

WELLINGTON REGIONAL NAVIGATION AND SAFETY BYLAWS 2000

Proposed

Purpose: These Bylaws are made for the purpose of navigation and safety and are to be read in conjunction with the Wellington Harbour Bylaws 1985 relating to Pilots and pilotage.

Pursuant to section 684B of the Local Government Act 1974, the Wellington Regional Council makes the following Bylaws.

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1 Preliminary Provisions

1.1 Title and commencement

1.1.1 These Bylaws are the Wellington Regional Navigation and Safety Bylaws 2000.

1.1.2 These Bylaws come into force on 15 December 2000.

1.2 Areas within which these Bylaws apply

These Bylaws apply to the waters within the Region.

1.3 Definition of terms

In these Bylaws, unless the context otherwise requires:

Access Lane	means those areas defined by words and maps in Part A of Schedule 3 in these Bylaws.
Act	means the Local Government Act 1974.
Anchorage	in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purposes by the Council or not.
Anchoring	means the securing of a vessel to the bed of waters by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the anchorage.
Beacon	means a light or mark set up as a navigation mark or a warning to vessels.
Buoy	means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reef, or other hazard.
Class 3.1 oil products	means oil having a flashpoint below -18 Degrees Centigrade, and includes motor spirit, aviation spirit, benzine, benzol, methylated spirits, and low-flash distillate.
Class 3.2 oil products	means oil having a flashpoint below 23 Degrees Centigrade, and includes kerosene and burning oil, and also such alcohols and crude oils as have such a flashpoint.
Class 3.3 oil products	means oil having a flashpoint of 23 Degrees Centigrade up to and including 61 Degrees Centigrade.
Commercial vessel	has the same meaning as in section 2 of the Maritime Transport Act 1994.

Council	means the Wellington Regional Council as constituted under the Act.
Crew	means the persons employed or engaged in any capacity on board a vessel, but does not include the Master, a Pilot, or a person temporarily employed on the vessel while in a harbour.
Director of Maritime Safety	means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994.
Enforcement Officer	means a person appointed under subclause 5.1.2 of these Bylaws.
Explosive	has the same meaning as in section 2 of the Explosives Act 1957.
Flag A	means Flag A of the International Code of Signals (the Divers Flag), a burgee (swallow-tailed) flag coloured in white and blue with white to the mast, or a rigid equivalent.
Flag B	means Flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent.
Harbour	means: <ul style="list-style-type: none"> (a) Wellington Harbour and; (b) Porirua Harbour as defined by Order in Council, dated 24 March 1969, <i>New Zealand Gazette</i>, 2 April 1969, page 609 (Schedule 1).
Harbourmaster	means a person appointed under subclause 5.1.1 of these Bylaws, and shall include any Deputy Harbourmaster.
Honorary Enforcement Officer	means a person appointed under subclause 5.1.3 of these Bylaws.
Length	in relation to a vessel, means overall length.
Lifejacket	means a serviceable personal floatation device that meets NZ Standard 5823:1989 or a national or international standard that the Director of Maritime Safety is satisfied provides an equivalent level of safety.
Master	means any person having command or charge of a vessel, but does not include a Pilot.
Mean high water spring	means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is the greatest.

Mooring	means any weight or article placed in or on the bed of waters for the purpose of securing a vessel or floating structure; and (a) includes any wire, rope, buoy, or other device attached or connected to the weight; but (b) does not include an anchor that is removed with the vessel or floating structure when it leaves the anchorage.
Mooring area	means any area described as a mooring area in Appendices 5 and 7 of the Regional Coastal Plan for the Wellington Region (June 2000).
Maritime Rules	means maritime rules made under the Maritime Transport Act 1994.
Navigate	means the act or process of managing or directing the course of a vessel on, through, over, or under the water.
Oil	has the same meaning as in section 222 of the Maritime Transport Act 1994.
Owner	includes: (a) in relation to a vessel, the agent of the owner and also a charterer, and (b) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway.
Personal water craft	has the same meaning as in section 684B(g)(iii) of the Act.
Person in charge of a vessel	means the Master.
Pilot	in relation to any vessel means any person not being the Master or a member of the crew of the vessel who has the conduct of the vessel.
Pleasure craft	has the same meaning as in section 2 of the Maritime Transport Act 1994.
Powered vessel	means any vessel that is not solely powered manually or by sail.
Proper speed	means speed through the water.
Public notice	means a notice published in a newspaper circulating generally in the territorial authority district adjacent to the waters to which the subject matter of the notice relates.
Region	Means the Wellington Region as constituted under the Local Government (Wellington Region) Reorganisation Order 1989.
Reserved Area	Means those areas defined by words and maps in Part B of Schedule 3 in these Bylaws.

Reward	Means the payment to, or for the benefit of, the owner or Master of a vessel, of a contribution towards the expenses of a voyage by, or on behalf of, persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.
River mouth	Means a straight line representing the continuation of the line of mean high water spring on each side of the river at the river outlet, provided that: <ul style="list-style-type: none"> (a) the river mouth of the Hutt River shall be the boundary of Wellington Harbour; and (b) the river mouth of the Ruamahanga River shall be the boundary of Lake Onoke.
Seaplane	Means a flying boat or any other aircraft designed to manoeuvre on the water.
Seaworthy	Means being in a fit condition or readiness to safely undertake a sea voyage.
Shore	when referring to distance from shore, means distance from the water's edge.
Structure	Means any building, equipment, device, or other facility and which is fixed to land; and <ul style="list-style-type: none"> (a) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline; but (b) does not include buoys, beacons or anchored floats.
Sunrise	has the same meaning as stated in the New Zealand Nautical Almanac, NZ204.
Sunset	has the same meaning as stated in the New Zealand Nautical Almanac, NZ204.
Tanker	means any vessel which: <ul style="list-style-type: none"> (a) is constructed, or has a compartment constructed, for the carriage in bulk of oil products of any class; and (b) either: <ul style="list-style-type: none"> (i) has on board, or is about to take on board, a cargo the whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or (ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartments of which have not been rendered and certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances.
Territorial authority district	has the same meaning as in section 2 of the Act.
Vessel	has the same meaning as ship in section 2 of the Maritime Transport Act 1994, and shall include a seaplane when operating on waters.

Waters

means all that area of:

- (a) seawater in estuaries, fiords, inlets or harbours, the outer boundary being three nautical miles from the shore of the Region and the inner boundary being the water's edge, except where that line crosses a river, in which case the boundary is deemed to be the river mouth; and
- (b) Lake Wairarapa, as defined by Order in Council (The National Water Conservation (Lake Wairarapa) Order 1989), dated 6 March 1989, *New Zealand Gazette* 9 March 1989 (Schedule 1); and
- (c) Lake Onoke, as defined by map in Schedule 1.

Wellington Harbour

means Wellington Harbour as defined by Order in Council, dated 17 January 1985 and amended 1 April 1985, *New Zealand Gazette* 14 Feb 1985, page 524 (Schedule 1).

2 General Matters

2.1 Lifejackets

- 2.1.1 No person in charge of a pleasure craft may use it or allow it to be used unless it carries, at the time of use, life jackets of an appropriate size for each person on board.
- 2.1.2 Subclause 2.1.1 shall not apply to any person in charge of a pleasure craft who has a written exemption from the Harbourmaster. A written exemption to subclause 2.1.1 may be granted to a person in charge of a pleasure craft if a support vessel remains in the immediate vicinity of the pleasure craft and the support vessel carries lifejackets of an appropriate size for each person on board the support vessel and the pleasure craft; and
- 2.1.3 A written exemption granted under subclause 2.1.2 shall be subject to such conditions as the Harbourmaster considers appropriate in the interests of navigation and safety.
- 2.1.4 No person in charge of a pleasure craft may use that craft or allow it to be used in circumstances where:
- (a) tides, river flows, rough seas; or
 - (b) adverse weather, adverse visibility or emergencies
- cause a danger or a risk to the safety of persons on board, unless each person on board is wearing a lifejacket of an appropriate size.

2.2 Persons to avoid swimming or diving around wharves

No person may dive or swim within 50 metres of:

- (a) any structure in the commercial port area as defined in the Regional Coastal Plan for the Wellington Region (June 2000), or
- (b) from any other wharf when a vessel is manoeuvring within 50 metres of the wharf; or
- (c) any such areas in the waters as the Council may determine by resolution.

2.3 Use of vessel engine around wharves, ramps

- 2.3.1 No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any ramp, in such a way that it may damage any property, scour the bed of the waters, or injure any person. However, this subclause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

- 2.3.2 The Master of any commercial vessel must:
- (a) ensure that crew members are stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.
 - (c) notify the Harbourmaster before testing a propulsion system while that vessel is lying at any wharf.

2.4 Vessels to be serviceable or removed

- 2.4.1 The Master and the owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigation safety.
- 2.4.2 If any vessel is a hazard to navigation by reason of it being unseaworthy:
- (a) the Council may give a written direction to the owner and/or the Master of the vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time specified in the direction; and
 - (b) the owner and Master are jointly and severally responsible for ensuring the direction is complied with.
- 2.4.3 If the owner or Master of the vessel fails to move the vessel in accordance with a direction given under subclause 2.4.2, the Council may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water. The costs incurred may be recovered from the owner, Master, or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.
- 2.4.4 No person may operate any unseaworthy vessel except to comply with the directions, under these Bylaws, of the Harbourmaster or an Enforcement Officer to move the vessel to an alternative location.

2.5 Seaplanes

No person navigating a vessel may impede a seaplane in the process of landing or taking off.

2.6 Vessels to be adequately moored or secured

- 2.6.1 No person may anchor a vessel so as to obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty.
- 2.6.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy, or unlawfully detach:
- (a) the mooring of any vessel; or
 - (b) the fastening securing any vessel lying in, at or near a wharf, dock or at or near any wharf or landing place.
- 2.6.3 When a vessel is moored in, at or alongside a wharf, a dock or alongside a wharf or other landing place, the owner or Master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured and adjusted to suit all tidal conditions.

2.7 Prohibited anchorages

No person may anchor or moor any vessel within any prohibited anchorage as defined by words in Schedule 2 of these Bylaws.

2.8 Obstructions

- 2.8.1 No person may obstruct the access by waters to any wharf, landing place, boat ramp, slipway, or mooring.
- 2.8.2 No person may place any obstruction, including any fishing apparatus, in any waters that is liable to:
- (a) restrict navigation; or
 - (b) cause loss of life or injury to any person; or
 - (c) cause damage to any vessel or any property.

2.9 Notification of collisions or accidents

- 2.9.1 The Master of any vessel that:
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waters; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property; or

- (c) in any manner gives rise to an obstruction; or
- (d) causes any damage to any navigation aid or structure, or to anything on the structure;

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

2.9.2 A report under subclause 2.9.1 must include:

- (a) a full description of any injury to persons and their names and their addresses; and
- (b) a full description of any damage to vessels, navigation aids or structures; and
- (c) the names and addresses of persons in charge of the vessel; and
- (d) the time and date of the occurrence; and
- (e) an outline of events relating to the occurrence.

2.9.3 If an incident described in subclause 2.9.1 involves damage to a vessel that affects, or is likely to affect, its seaworthiness, the Master may not move the vessel except:

- (a) to prevent the vessel from creating a hazard to navigation; or
- (b) in accordance with the directions of the Harbourmaster or an Enforcement Officer.

2.10 Damage to buoys

2.10.1 No person may tie a vessel to any buoy, beacon, or other device or structure erected as a navigation aid or warning, without the prior written permission of the Harbourmaster.

2.10.2 No person may damage, remove, deface or otherwise interfere with any buoy, beacon or other device or structure erected as a navigation aid or warning.

2.10.3 No person may erect, maintain or display any beacon, buoy or other device which may be used as, or mistaken for, a recognised navigation aid, without the written permission of the Harbourmaster and the Director of Maritime Safety.

2.11 Vessels not to sound whistles

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

3 Operating Requirements

3.1 Minimum age for operating powered vessels

- 3.1.1 No person under the age of 15 years may propel or navigate a powered vessel that is capable of a proper speed exceeding 10 knots.
- 3.1.2 The owner of a powered vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of subclause 3.1.1.
- 3.1.3 Subclause 3.1.1 does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

3.2 Speed of vessels

- 3.2.1 No person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:
 - (a) within 50 metres of any other vessel, floating structure or person in the water; or
 - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - (c) within 200 metres of any vessel or floating structure that is flying Flag A.
- 3.2.2 No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person is sitting at or on the fore part or bow of that vessel with any portion of their body extending over the fore part, bow, or side of that vessel.
- 3.2.3 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in any of paragraphs (a) to (c) of subclause 3.2.1.
- 3.2.4 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski which may cause danger to any other person or vessel, without taking action to recover that water ski.

- 3.2.5 Subclauses 3.2.1 to 3.2.4 do not apply to:
- (a) a commercial vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with subclauses 3.2.1 to 3.2.4; or
 - (b) a vessel under sail participating in a yacht race or training or coaching administered by a club affiliated to Yachting New Zealand Inc. in accordance with its rules and constitution, with the exception of subclause 3.2.1(c) which will continue to apply; or
 - (c) a tug, pilot boat, emergency service vessel, harbourmaster vessel or police vessel when the vessel's duties cannot be performed in compliance with subclauses 3.2.1 to 3.2.4; or
 - (d) any Reserved Area, if it is reserved for the purpose of allowing vessels, or vessels towing a person (whether or not on water skis, aquaplane, or other towed object) to travel at a proper speed exceeding 5 knots; or
 - (e) any Access Lane.

3.3 Lookouts on vessel used for water skiing and towing any person

- 3.3.1 No person in charge of a vessel may use it to tow any person unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.3.2 No person may cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.3.3 No person who is under the age of 10 years is permitted to act as the additional person required by subclauses 3.3.1 and 3.3.2.

3.4 Water skiing or towing between sunset and sunrise

- 3.4.1 No person may operate, between sunset and sunrise, a vessel that is towing any person, whether or not that person is on a water ski, aquaplane, or other towed object.
- 3.4.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

3.5 Conduct in Access Lanes

- 3.5.1 No person may, 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.
- 3.5.2 No person may:
- (a) while being towed by a vessel in any Access Lane, cause himself or herself or any water ski, aquaplane or other towed object, on or by which he or she is being towed; or
 - (b) cause any object that is being towed by a 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.
- 3.5.3 No person within an Access Lane may proceed in any manner that is dangerous in relation to any vessel or other person in the Access Lane.
- 3.5.4 No person may obstruct any other person while that other person is using an Access Lane for the purpose for which it has been declared.
- 3.5.5 No person may use an Access Lane for any purpose other than the purpose for which it is declared.
- 3.5.6 The Access Lanes to which these Bylaws apply are those prescribed in Schedule 3.

3.6 Marking of Access Lanes

- 3.6.1 Every Access Lane must be demarcated by orange posts with horizontal black bands.
- 3.6.2 An Access Lane may also be marked with orange buoys with vertical black stripes.

3.7 Reserved Areas

No person may obstruct any other person while that other person is using a Reserved Area for the purpose for which it has been reserved under these Bylaws.

3.8 Special events

- 3.8.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws apply may apply to the Harbourmaster to:
- (a) temporarily suspend the application of clauses 3.2 and 6.8 of these Bylaws in that area during the conduct of the race, speed trial, competition or other organised water activity; and
 - (b) temporarily reserve the area for the purpose of that activity.

- 3.8.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as he or she may specify.
- 3.8.3 Every grant of an application under these Bylaws shall, subject to subclause 3.8.4 of this Bylaw, have effect according to its tenor.
- 3.8.4 No grant of an application under these Bylaws shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 3.8.5 The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under subclause 3.8.4.

3.9 Moorings

- 3.9.1 No person may place a mooring in any waters, whether in a mooring area or not, unless a licence in terms of subclause 3.9.4 has been obtained.
- 3.9.2 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.
- 3.9.3 No person may anchor any vessel so as to obstruct any licensed mooring unless they are the holder of a current licence to use that mooring.
- 3.9.4 The Harbourmaster may, subject to the conditions specified in subclause 3.9.6, grant a mooring licence to which subclause 3.9.1 applies.
- 3.9.5 Every mooring licence issued by the Harbourmaster shall apply only to the vessel and owner(s) named in the licence.
- 3.9.6 The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
- (a) the precise location of the mooring;
 - (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;
 - (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; and
 - (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.
- 3.9.7 The Harbourmaster shall not grant any licence 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.

- 3.9.8 No owner of a licensed mooring may leave a mooring vacant or unattended for a period of longer than six months without the written permission of the Harbourmaster.
- 3.9.9 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 licence and direct that the mooring be removed.
- 3.9.10 No owner of a licensed mooring may, except with the written permission 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
 - (d) use the mooring for a vessel other than the vessel named in the licence.

4 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials

4.1 Explosives Anchorage

The Master of a vessel having on board, or intending to load, explosives in quantities greater than 27 kg must ensure that:

- (a) the ship remains within the Explosives Anchorage specified in Schedule 2 when not underway, except with the written permission of the Harbourmaster; and
- (b) no person loads or unloads explosives outside the Explosives Anchorage, except with the written permission of the Harbourmaster.

4.2 Vessels carrying explosives

4.2.1 The Master of any vessel in any harbour or anchorage having on board, or intending to load, explosives must hoist on the vessel a Flag B by day and a red light by night.

4.2.2 The Master of any vessel in any harbour or anchorage, or the Pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:

- (a) with the written permission of the Harbourmaster; or
- (b) for the purpose of loading or unloading that other vessel; or
- (c) for the purpose of rendering assistance to that other vessel in an emergency.

4.2.3 The Master of any vessel carrying explosives in any harbour or anchorage, or the Pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:

- (a) with the written permission of the Harbourmaster; or
- (b) for the purpose of loading or unloading that other vessel; or
- (c) for the purpose of rendering assistance to that other vessel in an emergency.

4.2.4 Nothing in clauses 4.1, 4.2 and 4.3 apply to any vessel which:

- (a) is carrying not more than 27 kilograms of explosives; or
- (b) is carrying no explosives other than explosives of the first division of the sixth (ammunition) class or the third division of the seventh (firework) class, as defined by the Explosives Act 1957.

4.3 Signals to be displayed by oil tankers

On or immediately before the arrival in harbour of any tanker, and so long as the tanker remains in harbour, the Master must display by day Flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen from all directions.

4.4 Duties of Master while tanker is in harbour

4.4.1 While in a harbour, the Master of an oil tanker must operate in accordance with the Fourth Edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).

4.4.2 The Master of a tanker must:

- (a) berth or moor the tanker only at such wharf or place as specified for bulk oil discharges in Schedule 2, or as otherwise permitted in writing by the Harbourmaster; and
- (b) keep the tanks containing Class 3.1 or 3.2 oil cargo securely closed, except when opened for loading or discharging; and
- (c) unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

4.5 Oil tankers not to lie close to other vessels

The Master of a tanker must ensure that, except for the purpose of transshipment, the tanker does not lie within 30 metres of another vessel, unless the permission of the Harbourmaster has first been obtained in writing.

4.6 Hot work operations

4.6.1 Within Wellington Harbour or commercial areas, the Master of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain from the Harbourmaster a Hot Work Permit in accordance with requirements set out in Schedule 4, no less than two hours before commencing the work.

4.6.2 The Master of the vessel must ensure that before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere during the welding operations, and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.

- 4.6.3 The Harbourmaster may grant a written exemption from compliance with subclauses 4.6.1 and 4.6.2 to the Master or owner of a vessel lying at any ship-repairing establishment.
- 4.6.4 No work shall commence until such time as the Harbourmaster is satisfied that requirements of a Hot Work Permit, as specified in Schedule 4, have been met in full.

4.7 Person on board to ensure vessel berthed safely

The owner or Master of a vessel berthed at a wharf must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.

5 Administrative Matters

5.1 Appointment of Harbourmaster and Enforcement Officers

- 5.1.1 The Council may, by resolution, appoint a Harbourmaster for the purposes of these Bylaws.
- 5.1.2 The Council may, by resolution, appoint an Enforcement Officer for the purposes of these Bylaws.
- 5.1.3 The Council may, by resolution, appoint an Honorary Enforcement Officer for the purposes of these Bylaws.

5.2 Application to Master/owner

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

5.3 Vessels to be licensed

- 5.3.1 No person shall operate a vessel that is not subject to Maritime Rules in respect of commercial shipping for hire and reward unless a licence, known as a commercial vessel licence, has been granted in terms of subclause 5.3.3.
- 5.3.2 No person shall operate a vessel granted a commercial vessel licence while that licence is temporarily suspended by the Harbourmaster in terms of subclause 5.3.5.
- 5.3.3 The Harbourmaster may, subject to the conditions specified in subclause 5.3.5, grant a commercial vessel licence to a which subclause 5.3.1 applies.
- 5.3.4 Every commercial vessel licence issued by the Harbourmaster shall apply only to that vessel and operator(s) named in the licence, and shall be available for inspection at any time by the Harbourmaster, or Enforcement Officers or Honorary Enforcement Officers.
- 5.3.5 The Harbourmaster may temporarily suspend a commercial vessel licence for such time as he or she considers necessary where, in the opinion of the Harbourmaster, the conditions of the licence have been breached.

- 5.3.6 Council may resolve to cancel a commercial vessel licence if the conditions of that licence have been breached. There will be no refund of fees if a licence is cancelled.
- 5.3.7 The conditions of any commercial vessel licence issued by the Harbourmaster may include, but are not limited to:
- (a) defining points of embarkation/disembarkation;
 - (b) defining the area or route of operations;
 - (c) limiting the number of passengers or quantity of freight;
 - (d) any limitations in respect of weather or operating hours;
 - (e) any requirements for rescue craft;
 - (f) any requirements for safety equipment ;
 - (g) the level of instruction to be given to persons hiring a vessel;
 - (h) the qualifications required by the person in charge of the vessel.

5.4 Fees and charges

- 5.4.1 The fees and charges specified in Schedule 5 for functions undertaken by the Council under these Bylaws must be paid on demand by the specified person to the Council.
- 5.4.2 The Council may, by resolution, amend Schedule 5.

6 Wellington Harbour

6.1 Directions for transiting Wellington Harbour entrance

- 6.1.1 During the hours of darkness or during restricted visibility, prior to entering Wellington Harbour, the Master of a vessel shall call "Wellington Harbour Radio" on marine VHF Ch 14 and report the intention of the vessel to enter the harbour limits. Such vessels shall also maintain a listening watch on marine VHF Ch 14 whilst inside the harbour.
- 6.1.2 During daylight hours, prior to entering Wellington Harbour, the Master of a vessel (except pleasure craft) shall call "Wellington Harbour Radio" on marine VHF Ch 14. Such vessels shall maintain a listening watch on marine VHF Ch 14 whilst inside the harbour.
- 6.1.3 The Master of a vessel not carrying a marine VHF radio and unable to communicate with "Wellington Harbour Radio" satisfactorily by other means (such as cellphone), shall not transit the Wellington Harbour entrance during the hours of darkness or during restricted visibility, except in an emergency.
- 6.1.4 The Master of any passenger vessel or charter vessel shall advise "Wellington Harbour Radio" on marine VHF Ch 14 of the total number of persons on board.
- 6.1.5 Subject to subclause 6.1.6 the Master of a vessel shall ensure that an inward-bound vessel joins the leading line or leading lights at least 2 nautical miles south of the charted position of Barrett Reef buoy, except where it would be unsafe to do so because of extreme weather conditions.
- 6.1.6 The Master of an inward-bound pleasure craft shall keep towards the coast, or towards the sides of the main shipping channel. Such pleasure craft must run parallel with the channel and not cross the main shipping tracks unless it is safe to do so.
- 6.1.7 That part of Wellington Harbour between Ward (Makaro) Island and Pencarrow Head shall be deemed to be a narrow channel in accordance with Part 22.9 of the Collision Prevention Rules, Narrow Channels.

6.2 General directions for navigating in Wellington Harbour

- 6.2.1 The Master shall ensure that while within Wellington Harbour:
 - (a) automatic-steering "pilot" devices are not **to be** used, unless a helmsman is standing by in the immediate vicinity of the helm or wheel, otherwise the vessel is to be in the hand-steering mode; and
 - (b) main engines are **to be** immediately available for reducing speed, stopping or going astern at all times without delay; and

- (c) anchors are **to be** immediately available for use in an emergency, and capable of being used without power; and
 - (d) all information **from** aids **to** navigation and charts are fully monitored.
- 6.2.2 While within Wellington Harbour all aids to navigation on board vessels, including but not limited to radar and depth recording devices, are to be in continuous operation and fully utilised.
- 6.2.3 The number of persons on the bridge of the vessel shall be sufficient to enable compliance with subclause 6.2.1.

6.3 Duties of persons in charge of motor boats, yachts, launches etc. in Wellington Harbour

The Master of every pleasure craft shall not navigate so as to impede the navigation of any vessel of 500 gross tonnage or more, or any hovercraft.

6.4 Wellington Harbour – radio reporting procedures for vessels sailing from wharves or anchorages

- 6.4.1 At least ten minutes prior to planned departure the Master of any vessel of either 20 metres or more in length or any passenger or charter vessel, shall call "Wellington Harbour Radio" on marine VHF Ch 14 to report their intentions, to obtain information about known shipping traffic movements, and to obtain current weather conditions at the harbour entrance.
- 6.4.2 After leaving a berth or anchorage, the Master of any vessel of either 20 metres or more in length or any passenger or charter vessel shall, as soon as practicable, call "Wellington Harbour Radio" on marine VHF Ch 14 and report that the vessel has cleared the berth or anchorage. The Master of any passenger or charter vessel shall advise of the total number of persons on board.
- 6.4.3 The Master of the any vessel of either 20 metres or more in length or any passenger or charter vessel shall advise "Wellington Harbour Radio" on marine VHF Ch 14 when secured at a different berth or anchorage, or when seaward of the position of Barrett Reef buoy when outward bound.

6.5 Radio reporting for vessels taking part in organised events within Wellington Harbour

During the hours of darkness or during restricted visibility, as defined in Part 22 of the Maritime Rules, when a group of vessels are taking part in an organised event, the controlling officer of that event must advise "Wellington Harbour Radio" of the approximate number of vessels involved, location and duration of the event, and radio channel being used.

6.6 Navigational documents required for Wellington Harbour

When navigating in that part of the harbour between Ward (Makaro) Island and Pencarrow Head, all vessels of 6 metres in length and above shall carry and consult a current copy of Chart NZ4633 (or approved electronic equivalent).

6.7 Reporting of vessel's air draught prior to entering Evans Bay

Any vessel with a height of mast or superstructure exceeding 24 metres shall at least 15 minutes prior to entering Evans Bay report to "Wellington Harbour Radio" on VHF Ch 14.

6.8 Speed limits in Lambton Harbour area

- 6.8.1 No vessels shall exceed a speed of 12 knots in the Lambton Harbour area (westwards of a line between the Thorndon Container Pile Light and the Carter Fountain in Oriental Bay) unless exempted by the Harbourmaster.
- 6.8.2 Emergency-service vessels are exempted from complying with subclause 6.8.1 when responding to emergencies.
- 6.8.3 The Harbourmaster may instruct any vessel not to exceed a specified speed, as determined by the Harbourmaster, in certain parts of the harbour for the purposes of ensuring navigational safety.

Schedule 1 – Areas Defined

Wellington Harbour

All that area of sea and tidal waters the outer limits being the arc of a circle running from the landward boundary of the foreshore just north of Baring Head and thence into Cook Strait, and thence to the landward boundary of the foreshore southwest of Owhiro Bay, such arc being an arc of a circle of 3.85 nautical miles radius and having its centre at a point on the outer rock in the Harbour of Wellington such point being 694524.0 metres N and 304904.4 metres E Grid origin, Mount Cook trig., in the City of Wellington, 70 000m N. 300 000 m E. Geodetic Datum 1949.

The inner limits being a straight line across the Hutt River at the seaward side of the Hutt Estuary road bridge and a straight line across the Waiwhetu Stream at the seaward side of Port Road. The above limits are more particularly shown on the plan marked MD 16306 and deposited in the Officer of the Ministry of Transport at Wellington.

Porirua Harbour

All that area of water bounded by the line of mean high water spring tides and having as its seaward limit the arc of a circle commencing from the landward boundary of the foreshore of Rocky Bay and thence into Cook Strait and thence to the landward boundary of the foreshore of the coast northwards of Te Rewarewa Point, such arc being the arc of a circle of 1.75 nautical miles radius centred at peg XXIV, Lot 23, D.P.2093, Block 8, Paekakariki S.D.

Lake Wairarapa

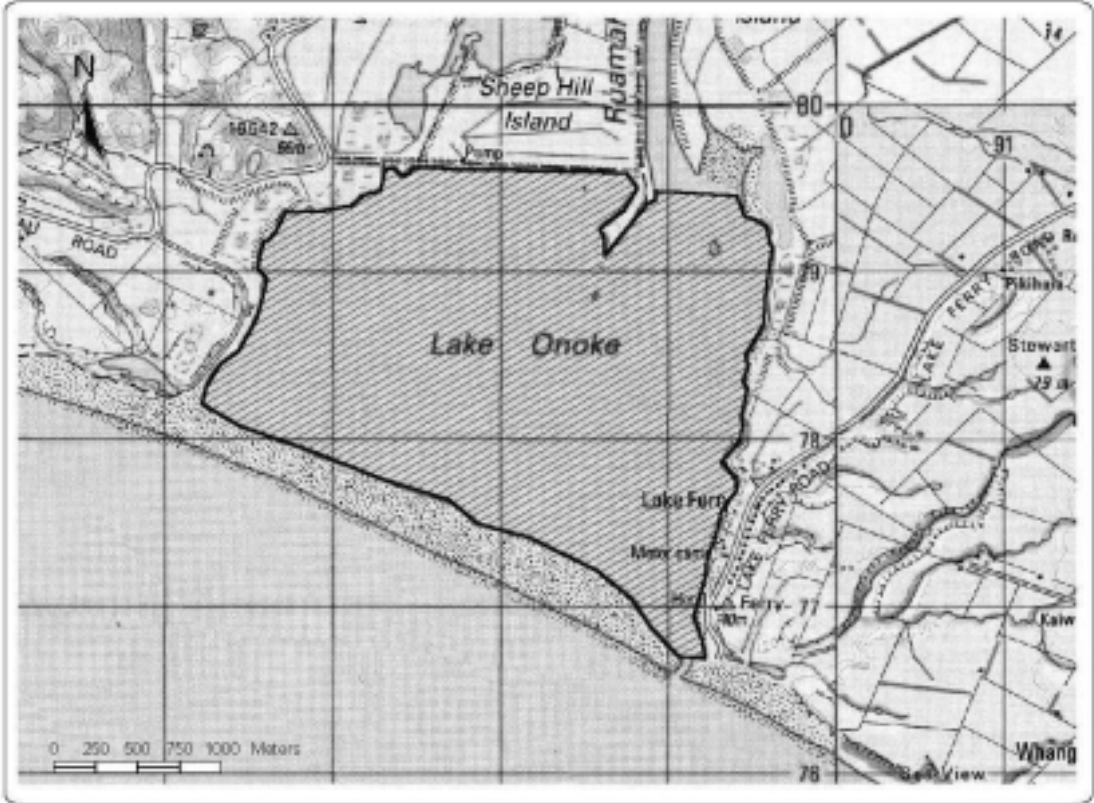
Means the more or less continuous area of water commonly known as Lake Wairarapa, including the Ruamahanga Cut-off, in Featherston County, the shoreline of which is the outer edge of the area within which the vegetation changes from predominantly aquatic to predominantly terrestrial, except at the outlet of the lake, where the shoreline is the lakeward foot of the barrage gates. For the avoidance of doubt it is declared that the shoreline adjacent to the land known as Lots 1 and 2 on Deposited Plan 4547 (Wellington Land District) is the lakeward foot of the stopbank on that land.

Evans Bay

All that area of water in Wellington Harbour south of a line drawn between Point Halswell and Point Jerningham.

Lake Onoke

All that area of water shaded grey on the map below.



Schedule 2 – Location Specific Information

Prohibited Anchorages

Within 500 metres of the underwater cable between Mahanga Bay and Webb Point and between Somes (Matiu) Island and Petone Beach.

Within 200 metres of any power or telephone cable.

Within 50 metres of the Greta Point sea-water intake which is marked by a white triangle.

Within 70 metres of the floating breakwater at Chaffers Marina.

Note: White triangular beacons on the foreshore mark the ends of the power cables.

Explosives Anchorage

Explosives Anchorage is an area, radius 3 cables, centre bearing due north distant 1.45 miles from Point Halswell Light ($41^{\circ} 17'.1$ S, $174^{\circ} 49'.6$ E), or as designated by the Harbourmaster, depending on weather conditions.

Bulk Oil Discharges

Bulk oil discharges are permitted at:

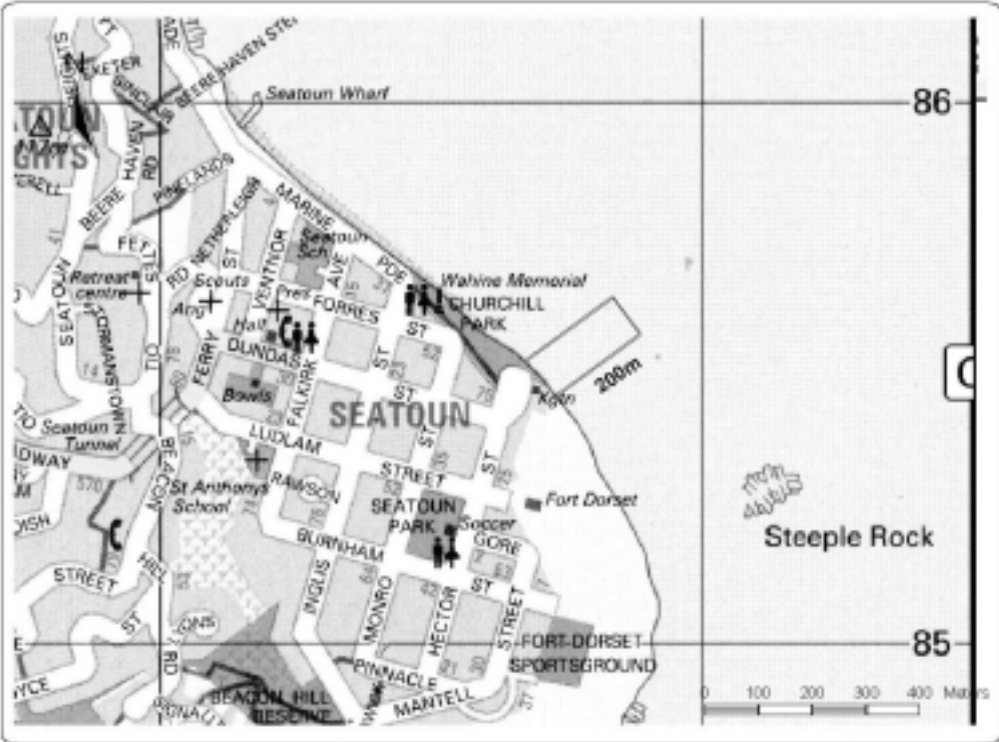
Seaview Wharf
Aotea Quay No 1 or 3
Burnham Wharf

Schedule 3 – Regional Access Lanes and Reserved Areas

Part A – Access Lanes

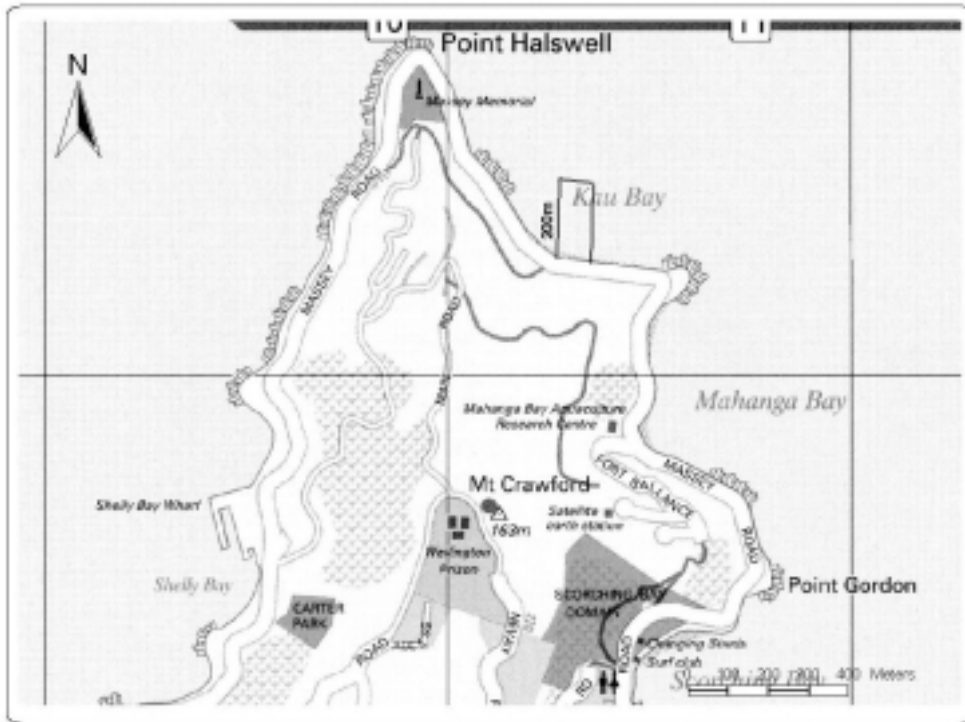
Seatoun, Wellington

All that area of water on the southern end of Worser Bay as indicated, bounded on the sides by parallel lines approximately 100 metres apart, and extending in a northerly direction 200 metres from the edge of the water.



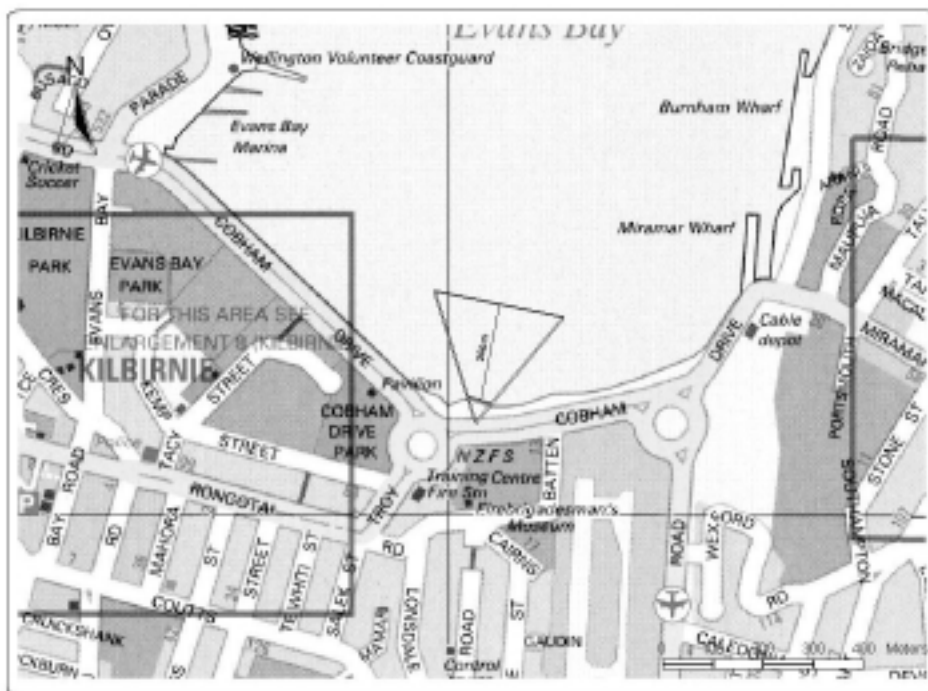
Kau Bay, Wellington

All that area of water on the eastern side of Kau Bay as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a northerly direction 200 metres from the edge of the water.



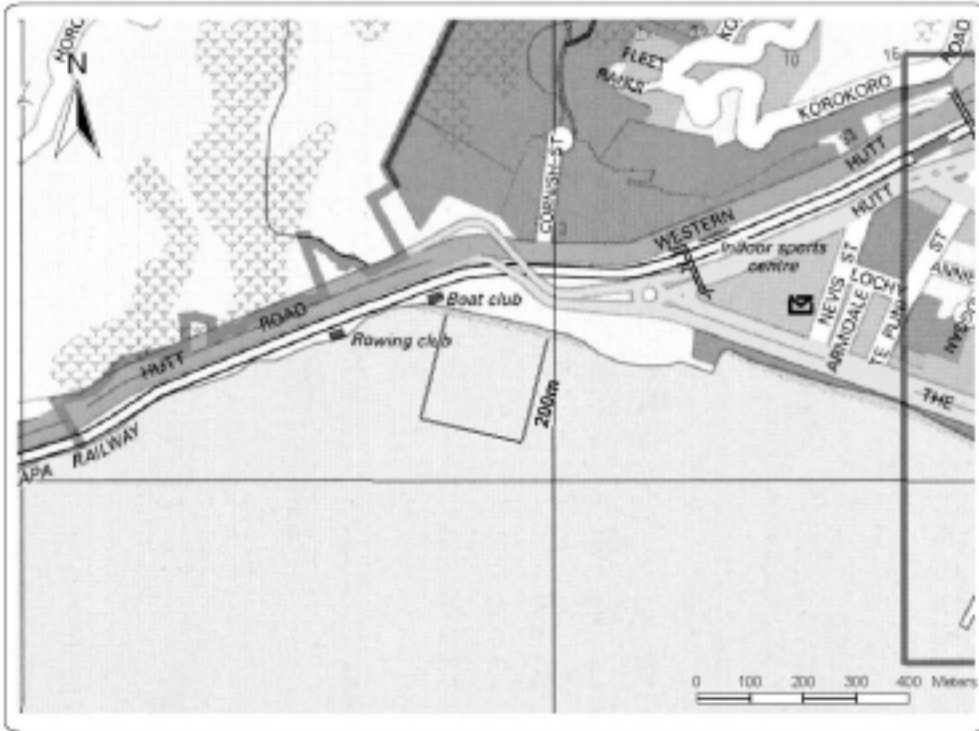
Evans Bay, Wellington

All that area of water at the southern end of Evans Bay as indicated, bounded on the sides by straight lines approximately 50 metres apart at high water mark, divergent at an angle of approximately 60°, and extending in a northerly direction 200 metres from the edge of the water.



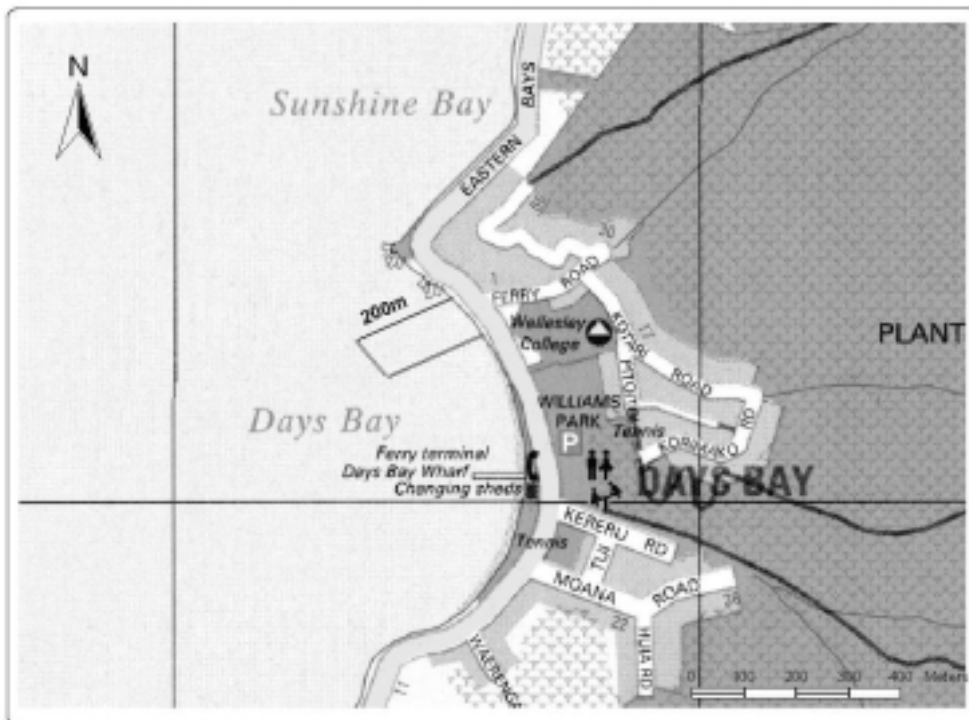
Petone Beach (West), Lower Hutt

All that area of water at Petone Beach west of the Korokoro stream as indicated, bounded on the sides by parallel lines approximately 225 metres apart, and extending in a southerly direction 200 metres from the edge of the water.



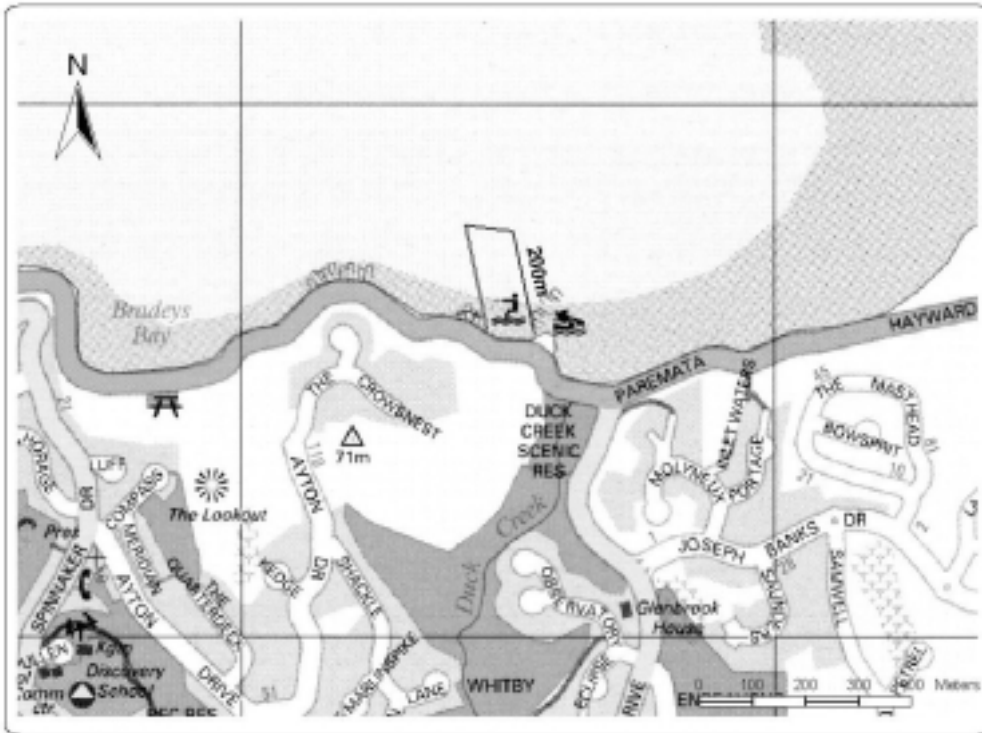
Days Bay, Lower Hutt

All that area of water at the northern end of Days Bay as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a westerly direction 200 metres from the edge of the water.



Duck Creek, Pauatahanui Inlet

All that area of water at the south-eastern end of Pauatahanui Inlet, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a northerly direction 200 metres from the edge of the water.



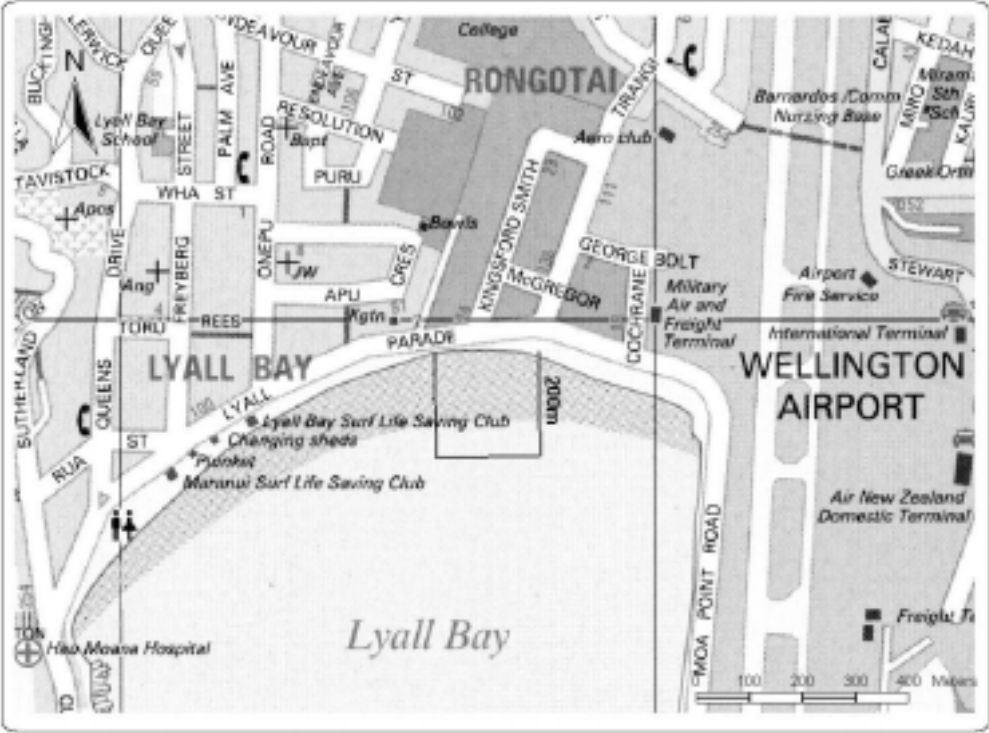
Part B – Reserved Areas

Areas reserved for use by Personal Water Craft

Red and blue horizontally striped poles shall mark these areas.

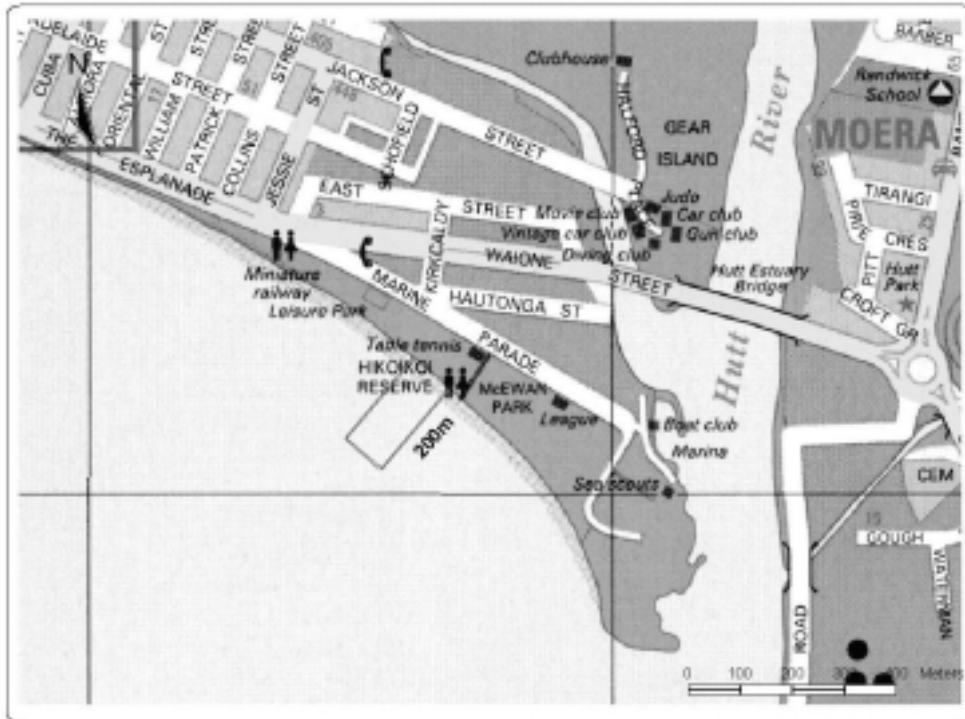
Lyall Bay, Wellington

All that area of water on the eastern side of Lyall Bay (extending westward from Tirangi Road) as indicated, bounded on the sides by parallel lines approximately 100 metres apart, and extending in a southerly direction 200 metres from the edge of the water.



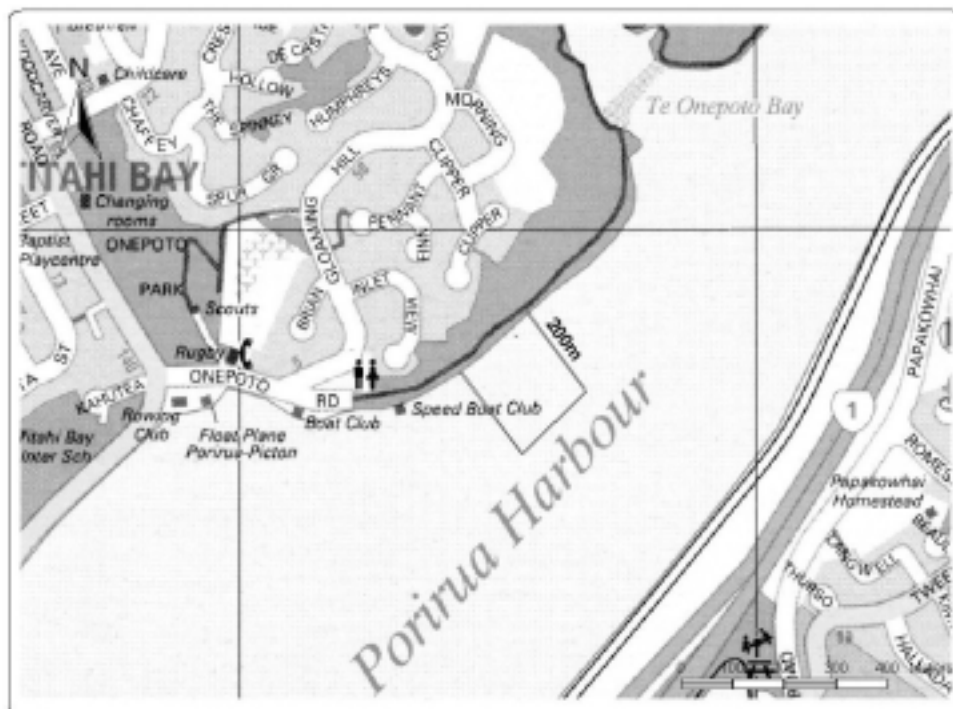
Petone Beach (East), Wellington

All that area of water at the eastern end of Petone Beach as indicated, bounded on the sides by parallel lines approximately 90 metres apart, and extending in a southerly direction 200 metres from the edge of the water.



Onepoto Arm, Porirua Harbour

All that area of water on the north-western side of Porirua Harbour, Onepoto Arm, (at the end of Onepoto Road) as indicated, bounded on the sides by parallel lines approximately 150 metres apart, and extending in a south-easterly direction 200 metres from the edge of the water.



Castle Point, Masterton

All that area of water from the road end on the north-eastern side of the beach as indicated, bounded on the sides by parallel lines approximately 300 metres apart, and extending in a north-easterly direction 200 metres from the edge of the water.



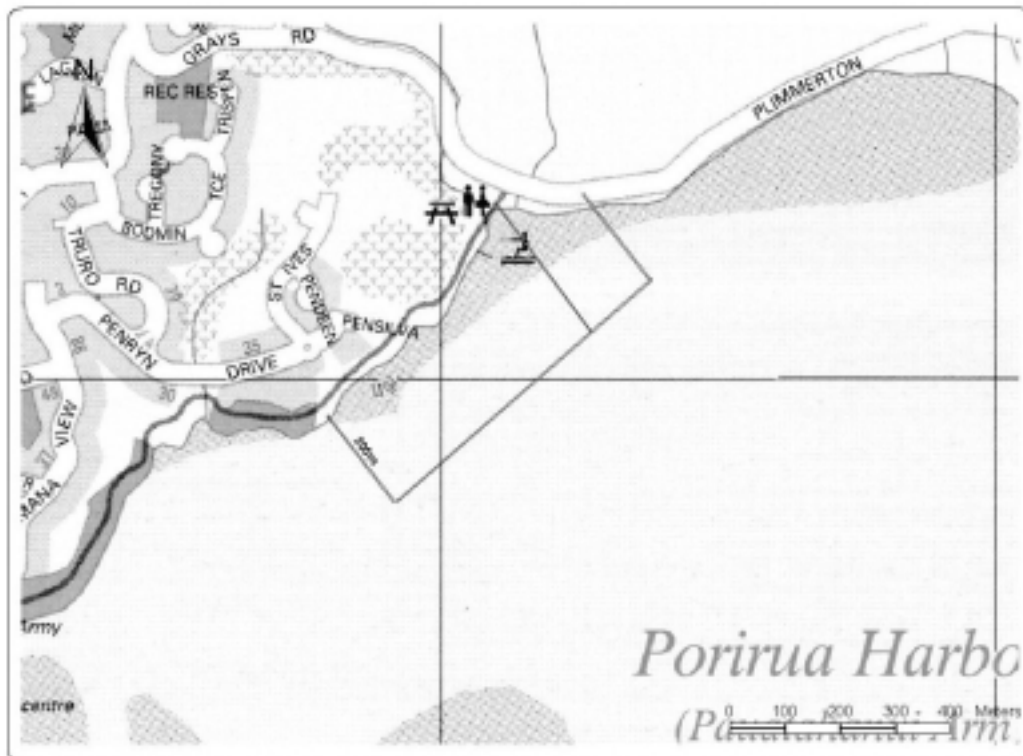
Areas reserved for use for specified purpose

Red and blue horizontally striped poles shall mark these areas.

Pauatahanui Inlet (Grays Road Reserved Area) Porirua Harbour

All that area of water at the shore north-east of Camborne as indicated, bounded by parallel lines approximately 750 metres apart, and extending in a south-easterly direction 200 metres from the edge of the water.

The Reserved Area is split by a launching ramp. The Reserved Area to the west of the launching ramp is reserved for water ski activity and the Reserved Area to the east of the launching ramp is reserved for personal water craft activities.



Schedule 4 – Hot Work Permit

A Hot Work Permit shall be in the form specified below:



WELLINGTON REGIONAL
COUNCIL
PO Box 11-646
142-146 Wakefield Street
Wellington
New Zealand
Telephone (04) 384-5708

Harbours Department
Facsimile (04) 471-1373 Office Hrs
(04) 388-4319 After Hrs

HOT WORK PERMIT

Permit No

Not for use on Tankers/Pipeline

Under the Provisions of Section 65 of the General Harbour (Ship, Cargo and Dock Safety) Regulations 1968, or any subsequent legislation, permission is hereby given for Gas Cutting/Burning/Welding (electric/gas) to be carried out in the said locations:

.....

On board vessel..... at Berth..... CentrePort

subject to the following conditions:

1. All combustible materials within surrounding areas removed or made safe.
2. No flammable liquids, vapours, gases or dusts present.
3. No Hot Work while any bunkering operations are in progress.
4. Suitable fire extinguishers/hoses provided onsite and fully operational.
5. Operator knows how to use fire equipment.
6. Operator knows how and where to raise fire alarm.
7. An inspection of the surroundings of the work area/s is carried out at least one hour after hot work is completed.
8. Other specified conditions.

.....

Gas Free Certificate Yes/No Issued by.....

I/We agree with the above conditions and will ensure that they are complied with for the duration of this permit.

Signed

For the Vessel..... Position..... Date.....

For the Contractor..... Position..... Date.....

Permit issued by..... Position..... Date.....

This permit is valid fromHrs Date..... untilHrs Date.....

This permit must be displayed at work area

If more than one work area, original to be kept in ships office/wheel house and a duplicate copy to be displayed at each work area

Schedule 5 – Fees

All fees are exclusive of GST

Mooring Licence

Annual fee of \$100.00

Commercial Vessel Licence

Vessels under 5 metres \$25.00

Vessels over 5 metres \$100.00

Public Notices

Actual cost of advertisements