Collision Prevention, made under the Maritime Transport Act 1994, except where expressly provided for in these Bylaws.
- (2) The provisions of Maritime Rule Part 22 – Collision Prevention, are deemed to form part of these Bylaws and shall be enforceable under these Bylaws.

### **Part 3. Water Skiing, Parasailing, Paragliding and Towing**

#### **3.1. Speed of Towed Object or Watercraft**

- (1) No person, (whether or not on a water ski, aquaplane, or similar object), shall cause or allow themselves to be towed by a vessel at a proper speed exceeding 5 knots in any circumstances specified in any of the paragraphs (a) to (c) of Clause 2.4(1). (Note that speed limits for water skiing may be uplifted in access lanes and reserved areas).
- (2) Clause 3.1(1) shall not apply to towing craft training for, or participating in, competitive rowing, sailing or paddling, in circumstances where exceeding 5 knots is necessary for ensuring the safety of life.

#### **3.2. Dropping of Skis or Other Objects**

- (1) No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped, whether accidentally or otherwise, any water ski or similar object that may cause danger to any other person or vessel, without taking immediate action to recover that water ski or similar floating object, unless the person has taken measures to ensure that the dropped ski or similar object is clearly visible to other water users.

#### **3.3. Lookouts Required on Vessels used for Water Skiing and Towing**

- (1) No person in charge of a vessel shall use it or allow it to be used to tow any person on a vessel, surfboard, windsurfer, sailboard, water ski or skis, toboggan, aquaplane, wakeboard or other object, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.
- (2) No person, whether on a vessel, water ski or skis or other objects or not, shall cause or allow themselves to be towed by any vessel, at a speed exceeding 5 knots, unless there is on the towing vessel, in addition to the person in charge, at least one other person aged 10 years or over who is acting as a lookout for immediately notifying the person in charge of the towing vessel of any loss of control, letting go, or any other mishap that occurs to the person who is being towed.

#### **3.4. No Water Skiing at Night**

- (1) No person may operate a vessel that is towing any person on a water ski or skis, an aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, between sunset and sunrise.
- (2) No person on a water ski or skis, and aquaplane, toboggan, surfboard, windsurfer, sailboard or similar object, or who is barefoot skiing, shall cause or allow themselves to be towed by any vessel between sunset and sunrise.

*(Note that the times for sunset and sunrise can be found in the current editions of the New Zealand Almanac)*

## **Part 4. Reserved Areas and Access Lanes**

### **4.1. Declaration and Revocation of Access Lanes**

- (1) An access lane shall be any area within 200 metres of the shore specified in these Bylaws or declared an access lane by resolution of the Council.
- (2) An access lane may be specified or declared for surfboards, sailboards, kite surfers, windsurfers or for water skiing or for vessels of any description.
- (3) The specification or declaration of an access lane may be subject to conditions and have effect for the periods that the Council considers appropriate.
- (4) The Council may revoke the declaration of an access lane by resolution.
- (5) The declaration of an access lane or the revocation of the declaration of any access lane shall be publicly notified by the Council at least seven days before the commencement of the period for which it is to have effect.

### **4.2. Marking of Access Lanes**

- (1) An access lane shall be indicated by notice boards that are prominently displayed in the vicinity of the access lane, and shall be marked on shore by orange posts with and horizontal black bands. It may be marked at its outer edges by orange buoys with black bands.

### **4.3. Speeds in Access Lanes**

- (1) The speed limits specified in Clause 2.4(1)(a) and (b) and Clause 3.1 shall not apply within access lane for water skiing, vessels or aircraft.

### **4.4. Conduct in and Use of Access Lanes**

- (1) No person shall in any access lane propel, navigate, or manoeuvre a vessel except by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.
- (2) No person shall, while being towed by a vessel in any access lane, cause themselves or any water ski, aquaplane or other object on or by which they are being towed; or cause any object that is being towed by vessel in any access lane, to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.
- (3) No person within an access lane shall proceed in any manner that is dangerous in relation to any other vessel or person in the access lane.
- (4) No person shall obstruct any other person while that person is using an access lane for the purpose for which it has been specified or declared under these Bylaws.
- (5) If one or more persons are using an access lane for the purpose for which has been specified or declared under these Bylaws, no other person shall enter, remain in, or use an access lane for any other purpose.

- (6) No person shall anchor any vessel or aircraft in the waters of an access lane, or leave any vessel or aircraft unattended on the foreshore of an access lane, or in the water of an access lane.
- (7) No person shall deliberately capsize in an access lane, or swim in an access lane, except to regain control of a watercraft following an accidental capsize.
- (8) No person shall fish from a vessel within an access lane.
- (9) Notwithstanding any other provision of this Bylaw, no person who is permitted by any such provision to propel or navigate a vessel at a speed through the water exceeding 5 knots shall do so in any manner that is likely to endanger or interfere with the activities of any person who is in, or using the waters, or fishing, or undertaking any recreational activity in the vicinity of the vessel.

#### 4.5. **Specification of Reserved Areas**

- (1) A reserved area shall be any area declared a reserved area for a specified purpose by a resolution of the Council.
- (2) The purposes of a reserved area and additional conditions applying to activities within a reserved area include any such purposes and conditions specified in these Bylaws.
- (3) A reserved area shall be an area reserved:
  - (a) for use of vessels generally; or
  - (b) of the use of a particular type of vessel; or
  - (c) for the landing or taking off of any aircraft, helicopter, floatplane, glider, hang-glider, balloon, parachute, parasailer, paraglider or other means for air flying; or
  - (d) for the use of swimmers, waterskiers, or scuba divers; or
  - (e) for the mooring of vessels; or
  - (f) for persons using surfboards, sailboards or windsurfers; or
  - (g) for persons undertaking any other water recreation activity or combination of activities; or
  - (h) to exclude the use of any type of vessel; or
  - (i) to exclude any activity or combination of activities; or
  - (j) for any combination of (a) to (i) above.
- (4) A reserved area may be specified such that Clause 2.4(1)(a) and Clause 2.4(1)(b) do not apply to a vessel operating in the reserved area in accordance with the conditions for the use of the reserved area.

**4.6. Conduct in, and Use of a Reserved Area**

- (1) No person shall obstruct any other person while that person is using a reserved area for the purpose for which it has been reserved under these Bylaws.
- (2) If any person is using a reserved area for the purpose for which it has been reserved, no other person shall enter, remain in, or use a reserved area for any other purpose.
- (3) Notwithstanding Clause 4.6(2), no person shall use a vessel in a reserved area if the area has been reserved and is subject to conditions that include the exclusion of such a vessel or type of vessel.
- (4) All persons using a reserved area shall only do so in accordance with any conditions for the use of that reserved area specified in these Bylaws.
- (5) Clauses 4.6(1) to (4) shall not apply to any persons employed, contracted or otherwise authorised by the Council to undertake a monitoring or regulatory function that requires them to enter, remain in, or use a reserved area.
- (6) Notwithstanding any other provision of this Bylaw, no person who is permitted by any provision of this Bylaw to propel or navigate a vessel at a speed through the water exceeding 5 knots shall do so in any manner that is likely to endanger or unduly annoy any person who is in, on, or using the waters, or fishing, or undertaking any recreational activity in the vicinity of the vessel.
- (7) Clause 4.6(1) to (4) shall not apply to any persons employed by or contracted to the Department of Conservation or the New Zealand Fish and Game Council to undertake a monitoring or management function that requires them to enter, remain in, or use a reserved area, as long as they have given the Harbourmaster prior notification of their intentions.

**4.7. Marking of Reserved Areas**

- (1) A reserved area shall be indicated by notice boards that are prominently displayed in the vicinity of the area. Transit posts with white and black bands or black buoys with white bands may be used to mark the boundaries of a reserved area. Alternatively, the natural and physical features of the area may signify the boundaries of a reserved area.

## **Part 5. Moorings, Anchorages, Wharves, Landing Places**

### **5.1. Vessels to be Serviceable or Removed**

- (1) The Master and the owner of any vessel anchored or moored in any navigable waters shall keep the vessel in a serviceable and operational condition at all times, unless the Master or owner has applied in writing and the approval of the Harbourmaster has been obtained for it to be anchored or moored in a non-operational state. The Harbourmaster's approval must be in writing, and the Harbourmaster, for any reason that he or she deems appropriate, may require the approval to be applied for instead under Clause 6.1(1).
- (2) If, in the opinion of the Council, any vessel is a navigation hazard by reason of it being neglected or unseaworthy, or has potential to become a navigation hazard by reason of it being unseaworthy, the Master and owner of the vessel shall remove it from the navigable waterway when instructed to do so by the Council. Such an instruction shall be in writing, and shall specify a reasonable time period for compliance.
- (3) If the Master or owner of the vessel fails to remove the vessel in accordance with an instruction given under Clause 5.1(2), the Council may move that vessel to a position where the vessel is no longer a hazard, or remove the vessel from the water. The costs incurred may be recovered from the Master, owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

### **5.2. Vessels to be Adequately Moored or Secured**

- (1) The Master of a vessel shall ensure that it is properly and effectively secured to a dock, wharf, mooring or landing place when berthed, moored or anchored.
- (2) The Master and Owner of a vessel shall comply with any directions of a Harbourmaster or enforcement officer to take additional measures to secure the vessel.
- (3) No person shall secure a vessel to any post, wharf, ring, fender, buoy, or any other structure not intended for that purpose.
- (4) No person shall abandon any vessel or property on the banks or shore where it may refloat and create a navigation hazard or where it may interfere with the normal use of the waters by other persons.
- (5) No person shall cut, break, or destroy: the mooring of any vessel; or the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- (6) If, in the opinion of the Harbourmaster, any vessel is a navigation hazard by reason of it being inadequately moored or secured, or has potential to become a navigation hazard by reason of it being inadequately moored or secured, the Master and owner of the vessel shall adequately moor or secure it when instructed to do so by the Harbourmaster. Such an instruction shall be in writing, and shall specify a reasonable time period for compliance.

- (7) If the Master or owner of the vessel fails to adequately moor or secure the vessel or property in accordance with an instruction given under Clause 5.2(6) , or the Master or owner of the vessel cannot be ascertained or found within a reasonable time period, the Harbourmaster may moor or secure the vessel, shift that vessel to a position where it is no longer a hazard, or remove it from the water. The costs incurred may be recovered from the Master, owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.
- (8) No person shall leave a vessel secured to a wharf overnight unattended without the permission of the owner of the structure.

### 5.3. Moorings

- (1) No person may place a mooring in any waters, unless a mooring position has been allocated by the Harbourmaster and the mooring included in the detailed schedule and list of all moorings, which schedule is kept by the Harbourmaster.
- (2) Any mooring that is requested to be placed shall be subject to a Resource Consent being obtained for its placement and use.
- (3) The Harbourmaster may remove or authorise the removal of any unauthorised mooring and all costs of so doing are a debt by the owner of the mooring to the Council.
- (4) The Council shall not be liable in any event for the position, insufficiency or insecurity of any registered mooring site or mooring site allocated by the Harbourmaster.
- (5) The Council shall not be responsible for any damage or loss that may arise to any craft permitted to use the licensed mooring site occasioned through any breaking away or defect in the owner's moorings or any part of them or through the act of any person in causing damage to the owner's moorings or any part of them or caused by any craft whilst moored to such mooring or by any perils of the water or by navigation of any craft within the registered mooring site or from any cause whatsoever.
- (6) The Harbourmaster or his or her delegate has the right to inspect any mooring and can direct the owner to upgrade or repair the mooring as considered appropriate.
- (7) No person may anchor any vessel so as to obstruct any mooring.
- (8) Every mooring allocated by the Harbourmaster shall apply only to the vessel and owner(s) named in the schedule and list kept by the Harbourmaster.
- (9) The conditions of any mooring allocated by the Harbourmaster may include, but are not limited to the conditions detailed in any Resource Consent granted but shall in any event include:
  - (a) The precise location of the mooring; (GPS reference required)
  - (b) The size and type of any vessel which may be attached to the mooring;
  - (c) The design and specifications of the mooring;
  - (d) A requirement for maintenance and inspections of the mooring; (this will not exceed a period of two years)

- (e) The type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel;
  - (f) A requirement that the owner of the mooring shall be liable in any event for the position, insufficiency or insecurity of any licensed mooring; and
  - (g) A License to occupy the lake bed to be obtained from the land owner being the Crown.
- (10) The Harbourmaster shall not issue any allocation for a mooring unless satisfied that:
- (a) There is adequate space in the mooring area for the proposed mooring; and
  - (b) The mooring is of adequate specifications to accommodate the proposed vessel to be moored.
- (11) No owner of a mooring may leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.
- (12) Where the owner of a mooring has left it vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster, the Harbourmaster may cancel the allocation and direct that the mooring be removed.
- (13) No owner of a mooring may, except with the prior obtained written consent of the Harbourmaster:
- (a) Part with the possession of the mooring;
  - (b) Assign the mooring to any other person;
  - (c) Suffer any such other person to have the use of the mooring; or
- (14) Should any mooring fees or other charges due to the Council under any of the provisions of these Bylaws remain unpaid for a period of 30 days, then the Harbourmaster shall be empowered to remove the mooring and detain the vessel until such fees and charges, including the cost of removing the mooring, have been fully paid and discharged. Should such debts have not been paid and discharged within a further 60 days, the Council has the right to sell the said vessel and/or mooring to recover the debt.
- (15) In the event that any mooring inspection exceeds the 2 years limit by more than 30 days, the Harbourmaster or his delegate has the right to remove the mooring and/or vessel as in Bylaw 5.3(3).
- (16) No liability shall attach to the Council by reason of any accident which may occur to any vessel during such removal or detention unless the same is caused by negligence of the Council's employees.

#### **5.4. Relocation of a Mooring**

- (1) If, in the opinion of the Harbourmaster, a mooring is in a position that causes a navigation hazard, the owner of a mooring shall shift a mooring to a position allocated by the Harbourmaster where it is no longer a hazard. Such an instruction shall be in writing, and shall specify a reasonable time period for compliance.

- (2) If the owner of the mooring fails to move the mooring in accordance with an instruction given under Clause 5.4 (1), the Harbourmaster may take action to move that mooring to a position where it is no longer a hazard. The costs incurred may be recovered from the Master, owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

**5.5. Recovery of a Vessel that has Broken Adrift from a Mooring**

- (1) The Harbourmaster may take action to secure or refloat any vessel that has broken adrift from, sunk, or partially sunk at a mooring if it is causing or is likely to cause a hazard to navigation. The costs incurred may be recovered from the Master, owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

**5.6. Maintenance of Maritime Facilities**

- (1) All wharves, quays, jetties, piers, docks, pile moorings, slipways, landing stages and other landing places shall be maintained in a safe condition by their owners.
- (2) Where any wharf, quay, jetty, pier, dock, pile mooring, slipway, landing stage or other landing place has fallen into disrepair and is unsafe for members of the public, the owner shall immediately, and to the satisfaction of the Harbourmaster, make it safe by demolishing and removing it, by repairing it, or by taking measures to exclude public access or provide adequate warning of the risks.
- (3) Where any wharf, quay, jetty, pier, dock, pile mooring, slipway, landing stage or other landing place has fallen into disrepair and is a danger or potential danger to navigation, the owner shall immediately either demolish and remove it, or make such repairs as are considered necessary by the Harbourmaster to remove the danger or potential danger.

## **Part 6. Suspensions and Exemptions, and Temporary or Permanent Reservations and Speed Upliftings.**

### **6.1. Suspensions and Exemptions from these Bylaws.**

- (1) The Council may, of its own accord or on application by any persons, suspend any provision of these Bylaws or exempt any activity from any provision of these Bylaws. The suspension or exemption may be subject to conditions and have effect for the period of time that the Council considers appropriate.
- (2) In considering a suspension or exemption under Clause 6.1(1), the Council may call for written or oral submissions and may hold a public hearing of those submissions.

### **6.2. Temporary Regulation or Reservation of an Area.**

- (1) The Council may, of its own accord or on application by any person:
  - (a) reserve any specified waters for use by any specified kind of vessel or seaplane, or by any persons;
  - (b) regulate or prohibit the use of those waters by other vessels or persons; and
  - (c) on the occasion of boat races, yacht races, launch races, swimming races, or other events:
    - (i) provide for the prohibition or regulation of the use of specified types or classes of vessels; and
    - (ii) regulate admission to specified areas or authorise the organisers of the event to regulate admission and charge for entry to specified areas.
- (2) No person shall use a temporary reserved area for a purpose or in a way or at a time other than for which it has been temporarily reserved.
- (3) A reservation, regulation, prohibition or authorisation made in accordance with Clause 6.2(1) shall be for such periods and subject to such conditions as the Council considers appropriate.
- (4) In considering a reservation under Clause 6.2(1) the Council may chose to call for written or oral submissions and may hold a public hearing of those submissions.

### **6.3. Permanent Speed Upliftings**

- (1) A person may apply to have any speed limit uplifted from waters specified by application in writing to the Council
- (2) An application under Clause 6.3(1) shall not be granted unless the Council is satisfied that:
  - (a) the application has been publicly notified; and
  - (b) affected persons have had reasonable opportunity to comment on the application; and

- (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process and any measures taken to address the concerns raised; and
  - (d) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.
- (3) The Council shall consult with the Director of Maritime New Zealand before granting any application made under Clause 6.3(1) and shall notify the Director of Maritime New Zealand when it grants such an application.
- (4) In considering a reservation under Clause 6.3(1), the Council may call for written or oral submissions and may hold a public hearing of those submissions.
- (5) To be valid, any application granted under Clause 6.3(1) must be publicly notified and notified by the Director of Maritime New Zealand in the New Zealand Gazette after it has been granted.
- (6) In considering an application under Clause 6.3(1)
  - (a) the Council is not limited to consideration of the matters under Clause 6.3(2).
  - (b) The Council may choose to call for written or oral submissions and may hold a public hearing of those submissions.
  - (c) The Council may decline the application or may grant it subject to such conditions it considers appropriate.

## **Part 7. Fees and Charges**

### **7.1. Fees and Charges for Approvals**

- (1) Persons applying for any approval or permission under these Bylaws or any suspension or exemption from any provision of these Bylaws, or any reservation, regulation, prohibition or authorisation under Part 6, shall pay the relevant fee or charge specified in Schedule 2.
- (2) Persons applying for any approval or permission under these Bylaws or any suspension or exemption from any provision of these Bylaws, or any reservation, regulation, prohibition or authorisation, shall pay the actual and reasonable cost to the Council of any hearings required by the Council.
- (3) Persons applying for any approval or permission under these Bylaws or any suspension or exemption from any provisions of these Bylaws, or any reservation, regulation, prohibition or authorisation under Part 6, shall pay the actual and reasonable cost of any advertisements, or public or other notices required as a condition of the approval, permission, suspension or exemption whether or not these costs are incurred by the applicant or the Council.
- (4) Any actual and reasonable costs and charges due to, and expenses incurred by, the Harbourmaster, enforcement officer or the Council in ensuring compliance with these Bylaws, may be recovered from the Master, agent and owner of the relevant vessel or mooring in any court of competent jurisdiction as a debt due to the Council
- (5) Persons applying for a replacement copy of any licence, certificate, permission or approval document shall pay the relevant fee or charge specified in Schedule 2.

## **Part 8. Offences and Enforcement**

### **8.1. Offences**

- (1) Every person commits an offence against these Bylaws who, without reasonable cause, contravenes or fails to comply with any provision of these Bylaws.
- (2) Every person who commits a breach of these Bylaws may be proceeded against in the following manner:
  - (a) if the breach consists of a failure to comply with a direction or prohibition in these Bylaws, that person may be prosecuted under Section 238(1) of the Local Government Act 2002 and, if convicted, shall be liable to the penalties set out in Section 242(2) of the Local Government Act 2002, which carries a maximum penalty of \$5,000; and
  - (b) if the breach is one to which Section 699A of the Local Government Act 1974 applies, (and is therefore an infringement offence):
    - (i) that person shall be liable to the Infringement Offence process under Section 699C of the Local Government Act 1974 and to the infringement fees prescribed by any Regulations made under Section 699A of the Local Government Act 1974, which carries a maximum penalty of \$1000; or
    - (ii) that person may be prosecuted under Section 699B(a) of the Local Government Act 1974, and if convicted, shall be liable to the penalties set out in Section 698(1) of the Local Government Act 1974, which carries a maximum penalty of \$500 and \$50 per day.
  - (c) If the breach is one to which Section 243 of the Local Government Act 2002 applies (and is therefore an infringement offence) that person shall be liable to the Infringement Offence process and infringement fees as prescribed by Regulations made under Section 259(b) of the Local Government Act 2002.
  - (d) No person shall be proceeded against under more than one of the above procedures or provisions in relation to the same breach of these Bylaws.
  - (e) If the breach is not one to which Section 699A of the Local Government Act 1974 applies the person may be prosecuted for breach of the bylaw and be subject to the maximum penalty permitted by section 20 Bylaws Act 1910.
- (3) No Harbourmaster, enforcement officer or honorary enforcement officer shall be guilty of an offence under these Bylaws if:
  - (a) that person acts in the reasonable belief that it is necessary in order to enable them to carry out any of their duties under these Bylaws; and
  - (b) that person has particular regard to the safety of every person and vessel within the vicinity.

### **8.2. Compliance with Directions**

- (1) All persons shall, as soon as reasonably practicable obey any lawful directions given by the Harbourmaster or an enforcement officer and in particular comply with any direction by the Harbourmaster or an enforcement officer:
  - (a) as to the time or manner in which a vessel may enter into, depart from, lie, or navigate in a waterway;
  - (b) as to the position, mooring, unmooring, placing, removing, securing, or unsecuring of a vessel;

### 8.3. **Obstruction of a Harbourmaster or Enforcement Officers**

- (1) No person shall by word or act, impede or obstruct the Harbourmaster or an enforcement officer in the execution of their duties.
- (2) No person shall aid, abet or incite any other person to resist, obstruct or impede any Harbourmaster or enforcement officer.

### 8.4. **Requirement to Allow Access**

- (1) The Master and the owner of a vessel or any other person in charge of the vessel shall allow a Harbourmaster or an enforcement officer, for the purposes of carrying out his or her duty, to enter and remain on any vessel.

### 8.5. **Requirement to Provide Information**

- (1) The person in charge of a vessel or seaplane shall, on request by a Harbourmaster or an enforcement officer, stop the vessel or seaplane and provide his or her correct name and address,
- (2) On request by a Harbourmaster or an enforcement officer, the owner of a vessel or seaplane shall, after being informed of an alleged offence against these Bylaws, give all information in the owner's possession or obtainable by the owner which may lead to the identification of the person by whom the offence is alleged to have been committed.
- (3) Clause 8.5(2) shall not apply to requests by honorary enforcement officers.

## **Part 9. Special Provisions**

Note:

The following access lanes are specified in accordance with Clause 4.1 for the purpose of landing or launching vessels and landing or launching persons towed by those vessels on water skis or other objects:

The following reserved areas are specified under Clause 4.5. Notwithstanding the reservation of areas for a particular purpose or type of vessel, the safety of the vessel, toboggan, windsurfer, sailboard and its occupants, or any person being towed, when operating within or in the vicinity of any reserved area is the responsibility of the master of the vessel, toboggan, windsurfer or sailboard.

The following areas are set out on the map of Lake Dunstan in Schedule 1.

### 9.1. **Reserved Areas:**

- (a) All watersports prohibited except use by anglers or waterfowl hunters—

Bendigo Wildlife Area being the area shown as shaded on the map in Schedule 1 being the area north of a line extending across Lake Dunstan from Rocky Point and marked by black posts with white horizontal bands.

- (b) Areas reserved for swimming and within which no person shall navigate a powered vessel –

Weatherall Creek

Dairy Creek Swimming Area

Sander's Inlet

Bannockburn Inlet (Part)

Lowburn Inlet (Part)

Lowburn Raft

The areas are marked by black posts with white horizontal bands and yellow buoys and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Schedule 1.

## 9.2. Access Lanes for water-skiing

Champagne Gully

Dunstan View

Fernbrook

Lowburn Peninsula

Northburn

The areas are marked by orange posts with black bands and orange buoys with black bands and are bound by lines extending from the shore as marked by the posts and buoys at the positions denoted on the map in Schedule 1.

## 9.3. Speed Limits

For the following areas the speed limits specified in Clause 2.4(1)(a) and Clause 3.1(1) shall not apply, and subject to Clauses 9.1 and 9.2, the following proper speed limits shall apply –

- (a) Clutha Arm - 5 knots within 100 metres of shore and 50 metres from any other vessel or swimmers.
- (b) Dunstan Arm – 5 knots within 50 metres of any other vessel or swimmer, otherwise no speed limited.
- (c) Kawarau Arm – 5 knots within 50 metres of any other vessel or swimmer, otherwise no speed limit.

- (d) Kawarau River – no speed limit upstream of footbridge at Goldfields Mining Centre for 4,100 metres.
- (e) That part of the Lowburn Inlet that does not comprise the area within which no person shall operate a powered vessel as set out in Clause 9.1 – 5 knots.
- (f) Bendigo Wildlife Area – 5 knots within the reserve, being the area shown as shaded on the map in Schedule 1 being the area north of a line extending across lake Dunstan from Rocky Point and marked by black posts with white horizontal bands. Notwithstanding the stated speed limit of 5 knots in this area vessels may access the Clutha River via the main river channel at a speed greater than 5 knots subject only to any other provision of this bylaw stipulating a maximum speed.

The areas are marked with black posts with white horizontal bands.

**Schedule 1**

Map of Lake Dunstan.

## **Schedule 2 Fees and Charges**

### **Schedule 2.1 General Provisions**

- (1) Fees in this schedule are inclusive of Goods and Services Tax. (G.S.T. Reg. No:)
- (2) In this schedule, unless otherwise specified, fees and charges payable per annum shall be payable and due on 1 July in any year for the 12 month period 1 July to 30 June in the following year.
- (3) The Council may at its discretion reduce, waive or refund all or part of any fee or charge in this schedule, including making a reduction of per annum charges to take account of the months remaining to the end of the June year.
- (4) All fees and charges shall be payable to the Council.
- (5) The fees in this Schedule are in addition to any actual and reasonable costs required to be met under the provisions of these Bylaws or required to be met as a condition of granting any permission, approval, suspensions or exemptions from any clauses of these Bylaws.
- (6) Persons applying for any approval or permission under these Bylaws or any suspension or exemption from any provision of these Bylaws shall pay the actual and reasonable cost of any advertisements, or public or other notices required as a condition of the approval, permission, suspension or exemption whether or not these costs are incurred by the applicant or the Council
- (7) A fee of \$20 shall be payable for a replacement or duplicate copy of any licence, certificate, exemption, permission or approval document.

### **Schedule 2.2 Permission of the Harbourmaster**

For an application for an exemption, permission or approval of the Harbourmaster not otherwise specified in this Schedule \$  
\$100.00 or actual costs incurred

### **Schedule 2.3 Suspensions, Exemptions, Reservations etc**

For an application for a suspension, or exemption, prohibition from the Council under Clause 6.1 \$  
\$100.00 or actual costs incurred

For an application for a reservation, regulation, prohibition or authorisation From the Council under Clause 6.2 \$  
\$100.00 or actual costs incurred