

Council Meeting

14 December 2023

Separate Attachment

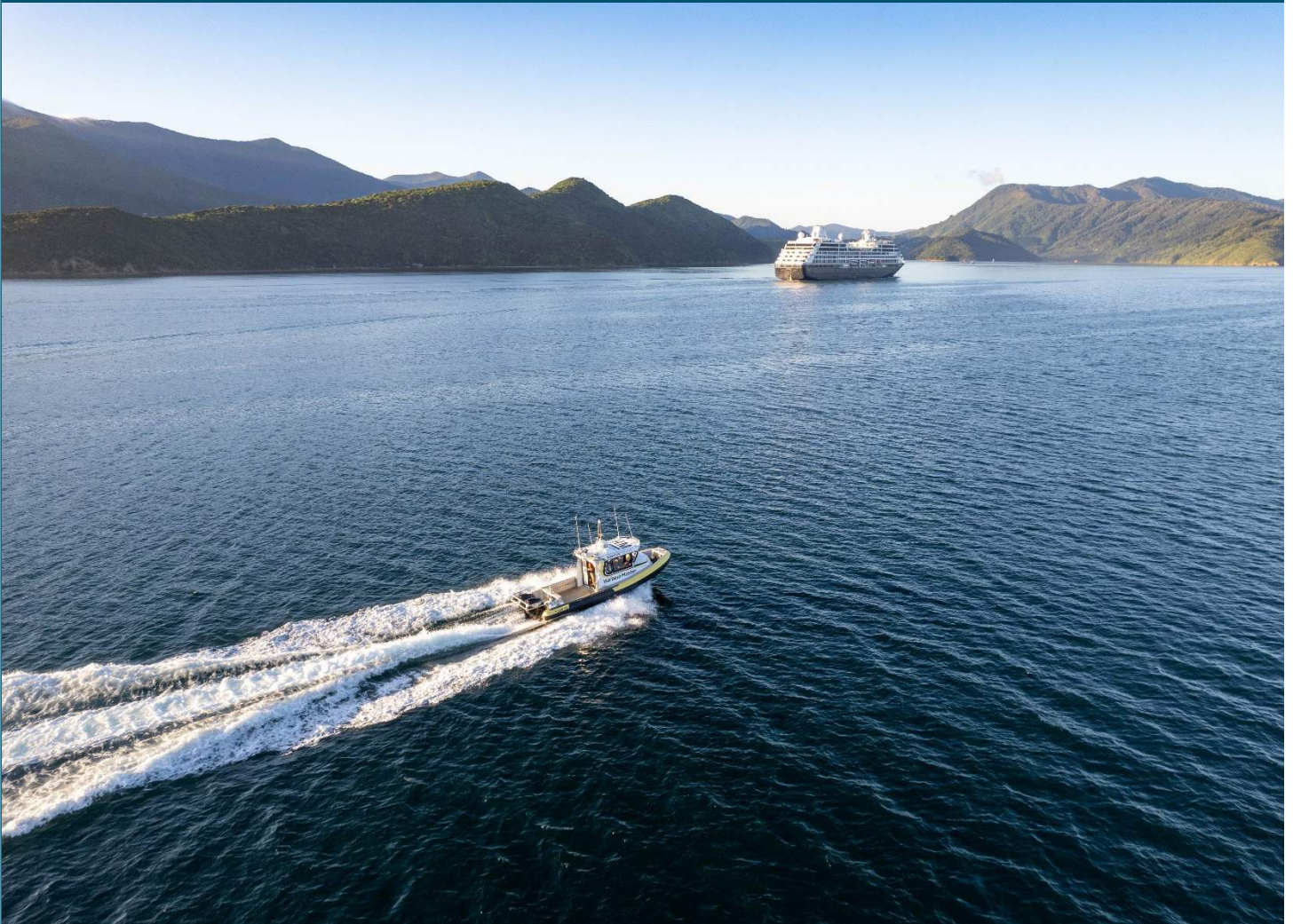
This attachment relates to Item 10
in your Agenda

*Separate Attachment 10.1-
Navigation Bylaw 2023*



**MARLBOROUGH
DISTRICT COUNCIL**

Navigation Bylaw 2023



Marlborough District Council Navigation Bylaw 2023

I hereby certify that this is a correct copy of the Marlborough District Council Navigation Bylaw 2023.

This bylaw was made by the Marlborough District Council by resolution passed at a meeting of the Council held on the, to become operative on the day of2023.

The common seal of the Marlborough District Council was affixed on the day of 2023 in the presence of:

MARK WHEELER
CHIEF EXECUTIVE

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1 Preliminary Provisions

1.1. Title and commencement

1. This Bylaw can be cited as the Marlborough District Council Navigation Bylaw 2023
2. This Bylaw comes into force at midnight on [insert].

1.2. Revocation and saving

1. This Bylaw revokes the Marlborough District Council Navigation Bylaw 2009.
2. All appointments, licences, orders, consents or other similar exercise of powers under the former Navigation Bylaw of the Council shall, so far as they are not inconsistent with this Bylaw, continue with like operation and effect as if they had been granted under the corresponding provisions of this Bylaw.

1.3. Areas within which this Bylaw applies

This Bylaw applies to the areas defined in Schedule 1.1 - Harbour Limits.

1.4. Definition of terms

- accident** means an occurrence that involves a vessel and in which:
- (a) a person is seriously harmed as a result of-
 - (i) being on the vessel; or
 - (ii) direct contact with any part of the vessel, including any part that has become detached from the vessel; or
 - (iii) direct exposure to the wash of the vessel or interaction (other than direct contact) between two vessels; or
 - (iv) being involved in the salvage of any vesselexcept where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew; or
 - (b) the vessel sustains damage or structural failure that-
 - (i) adversely affects the structural strength, performance, or seaworthiness of the vessel; or
 - (ii) would normally require major repair or replacement of the affected component; or

- (iii) poses a threat to the safety of people on board the vessel; or
- (c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel; or
- (d) there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the vessel which poses a risk to the vessel or other vessels; or
- (e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel),

whether or not the loss or damage arises from an interaction between two vessels; or

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

Act means the Maritime Transport Act 1994 and amendments.

aid to navigation includes:-

- (a) any lightship and any floating or other light exhibited for guidance for vessels;
- (b) any description of fog signal not carried on a vessel;
- (c) all marks and signs in aid of marine navigation;
- (d) any electronic, radio or other aid of marine navigation not carried on board any vessel.

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

anchorage	in relation to vessels means the place (enclosed or otherwise) used for the anchorage of vessels to the bed of the waterway, whether the place is reserved for such purposes by the Council or not.
automatic location communicator	means a device that: <ul style="list-style-type: none"> (a) transmits information or data concerning the position, heading and such other activities of the vessel as may be required; and (b) complies with the appropriate standards and requirements specified by the Council and notified to the owners and/or masters of vessels to which this Bylaw apply.
beacon	means a non-floating light or mark set up in prominent position as a navigation mark or a warning to vessels.
buoy	means a float secured to the seabed serving as a navigation or locational mark, or to indicate reefs, other hazard, or a mooring.
buoyancy aid	means: <ul style="list-style-type: none"> (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001, NZ Standard 5823:2005; or (b) a buoyancy aid that the Director is satisfied substantially complies with the standard described in subclause (a) above and that provides a minimum of 53 newtons of buoyancy.
coastal marine area	means the foreshore, seabed, and coastal water and airspace above the water of which- <ul style="list-style-type: none"> (a) the seaward boundary is the outer limits of the territorial sea; (b) the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of- <ul style="list-style-type: none"> (i) one kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of the river by 5.
commercial vessel	means a ship that is not— <ul style="list-style-type: none"> (a) a pleasure craft; or

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

Council	means the Marlborough District Council as constituted under Part 2 of the Local Government Amendment Act 1992 and the Local Government Act 2002.
craft	has the same meaning as ship or vessel.
crew	means the persons employed or engaged in any capacity on board a vessel, but does not include the master or pilot or a person temporarily employed on the vessel while it is in port.
dangerous goods	<p>means:</p> <ul style="list-style-type: none"> (a) any substance in packaged form or in solid form in bulk, listed and classified according to its hazard in the International Maritime Dangerous Goods Code (IMDG Code); and (b) any harmful substance, being: <ul style="list-style-type: none"> (i) any substance in packaged form for the time being identified as a marine pollutant in the IMDG Code; and (ii) any substance that meets the criteria in the Appendix of Annex III of MARPOL; but does not include ship's stores and equipment; (c) empty receptacles that have been used for substances specified in paragraph (a) of this definition, unless the receptacles have been cleaned, subsequently dried and where appropriate, gas freed; but (d) does not include goods forming part of the equipment or stores of the vessel in which they are carried.
derelict	means a vessel that is abandoned at sea, or deserted or abandoned by an owner.
Director	means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.
emergency response craft	means any vessel approved by the Harbour Master for use in emergency response and includes Police, Customs, Harbour Master naval and port company vessels.
Enforcement Officer	means a person appointed by the Marlborough District Council under section 33G of the Act.

explosive	means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect. Substances included within this definition can be more fully found in the Hazardous Substances and New Organisms Act 1996.
Flag A	means Flag A of the International Code of Signals (the diver's flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.
Flag B	means the Flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red, of not less than 600mm by 600mm.
foreshore	means any land covered and uncovered by the flow and ebb of the tide at mean springs and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.
gross tonnage	means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on tonnage measurement of ships 1969.
harbour limits	means the seaward boundary of the region's harbour in which the Council exercises jurisdiction in accordance with the provisions of the Act. A written description of harbour limits
Harbour Master	is the person appointed by the Marlborough District Council under section 33D of the Act as Harbour Master to exercise authority under this Bylaw and all relevant associated legislation; and includes any Deputy Harbour Master.
Honorary Enforcement Officer	means a person appointed by the Marlborough District Council under section 33G of the Act.
hot work	means any activity or process that involves the use of open fires, or similar flame or spark-producing operations and work involving the application of heat by means of tools or equipment ie electric or gas welding, soldering, brazing, cutting, and grinding.
hours of darkness	means: <ul style="list-style-type: none"> (a) any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or (b) any other time when there is not sufficient daylight to render clearly visible a person, vessel or structure at a distance of 100 m.

impede the passage	means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed, or stop, or to prepare to do so when it would have otherwise not done so.
incident	means any occurrence, other than an accident, that is associated with the operation of a vessel and affects or could affect the safety of operation.
infringement fee	in relation to an infringement offence means the infringement fee prescribed for that offence by regulation made under section 33O of the Act.
infringement offence	means a breach of a navigation bylaw that is specified in regulations. made under section 33O of the Act as an infringement offence for the purposes of this Bylaw.
in sight	in relation to vessels being in sight of one another means when one vessel can be visually observed from another.
kiteboarding (also known as kite surfing)	means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard.
Length	in relation to a vessel means overall length. For the purpose of this Bylaw the length of any tug engaged in towing a barge or another vessel shall be the sum (total) length of both the tug and barge or vessel being towed but excludes the towline.
maritime facilities	includes moorings, wharves, docks, quays, marinas, areas or places where vessels are maintained, launching ramps, and other launching facilities.
Maritime Rules	means Maritime Rules made under section 36 of the Maritime Transport Act 1994.
master	means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.
moor	means: (a) the securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes; or (b) the securing of any vessel to a mooring or anchor.
mooring	means any weight or article placed in or on the bed of the waters of the region for the purpose of securing a vessel or floating structure; and- (a) includes any wire, rope, buoy or other device attached to the weight; but

- (b) does not include an anchor that is removed with the vessel or floating structure when it leaves an anchorage.

mooring area

means the area from time to time established by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage.

Motukina Reporting Line

means a line projected from Motukina Point Light to Te Uira-Karapa (east) Light.

nautical chart

means a map of a sea area showing on it any coastlines, rocks and dangers to vessels, etc. within the area covered and also showing the positions of navigation aids and other prominent features.

navigable waters

means any waters whether coastal or inland which are able to be navigated and includes harbours.

navigate

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

obstruction

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

oil

means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse, and includes spirit produced from oil and mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994).

owner

- (a) in relation to a vessel registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the vessel; or
- (b) in relation to a vessel registered in any place outside New Zealand, means the registered owner of the vessel; or
- (c) in relation to a fishing vessel, other than one to which paragraph (a) or (b) of this definition applies, has the same meaning as owner as defined in the Fisheries Act 1996; or
- (d) in relation to a vessel to which paragraphs (a), (b), or (c) of this definition applies, where, by virtue of any charter of demise charter or for any other reason, the registered owner is not responsible for the management of the vessel, includes the charterer or other person who is for the time being so responsible; or

- (e) in relation to an unregistered vessel or registered vessel that does not have a registered owner, means the person who is for the time being responsible for the management of the vessel; and
- (f) in relation to any maritime facility includes the licence or consent holder.

person in charge in relation to any vessel, means the Master.

personal flotation device (PFD) means any buoyancy aid that is designed to be worn on the body that meets:

- (a) a standard in NZ Standard 5823:2001, or NZ Standard 5823:2005 or subsequent standard, applicable to such buoyancy aids; or
- (b) a national or international standard that the Director is satisfied substantially complies with a standard in NZ Standard 5823:2001 applicable to such buoyancy aids.

Picton Harbour means those waters which lie inside a line drawn between the geographic points known as Wedge Point and The Snout

pilot in relation to any vessel means any person not being the master or member of the crew of the vessel who has the conduct of the vessel.

pilotage limits means the areas defined in schedule 1 and in Maritime Rule part 90.

- pleasure craft**
- (a) means a vessel that is not offered or used for hire or reward, and is used exclusively for—
 - (i) the owner's pleasure or as the owner's residence; or
 - (ii) recreational purposes by—
 - (A) the members of a club that owns the ship:
 - (B) the beneficiaries of a trust that owns the ship:
 - (C) the members of an incorporated society that owns the ship; but
 - (b) excludes a ship that is—
 - (i) provided for transport, sport, or recreation by, or on behalf of, an institution, hotel, motel, place of entertainment, or other establishment or business:
 - (ii) used on a voyage for pleasure if the ship is normally used, or intended to be normally

used, as a fishing ship or for the carriage of passengers or cargo for hire or reward:

- (iii) operated or provided by—
 - (A) a club, incorporated society, or trust for non-recreational purposes; or
 - (B) a business

- Port**
- (a) means an area of land and water intended or designed to be used either wholly or partly for the berthing, departure, movement, and servicing of Ships or vessels; and
 - (b) includes any place in or at which ships can or do—
 - (i) load or unload goods;
 - (ii) embark or disembark passengers; and
 - (iii) also includes a harbour.

power driven vessel means any vessel propelled by machinery.

proper speed means speed through the water.

public notice as defined in the Local Government Act 2002, meaning one that—

- (a) is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the local authority's Internet site; and
- (b) is published in at least—
 - (i) 1 daily newspaper circulating in the region or district of the local authority; or
 - (ii) 1 or more other newspapers that have a combined circulation in that region or district at least equivalent to that of a daily newspaper circulating in that region or district.

Queen Charlotte Sound means those waters which lie inside a line drawn between:

- (a) the geographic points known as Cape Jackson and Cape Koamaru; and
- (b) north of a line drawn from Dieffenbach Point in a direction of 090° to the shore of Arapawa Island at the western end of Tory Channel.

recreational craft means a vessel that is:

- (a) a pleasure craft; or

(b) solely powered manually; or

(c) solely powered by sail.

region means the Marlborough Region as constituted under section 110 of the Local Government Amendment Act 1992.

reserved area means any area defined as such under this Bylaw in Part 3.9 and further defined by words and maps, if any, in Schedule 4 of this Bylaw.

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 contribution by part owners of the vessel or by persons engaged as bona fide crew members.

sailboard means any type of board that is propelled by a detachable sail apparatus and operated by a person(s) standing on the board.

schedule means and refers to any schedule contained in or annexed to this Bylaw and/or refer to any amendment or amendments to any such schedule.

seaplane means a flying boat or any other aircraft designed to manoeuvre on the water and, under Maritime Rule Part 22, is deemed to be a vessel when operating on the water.

seaworthy in relation to any vessel means being in all respects in a fit condition or readiness to undertake a sea voyage or used for the purpose for which the vessel was intended.

ship means every description of boat or craft used in navigation whether or not it has any means of propulsion; and includes-

(a) a barge, lighter, or other like vessel; or

(b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; or

(c) a submarine or other submersible.

shore means any place to landward of the water's edge, and distance from the shore means distance from the water's edge.

structure means:

(a) any building, equipment, device or other facility made by people and which is fixed to land or seabed; and

- (b) includes slipways, jetties, pile moorings, swing moorings, wharves, marine farms, and other objects, whether or not these are above or below the waterline of the foreshore; but
- (c) does not include aids to navigation.

sunrise means the time of sunrise as stated in the New Zealand Nautical Almanac (NZ 204).

sunset means the time of sunset as stated in the New Zealand Nautical Almanac (NZ 204).

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

surfboard means any type of board that is designed for surf riding.

Tory Channel means those waters that lie (See schedule 7 for reference):

- (a) south of a line drawn from the geographic point known as Dieffenbach Point in a direction of 090° True to the shore of Arapawa Island; and
- (b) all that area of water within Tory Channel bound at the seaward limit by an arc, radius 3.5 nautical miles, centred on West Head Light (41° 12'.8 south, 174° 18'.9 east).

**Tory Channel
Controlled
Navigation Zone**

means the area contained between the following geographic positions:

Western Boundary:

A line drawn in a direction of 320° (True) from Scraggy Point Light (K4266) to the opposite shore on Arapawa Island.

Eastern Boundary:

The seaward arc of a circle radius 0.6 nautical mile, centred on position 41° 12'.71 south 174° 19'.12 east [*the point forming the intersection of a line drawn between East and West Head lights and the line of the Leading Lights*].

**Tory Channel
Reporting Arc**

means the seaward arc of 3.8 nautical miles radius centred on position 41° 12'.71 south 174° 19'.12 east. [*This position is an intersection of the line drawn between East and West Head lights and the line of the Leading Lights*].

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

vessel has the same meaning as ship.

Water skiing

means being towed barefoot or on an object of any kind other than a vessel.

windsurfing

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

2 General Matters

2.1 Personal Flotation Devices

1. No person in charge of a recreational craft shall use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
2. Clauses 2.1.1 and 2.1.6 shall not apply to-
 - (a) any surfboard or similar unpowered craft;
 - (b) any sailboarder, kiteboarder, or windsurfer, if a wetsuit is worn at all times;
 - (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 nautical miles of the shore, if a full body dive suit is worn at all times;
 - (d) any sporting event, training activity, or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft, and the recreational craft or support vessel, or both, carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft;
 - (e) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of the sporting organisation approved by the Harbour Master under this Bylaw, or the Director under Maritime Rule Part 91.4(3); and
 - (f) a member of a visiting foreign water sports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence.
3. The Harbour Master may approve a sporting organisation for the purposes of clause 2.1.2(e) if that organisation has in place a safety system that the Harbour Master is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices (see Schedule 3 for the appropriate form).
4. Despite clause 2.1.2(d), no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergency or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing properly secured personal flotation device of an appropriate size for that person.
5. Clauses 2.1.1 and 2.1.4 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbour Master has granted an exemption in writing (see Schedule 3 for the appropriate form). The Harbour Master may grant an exemption for a specified period if he/she is satisfied that adequate safety precautions are made for any person participating in the event or activity.

6. No person in charge of a vessel shall use it to tow any person, and no person shall cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal flotation device of an appropriate size for that person.
7. Clause 2.1.5 shall not apply to that person when-
 - (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under clause 2.1.3, or Maritime Rule Part 91.4(4); or
 - (b) participating in a sporting event that is administered by a national sporting organisation approved under clause 2.1.3 or Maritime Rule Part 91.4(3).

2.2 Swimming and diving around wharves

1. No person shall dive, jump, swim or undertake other related activities, from:
 - (a) the commercial jetties, wharves, or quays shown in Schedule 6; or
 - (b) within 50 metres of the structures listed in 2.2.1(a); or
 - (c) within any designated anchorage or mooring area; or
 - (d) within any navigation channel; or
 - (e) any such areas in the navigable waters of the region as the Harbour Master may from time to time determine, unless the person does so in accordance with the prior written consent of the Harbour Master.
2. The Harbour Master may issue an exemption to clause 2.2.1, subject to such conditions as the Harbour Master considers appropriate, in the interests of navigation.

2.3 Use of vessel engine around wharves, ramps

1. No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any launching ramp, in such a way that it may damage any property, scour the bed of the waters, or injure any person. This clause does not preclude the use of the propulsion system for the safe berthing or un-berthing of any vessel at a wharf.
2. In addition to the requirements of clause 2.3.1, a master of a commercial vessel shall ensure that a crew member shall:
 - (a) be stationed forward and aft on any vessel while that vessel is lying at any wharf and about to test, or testing the main engine system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
 - (c) notify and seek permission from the Harbour Master prior to the engines being tested.

2.4 Vessels which are not seaworthy

1. The master of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbour Master or Enforcement Officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbour Master or Enforcement Officer may determine appropriate to ensure navigation safety.
2. If any vessel is a navigation hazard by reason of it being derelict or not being seaworthy:
 - (a) the Harbour Master or Enforcement Officer may give a direction to the owner of that vessel to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
 - (b) where the owner of a vessel fails to move that vessel in accordance with such direction given by the Harbour Master or Enforcement Officer, the Harbour Master or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to Council. The owner and master are jointly and severally responsible for ensuring the direction is complied with.
3. No person may operate any vessel that is not seaworthy except to comply with the directions under this Bylaw of the Harbour Master or an Enforcement Officer to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.

2.5 Seaplanes

1. No person navigating a vessel may impede a seaplane in the process of landing or taking off.
2. No person shall take off, land, or attempt to take off or land any seaplane or other aircraft, except in an emergency, in any area, other than the areas reserved for that purpose, without the prior written permission of the Harbour Master. Written application must be received by the Harbour Master not less than 48 hours before the proposed landing or taking off.

2.6 Vessels to be adequately moored or secured

1. The master of every vessel must ensure that his or her vessel is adequately moored while secured to any maritime facility.
2. No person may cut, break, destroy or unlawfully detach;
 - (a) the mooring of any vessel; or
 - (b) the fastening or securing of any vessel lying in a dock or at any maritime facility.

3. The owner or master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely fastened at all times and, if required by the Harbour Master, maintain a person on board to keep a watch.
4. When a vessel is moored at a maritime facility the owner or master must ensure that adequate and safe means of access to and from the vessel is provided, properly installed, secured, and adjusted to suit any tidal conditions.
5. When such means of access is provided, no person shall embark or disembark except by using such access.

2.7 Prohibited and restricted anchorages

1. Except in emergencies, no person shall anchor or moor any vessel within any prohibited anchorage area.
2. No person may anchor any vessel so as to:
 - (a) obstruct the passage of other vessels or to obstruct the approach to any wharf, pier, jetty or maritime facility which has been lawfully established; or
 - (b) create a hazard to other vessels at anchor; or
 - (c) create a safety hazard for other recreational craft, swimmers or water users.
3. No person may anchor or moor any vessel, except to a mooring for which a license or resource consent has been issued, within the prohibited anchorage areas as defined below:
 - (a) Picton Harbour all that area of water south of a line drawn from Wedge Point to The Snout, except in the defined anchorage area as outlined on Chart NZ6153.
4. Where the Harbour Master, or any person authorised in writing by the Harbour Master to give orders under this Bylaw, believes on reasonable grounds that a vessel is anchored in a prohibited area, he may order the master of that vessel to remove the vessel from the area. Such order may be given by any means of communication.
5. Where the Harbour Master becomes aware that any vessel has broken adrift or is likely to break adrift from a maritime facility or anchor and is endangering or likely to endanger navigation, he or she shall, as soon as is practicable, and having regard to all the circumstances, cause that vessel to be safely secured. The Harbour Master is entitled to recover from the master or owner of that vessel any expenses incurred under this Bylaw.
6. No liability shall attach itself to the Harbour Master or the Council by reason of any accident which may occur to any vessel in carrying out the provisions of this Bylaw.

2.8 Obstructions

1. No person may obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel, or mooring without the prior written permission of the Harbour Master.
2. No person shall place any obstruction, including any vessel, fishing apparatus, in the waterway, that is liable to:
 - (a) restrict navigation; or
 - (b) cause or have the potential to cause, injury or death to any person; or
 - (c) cause damage to any vessel or any property.
3. No person shall leave equipment, stabilisers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.
4. In the interest of navigation safety the Harbour Master may, on reasonable grounds, declare specified areas of a harbour closed to fishing. Such closure will be effective on the day after public notice of the closure is given.

2.9 Notification of collisions and accidents

1. The master of any vessel that:
 - (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded; or
 - (b) by any reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction; or
 - (d) causes damage to any aid to navigation 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 Harbour Master and, within 48 hours, provide the Harbour Master with full written details of the occurrence.
2. The report required under clause 2.9.1 must include:
 - (a) a full description of any injury to any persons and their names and addresses; and
 - (b) a full description of any damage to vessels or structures; and
 - (c) the name(s), address(es) of person(s) in charge of the vessel at the time of the collision or accident.

3. If an incident described in clause 2.9.1 involves damage to a vessel that affects or is likely to affect her seaworthiness, the master may not move the vessel except:
 - (a) to clear the main navigational channel or to moor or anchor in safety; or
 - (b) in accordance with the directions of the Harbour Master.

2.10 Aids to navigation

1. No person may tie a vessel to any aid to navigation without the prior written permission of:
 - (a) the Harbour Master if the aid to navigation is operated by a local authority or port company; or
 - (b) the Director if the aid to navigation is operated by Maritime New Zealand.
2. No person may damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbour Master as an aid to navigation or warning.
3. No person may erect, maintain or display any beacon, light, mark, buoy or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbour Master and the Director of Maritime Safety.

2.11 Sound and light signals

1. No person shall fit or use any flashing lights, sirens or other sound or light signals not prescribed in Maritime Rules for that vessel, without the written permission of the Harbour Master.
2. No person shall use blue flashing lights and/or sirens other than Police, Customs, Harbour Master or other enforcement vessels authorised by the Harbour Master.
3. A purple flashing light, for use on an emergency response craft for the purpose of identifying itself to a vessel or aircraft involved in a response, shall be authorised in writing by the Harbour Master.
4. Any vessel authorised to use purple flashing lights by the Harbour Master shall only display them when:
 - (a) the use is required to assist the location of a vessel or person in need of assistance; or
 - (b) the use is required to assist in the identification of the vessel to an aircraft involved in an incident.
5. The lights may not be used when the vessel is underway at a speed in excess of 12 knots, and neither imply nor grant status or privilege to that vessel. Any use of the purple lights should be for a short period of time. A vessel authorised by this clause must observe clause 3.2 (speed) at all times.

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

2.12 Timber and logs

1. No person, except with the written permission of the Harbour Master, may tow, moor, place or leave any log in any tidal water within the region.
2. The master of every vessel engaged in loading, discharging or carrying of logs shall ensure that any log or logs which are lost overboard during the loading, discharging or carrying of logs are retrieved as soon as possible so that such log or logs do not become a hazard to navigation.
3. Where any logs lost overboard are unable to be retrieved, the master, in observing clause 2.12.2 above, will, prior to departure, cause a report to be delivered to the Harbour Master detailing the logs lost over board and the action taken to retrieve them.
4. Where the master of any vessel fails to observe the requirements of 2.12.2 the Harbour Master may cause such log or logs to be retrieved. Any costs involved in such operation shall be recoverable from the owner of that vessel as a debt to Council.

2.13 Discharge of Firearms

1. No person may discharge a firearm on board any vessel except as provided for in Maritime Rule Part 23 – Operating Procedures and Training, Appendix 3, Distress Signals, without prior written permission from the Harbour Master.

3 Operating Requirements – All Vessels

3.1. Minimum age for operating powered vessels

1. No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over 15 years who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.4.
2. The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
3. Clauses 3.1.1 and 3.1.2 do not apply in respect of any person who has a written exemption from the Harbour Master issued in accordance with this Bylaw, or by the Director under section 40AA of the Act.
4. The Harbour Master may issue an exemption in accordance with this part of the Bylaws that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions, or other sporting events, if the Harbour Master considers that the person:
 - (a) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (b) is aware of the relevant navigation safety rules and navigation bylaws; and
 - (c) will be under adequate supervision during the proposed activity or activities.

3.2. Speed of vessels

1. No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding five (5) knots within:
 - (a) 50 metres of any other vessel, raft or person in the water; or
 - (b) either 200 metres from the shore or any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - (c) 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (diver's flag).
2. No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part.
3. No person shall cause himself or herself to be towed by a vessel (whether or not on a waterski, aquaplane, or similar other object) at a proper speed exceeding five (5) knots in any circumstances specified in clause 3.2.1 of this Bylaw.

4. No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally, or otherwise) any waterski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that waterski or similar object, unless the person has taken measures adequate to ensure the dropped ski or similar object is clearly visible to other water users.
5. Clause 3.2.1 (a) shall not apply to:
 - (a) a vessel over 500 gross tonnage, if the vessel cannot be safely operated in compliance with this clause; or
 - (b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - a club affiliated to Yachting New Zealand; or
 - a non-profit organisation involved in sail training or racing; or
 - (c) a craft training for or participating in competitive rowing or paddling; or
 - (d) a tug, pilot vessel, Harbour Master vessel, emergency response craft, or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or
 - (e) a vessel operating in accordance with a speed uplifting established under:
 - Schedule 4 (Location Specific Information); or
 - clause 3.5, 3.8 or 3.9 of this Bylaw.
6. Clause 3.2.1(b) shall not apply to:
 - (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared; or
 - (b) a vessel operating under a speed uplifting established under:
 - Schedule 4 (Location Specific Information) of this Bylaw; or
 - clause 3.5, 3.8, or 3.9 of this Bylaw; or
 - (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - (d) a 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.

7. Any person navigating or in control of any vessel shall navigate such vessel with all due care and caution and at a speed and manner as not to endanger lives of, or cause injuries to any person(s).

3.3. Vessels to be identified

1. The master and owner of a non-commercial vessel shall ensure that his or her vessel is marked with its name or similar identifying marks. This shall be displayed on each side of the vessel and be clearly visible to a person 50 metres away.
2. This requirement does not apply to such vessels which are solely powered by oars or paddles. However, such vessels must be marked somewhere with the name and address of the owner or operator.

3.4. Lookouts on vessels used for water skiing and towing

1. No person in charge of a vessel shall use it to tow any person at a proper speed exceeding five (5) knots unless at least one other person is on board who is:
 - (a) 10 years of age or older; and
 - (b) responsible for immediately notifying the person in charge of any mishap that occurs to the person who is being towed.
2. No person shall cause himself or herself to be towed by a vessel a proper speed exceeding five (5) knots unless at least one other person is on board who is:
 - (a) 10 years of age or older; and
 - (b) responsible for immediately notifying the person in charge of any mishap that occurs to the person who is being towed.

3.5. Water skiing or towing between sunset and sunrise

1. No person shall operate, between sunset and sunrise, a vessel that is towing any person on water skis, an aquaplane, surfboard, or other similar object, or who is barefoot skiing, or who is on a paraglider or similar object.
2. No person may cause himself or herself to be towed in the circumstances described in Clause 3.4.1.

3.6. Access lanes

1. The Council recognises the access lanes established and that are noted in schedule 4 of this bylaw. The Council may, from time to time, through the special consultative process outlined in the Local Government Act, declare that a specific area of the harbour shall be an access lane for the purpose of high-speed access to and from the shore.

3.7. Conduct in access lanes

1. No person shall propel or navigate or manoeuvre a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
2. The requirement to use the starboard (right) side of the access lane as described in 3.6.1 shall not apply to the access lane established on the eastern side of Kumutoto Bay where, due to the nature of the bay, the port (left) side of the access lane shall be used instead.
3. No person shall:
 - (a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane, or other similar object, on or by which he or she is being towed, to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel; or
 - (b) cause any object that is being towed by a vessel in an access lane to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
4. The requirement set out in 3.7.3 (a) and (b) shall not apply to the access lane in Kumutoto Bay east, where, instead, the provisions of 3.7.2 shall apply.
5. No person within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
6. No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
7. If one or more persons are using an access lane for the purpose for which it was declared, no person may enter, remain, or use the lane for any other purpose.
8. The access lanes to which this part of the bylaws applies are those described in Schedule 4 (Location Specific Information).

3.8. Marking of access lanes

1. Every access must be demarcated by:
 - (a) two orange post with horizontal black bands in line on shore on each side of the access lane; and
 - (b) if the access lane is marked at its outer edge, it shall be marked by orange buoys with black bands; and
 - (c) adequate signage in the vicinity of the access lane that declares the purpose of that lane.

3.9. Reserved areas

1. The Council, on application (see Schedule 3 for the appropriate form), or of its own mind, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a specific purpose.
2. A reservation under this Clause of the Bylaws may be made on such conditions and for such period or periods of time, as the Council may specify in the Notice.
3. Every area reserved under this Clause of the Bylaws shall be indicated by notice boards that are prominently displayed on the land at the extremities of the area.

3.10. Reserved areas for special events

1. Any person intending to conduct a special event such as race, speed trial, competition, or other organised water activity in any area to which this Bylaw applies and where it is desirable to have exclusive use of that area to run the event, must apply to the Harbour Master to:
 - (a) temporarily suspend the application of Clause 3.2 in part or in total in that area for the purposes for facilitating the event; and
 - (b) temporarily reserve the area for the purpose of that activity.
2. Where the Harbour Master is satisfied that the application may be granted without endangering the public, the Harbour Master may grant the application accordingly, for a period not exceeding 10 days and on such conditions as the Harbour Master may specify.
3. No grant of application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and the details of the suspension or reserved area.
4. The Council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

3.11. Conduct in reserved areas

1. No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.
2. If any person is using a reserved area for the purpose for which it is reserved, no other persons shall enter or remain in or use the area for any other purpose, unless otherwise stated in Schedule 4 (Location Specific Information).
3. Nothing in Clauses 3.10.1 and 3.10.2 prohibits the use of emergency response craft within a reserved area.
4. The reserved areas to which these clauses of the Bylaws apply are those prescribed in Schedule 4 (Location Specific Information), or those notified in accordance with Clauses 3.9.1 or 3.9.3.

3.12. Marking of reserved areas

1. Adequate signs shall be provided in the vicinity of a reserved area that:

- (a) define the area; and
 - (b) declare the purpose for which the area has been reserved.
2. If the area is demarcated on shore, it is marked by black posts with white horizontal bands.
3. If the reserved area is marked at sea, it is marked by black buoys with white bands.
4. Nothing in this Clause applies to a reserved area for special events granted in accordance with Clause 3.10.

3.13. Collision prevention

1. No person shall operate any vessel in breach of Maritime Rule Part 22 (Collision Prevention) made under the Maritime Transport Act 1994.
2. Every vessel shall display navigation lights appropriate for its length and occupation as set out in Maritime Rule Part 22 (Collision Prevention) between the hours of sunset and sunrise and at times of restricted visibility.
3. The Harbour Master, Enforcement Officer, or Honorary Enforcement Officer may direct any vessel to take any action they deem necessary for compliance with Maritime Rule Part 22 (collision Prevention), made under the Maritime Transport Act 1994.
4. Every person commits an offence against this Bylaw who, being required by the Harbour Master, Enforcement Officer, or Honorary Enforcement Officer under clause 3.13.1 of this Bylaw to do anything, fails to comply with that requirement as soon as is reasonably possible.
5. Any commercial and/or passenger carrying high speed vessel either operating under the Code of Safety for Dynamically Supported Craft and/or the High-speed Craft or any similar code or a vessel which is capable of operating at a speed of greater than 25 knots, shall when navigating within harbour limits at a speed greater than 25 knots display, where it can best be seen, an all round YELLOW flashing light, visible for at least six (6) nautical miles, between the hours of sunset and sunrise and at times of reduced visibility.
6. For the purpose of this Bylaw, the term 'flashing light' shall have the same meaning as defined in Maritime Rule Part 22 – Collision Prevention.

3.14. Duty of master of a vessel under 500 gross tonnage

1. The master of a vessel under 500 gross tonnage must not allow his or her vessel to impede the navigation of any vessel of 500 gross tonnage or more if the vessels are operating in the designated Pilotage areas as defined by this Bylaw in Schedule 1.2, or in the inner harbour of Picton and Shakespeare Bay.

3.15. Moving prohibited zone

1. A moving prohibited zone extending to 500 metres ahead and 50 metres on each side and continued at such width to 50 metres astern of a vessel of 500 gross tonnage or greater, when that vessel is within the pilotage area as defined by this Bylaw in Schedule 1.2.

2. The person in charge of any vessel less than 500 gross tonnage shall not navigate his or her vessel within the moving prohibited zone of any vessel navigating within the pilotage area as defined by this Bylaw in Schedule 1.2.
3. The provision of clause 3.15.2 shall not apply:
 - (a) to vessels having prior written authority from the Harbour Master; or
 - (b) within the inner harbour of Picton and Shakespeare Bay, where, due to the nature of these area compliance may be impossible. In such cases, the requirements of clause 3.13 and clause 3.14 shall apply; or
 - (c) to pilot vessels and tugs in the course of carrying out their duties, and such other class of vessels, as the Harbour Master may exempt in writing.

3.16. Dive Operations

1. The master of every vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper or lookout 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 by crew members of another vessel at a distance in excess of 200 metres.
3. Dimensions for Flag A shall not be less than 600mm by 600mm.

4 Operating Requirements – Commercial Vessels, Masters and Pilots

4.1. Directions for Transiting Queen Charlotte Sound

1. In addition to the radio calling requirements as set out in clause 4.2 'Tory Channel Entrance' below, the following shall apply:
 - (a) The master of every commercial vessel shall, prior to entering Queen Charlotte Sound limits, call 'Picton Harbour Radio' on marine VHF Channel 18 and report the intention of the vessel to enter harbour limits as described in Schedule 1.1. Such vessels shall maintain a listening watch on marine VHF Channel 18 whilst within harbour limits.
 - (b) The master of every commercial vessel, when making the call to Picton Harbour Radio as required by Clause 4.1.1 (a) above, will advise Picton Harbour Radio whether the vessel is carrying dangerous goods.
 - (c) For the purposes of this Bylaw, that part of Queen Charlotte Sound forming Tory Channel, from Dieffenbach Point to East Head, shall be deemed to be a narrow channel in accordance with Maritime Rule Part 22.9 – Collision Prevention, Narrow Channels - and the provisions of that rule shall apply.

4.2. Tory Channel Entrance

1. The pilot or master (if pilot exempt) of every vessel shall broadcast, or cause to have broadcast, on Channel 18 VHF, an initial radio message addressed to 'All Ships', giving warning of transit of the eastern entrance to Tory Channel and provide an ETA at the Tory Channel Controlled Navigation Zone as set out below:
 - (a) For inward bound vessels at the Tory Channel Reporting Arc.
 - (b) For outward bound vessels at the Motukina Reporting Line.
 - (c) The above broadcasts may be repeated, if practicable, on marine VHF Channels 16 and 63
 - (d) Any significant changes in Estimated Time of Arrival (ETA) must be promulgated to all vessels
2. All vessels, entering or leaving the eastern entrance to Tory Channel, whether in sight of one another or not, are required to establish radio contact with any other vessel which is likely to be approaching the eastern entrance to Tory Channel at approximately the same time.
3. Where two vessels of 350 gross tonnage or more or a tug and tow exceeding 40 metres in length are likely to pass each other in the vicinity of the eastern entrance to Tory Channel, the outward bound vessel shall have priority and the inward bound vessel shall wait clear of the entrance until the outward bound vessel is clear.

4. The requirements of clause 4.2.3 shall not apply where the pilot or master (if pilot exempt) of the outward bound vessel has advised the pilot or master (if pilot exempt) of the inward bound vessel to proceed inwards.
5. Only one vessel is permitted to navigate within the Tory Channel Entrance Controlled Navigation Zone, as is shown in Schedule 8, at any one time.
6. The pilot or master (if pilot exempt) of every vessel of 350 gross tonnage or more or a tug and tow exceeding 40 metres in length when inward bound through the eastern entrance to Tory Channel, must ensure that his or her vessel is on the line of the leading lights when 0.5 nautical mile south-east of a line joining East Head light (K4265) and West Head light (K4262) [Approx. position $41^{\circ} 13'.05$ south $174^{\circ} 19'.62$ east].
7. The pilot or master (if pilot exempt) of every vessel of 350 gross tonnage or more or a tug and tow exceeding 40 metres in length, when outward bound through the eastern entrance to Tory Channel must ensure that he or she maintains his or her vessel on the line of the leading lights until 0.5 nautical miles south-east of a line joining East Head light (K4265) and West Head light (K4262) [Approx. position $41^{\circ} 13'.05$ south $174^{\circ} 19'.62$ east].
8. The pilot or master (if pilot exempt) of every vessel of 350 gross tonnage or more or tug and tow exceeding 40 metres in length when inward bound through the eastern entrance to Tory Channel is prohibited from overtaking another vessel of 350 gross tonnage or more or tug and tow exceeding 40 metres in length in the approaches to the eastern entrance of Tory Channel if it is apparent that the overtaking manoeuvre cannot be completed in sufficient time for the overtaking vessel to be on the line of the leading lights as set out in 4.2.6.
9. The pilot or master (if pilot exempt) of every vessel of 350 gross tonnage or more or tug and tow exceeding 40 metres in length whether inward bound or outward bound through the eastern entrance to Tory Channel, is prohibited from overtaking another vessel of 350 gross tonnage or more or a tug and tow exceeding 40 metres in length in the area between a line drawn in a direction of $320^{\circ}(T)$ from Scraggy Point light (K4266) and the point south-east of the position as set out in 4.2.7.
10. The master of every vessel of less than 350 gross tonnage or tug and tow less than 40 metres in length, in observing the requirements of this Part of the bylaw is not permitted to impede the passage of vessels of 350 gross tonnage or more.

Cautionary note

Failure to receive radio communication should not be construed by any vessel as confirmation that the eastern entrance to Tory Channel is clear. The eastern entrance to Tory Channel should be approached with due caution at all times.

4.3. General Requirements

1. No vessel of 500 gross tonnage or more is to pass or overtake another vessel of 500 gross tonnage or more between the hours of sunset and sunrise in Picton Harbour, south of $41^{\circ} 16'016$ south.

2. At times of restricted visibility (as defined in maritime rule, part 22 – Collision Prevention) only one vessel of 500 gross tonnage or more is permitted to navigate in Picton Harbour south of 41° 16'.16 south at any one time.
3. The pilot or master (if pilot exempt) of every vessel of 500 gross tonnage or more must navigate his or her vessel at a proper speed not exceeding 12 knots in Picton Harbour when south of 41° 16'.16 south.
4. The master of every commercial vessel shall ensure, when navigating within harbour limits, that:
 - (a) automatic steering 'pilot' devices, if fitted, are not to be used, unless a helmsman is standing by, to take over manual steering immediately on this being required, in the immediate vicinity of the helm or wheel; and
 - (b) use of automated navigation systems that act on their own (e.g. linked to GPS or DGPS receivers) without immediate preceding direction of the master is prohibited; and
 - (c) the main engines are to be immediately available for reducing speed, stopping or going astern at all times without delay; and
 - (d) anchors are immediately available for letting go in an emergency and capable of being used without power; and
 - (e) all navigational aids, including but not limited to radar and depth recording devices, if fitted, are to be in continuous operation and fully utilised.
5. Every Licensed pilot shall lodge with the Harbour Master:
 - (a) A copy of the Pilotage Passage Plan.
 - (b) Must ensure that any permanent changes to his or her passage plan is communicated to the Harbour Master in writing, prior to implementation.
6. The master of every vessel which is pilot exempt shall lodge with the HarbourMaster:
 - (a) a copy of the current passage plan for the whole of the voyage which occurs within defined pilotage limits; and
 - (b) must ensure that any permanent changes to the passage plan referred to in 4.4.3(a) are communicated to the Harbour Master in writing prior to implementation.
7. The master of every commercial vessel while navigating within harbour limits shall ensure that sufficient trained personnel are tasked with monitoring the vessel's progress and implementation of the agreed on passage plan.
8. When navigating within harbour limits all vessels of 6 metres in length and above shall carry and consult a current copy of the appropriate nautical charts (or approved electronic equivalent).
9. The master and/or owner of every commercial vessel of 300 gross tonnage or more, or of a tug and barge exceeding 40 metres in length, operating within

Queen Charlotte Sound or Tory Channel is required to carry an automatic location communicator.

10. The master of every vessel required to carry an automatic location communicator under this Bylaw must ensure that:
 - (a) the automatic location communicator transmits such information in accordance with the standards and requirements specified by the Council and in accordance with the manufacturer's specifications.
 - (b) the automatic location communicator operates continuously when the vessel is navigating within Queen Charlotte Sound and Tory Channel.
11. For the purposes of this clause of the Bylaw, vessels of 300 gross tonnage or more and engaged on international voyages are, by International Convention, required to carry Class A AIS Transponders. The carriage of a Class A AIS transponder will be deemed to meet the requirements of clause 4.3.10(a) of this Bylaw.
12. All other commercial vessels that are not required to meet the International Convention set out in Part 4.3.11 shall be required to carry a Class B AIS Transponder which has both a transmitting and receiving capability, to meet the requirements of clause 4.3.10(a) of this Bylaw.

4.4. Reporting procedures within Queen Charlotte Sound

1. The master of any commercial vessel of 20 metres or more in length or any tug engaged in towing shall, at least ten (10) minutes prior to departure, call Picton Harbour Radio on marine VHF Channel 18 to report his or her intentions, obtain information of known vessel movements and obtain current weather conditions.
2. The master of every commercial vessel of 20 metres or more in length or any tug engaged in towing shall, as soon as practicable, call 'Picton Harbour Radio' on marine VHF Channel 18 and report that his or her vessel has cleared the berth or anchorage and is underway.
3. The master of every commercial vessel of 20 metres or more in length or any tug engaged in towing shall advise 'Picton Harbour Radio' on marine VHF Channel 18 when secured at a different berth or anchorage, or when to seaward of harbour limits when outward bound.

4.5. Radio reporting for vessels taking part in organised events within Queen Charlotte Sound

1. When a group of vessels is taking part in an organised event, the controlling officer of that event must advise 'Picton Harbour Radio' of the approximate number of vessels involved, location and duration of the event and the radio channel being used.

4.6. Hazardous Cargoes, Hazardous Works and Dangerous Goods

1. Vessels Carrying Explosives:

The master of any vessel at a maritime facility or at anchor within harbour limits having on board or intending to load explosives must hoist on the vessel the International Code Flag B by day and a red light by night.

2. Hot Work Operations:

- (a) The master of any vessel at any maritime facility or at anchor within harbour limits, 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 Harbour Master or Enforcement Officer, a Hot Work Permit in accordance with requirements as set out in Schedule 3 of this Bylaw, not less than two hours before commencing work.
- (b) The master of every vessel on board which or on the hull of which it is intended to carry out any welding or flame cutting operations must ensure that before any welding or flame-cutting operations are commenced, precautions are taken for the detection, prevention and extinguishing of fire on board the vessel or elsewhere during the welding or flame-cutting operations and that the requirements of any Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are complete.
- (c) Where a Hot Work Permit is issued, no welding or flame-cutting operations shall commence until such time as the Harbour Master or Enforcement Officer is satisfied that the requirements of the Hot Work Permit have been met in full.
- (d) The Harbour Master or Enforcement Officer may grant written exemption, as set out in Schedule 2, Exemptions, of this Bylaw, from compliance with clause 4.6.2 (a), (b), and (c) to a master or owner of a vessel lying at any vessel repair establishment.

3. Dangerous Goods:

- (a) The master of every commercial vessel shall ensure that, when loading, carrying or discharging Dangerous Goods, the requirements of Maritime Rule Part 24A are complied with at all times.

4.7. French Pass, and Stephens Island Passage and Cape Jackson

1. No vessel of 40 metres in length or more is permitted to transit Stephens Island Passage or the passage that exists between Cape Jackson and Walker's Rock.
2. The Harbour Master may, in writing, exempt the master of a vessel to which clause 4.7.1 applies. Any such exemption will be subject to such conditions as set out in Schedule 2, Exemptions. Any exemption issued in accordance with this clause shall remain valid for such period of time as is shown on the exemption document, but may be withdrawn at any time at the Harbour Master's discretion if the conditions of it being granted have been breached.
3. The master of every vessel intending to transit French Pass or Stephens Island Passage shall broadcast, or cause to be broadcast a radio message addressed to 'All Ships' giving warning of the intention to transit French Pass or Stephens Island Passage not less than 10 (ten) minutes before the proposed transit. This message

is to be transmitted on marine VHF channel 16 and should be repeated on marine VHF channels 01 and 65.

4. All vessels intending to transit French Pass or Stephens Island Passage, upon hearing the warning broadcast referred to in clause 4.7.3 are required to establish radio contact with the other vessel and establish if they are going to be in the area at the same time.
5. Where two vessels are likely to pass each other in the vicinity of French Pass or Stephens Island Passage, the vessel which is transiting French Pass or Stephens Island Passage in the same direction as the tidal flow shall have priority and the vessel intending to transit French Pass or Stephens Island Passage against the tidal flow shall wait clear of French Pass or Stephens Island Passage until the other vessel is clear.

5 Structures

5.1. Structures

1. In addition to compliance with requirements of section 200 of the Maritime Transport Act and any conditions of a resource consent for the marine farm, the marine farm operator shall ensure the display of such lights and radar reflectors as approved under section 200(7) of the Maritime Transport Act 1994 provided that such lights and reflectors shall be in accordance with the standards set out in the System of Buoyage and Beaconage for New Zealand, or any replacement rule, made under the Maritime Transport Act 1994.
2. The owner of every marine farm shall ensure that any lights fitted as required by clause 5.1.1 are operational at all times during the hours of darkness.
3. The Harbour Master or Enforcement Officer or a person authorised by the Harbour Master may at any time enter any structure or maritime facility for the purpose of inspecting the structure or maritime facility.
4. Where the Harbour Master or Enforcement Officer, during an inspection of any structure or maritime facility finds, or is advised by the person authorised by the Harbour Master referred to in clause 5.1.3, that the structure or maritime facility poses a danger to navigation, he or she may issue an infringement notice.
5. The owner of any structure or maritime facility must at all times keep the structure or maritime facility in good repair, such that the structure or maritime facility does not pose a danger to navigation.

6 Administrative Matters

6.1 Suspension and exemptions from this Bylaw

1. The Council may, of its own accord, or on application by any person, suspend any provisions of this Bylaw or exempt an activity from any provision of this Bylaw. The suspension or exemption may be subject to conditions and have effect for the period of time that the Council considers appropriate. Any suspension or exemption made under this Part must be notified to all interested persons.

6.2 Application to masters and owners

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

6.3 Offences and penalties

1. Any person commits an offence against this Bylaw who contravenes or permits a contravention of this Bylaw.
2. Every person who:
 - (a) commits an offence against this Bylaw will be liable under the Act;
 - (b) commits an infringement offence, set out in any applicable regulations created under section 33O of the Act, is liable to pay an infringement fee prescribed in the regulations made under the Act.
3. If a person is observed committing an infringement offence by the Harbour Master or an Enforcement Officer, or if the Harbour Master or Enforcement Officer have reasonable cause to believe an infringement offence has been committed by that person, an infringement notice in respect of that offence may be served on that person.
4. The Harbour Master or an Enforcement Officer may deliver the infringement notice in the manner prescribed under the Act.

7 Fees and Charges

1. The Council may fix fees and charges pursuant to section 33R of the Act.
2. The current fees and charges payable for activities within harbour limits are listed in Schedule 5 of this Bylaw. Any changes to these fees will be publicly notified in the Council's Annual Plan.

Schedule 1 – Harbour and Pilotage Limits

1.1. Harbour limits

1. The seaward limit shall be a straight line commencing at the water's edge at Cape Soucis to 40° 50' south 173° 45' east, to 40° 45' south 173° 49' east, to 40° 39'.5 south 174° 00' east, to Brothers Island (41° 06' south 174° 26'.4 east), to a position 1 nautical mile east of Cape Campbell light (41° 43'.75 south 174° 17'.9 east), then 1 nautical mile offshore to Willawa Point (41° 58'.72 south 174°03'.96 east), then to the water's edge at Willawa Point.
2. The landward boundary is the line of mean high water springs, except where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of:
 - (a) 0.54 nautical mile (1000 metres) upstream from the mouth of the river; or
 - (b) the point upstream that is calculated by multiplying the width of the river mouth by five (5).

1.2. Pilotage limits

1. Queen Charlotte Sound Pilotage District

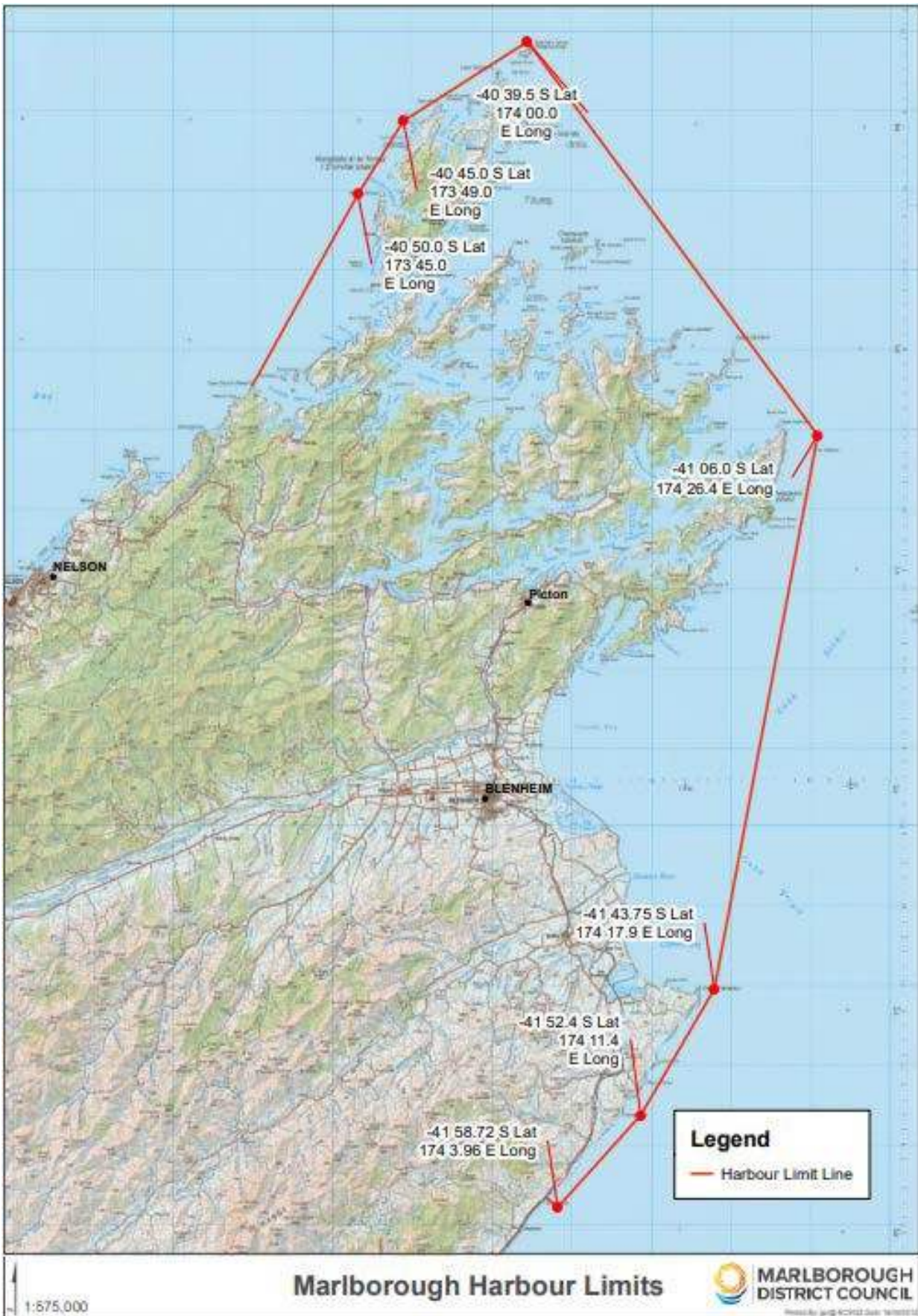
Means all those waters contained within Queen Charlotte Sound having as its seaward boundary a line drawn from Cape Koamaru to Kempe Point and north of a line drawn from Dieffenbach Point in a direction of 090° to the shore of Arapawa Island at the western end of Tory Channel.

2. Tory Channel

Means all those waters within Tory Channel bound at the seaward limit by an arc, radius 3.5 nautical miles, centred on West Head light (41° 12'.8 south, 174° 18'.9 east) and south of a line drawn from Dieffenbach Point in a direction of 090° to the shore of Arapawa Island at the western end of Tory Channel.

3. Pelorus Sound, Admiralty Bay and French Pass Pilotage District

Means all those waters contained within Pelorus Sound having as their seaward boundary in the north as a straight line drawn in a direction of 353° (T) from high water mark at Alligator Head (40° 58'.1 south 174° 09'.3 east) to high water mark at Sentinel Rock (40° 53'.9 south 174° 08'.6 east) thence in a direction of 277° (T) to high water mark at Bonne Point, D'Urville Island (40°51'.6 south 173° 54'.8 east) and in the south a straight line drawn in a direction of 005° (T) from high water mark at Okuri Point (40° 58'.4 south 173° 46'.0 east) to high water mark at Sauvage Point, D'Urville Island (40° 56'.5 south 173° 46'.2 east).



Schedule 2 – Exemptions

2.1. Personal Flotation Devices

1. The Harbour Master may exempt, in writing, the person in charge of a pleasure craft from carrying personal flotation devices as required by clause 2.1.1 of this Bylaw provided a support craft remains in the immediate vicinity of the pleasure craft and the support craft carries flotation devices of an appropriate size and standard (as set out in ‘Definitions’) for each person on board the support craft and the pleasure craft.
2. Any written exemption granted under the clause above shall be subject to such conditions as the Harbour Master considers appropriate in the interests of navigation and safety and for such period as the exemption specifies.
3. Any person in charge of a pleasure craft wishing to be exempted from carrying flotation devices as outlined above should apply, in writing, to the Harbour Master.

2.2. Minimum Age for operating powered craft

1. The Harbour Master may, in writing, exempt a person who is under the age of fifteen (15) years for the purposes of operating a powered craft that is capable of a proper speed exceeding 10 knots. (refer clause 3.1).
2. Applications for written exemptions may be given for training, competitions or other sporting events.
3. The Harbour Master, 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.
4. Any Exemption granted under this clause shall be valid for such period as noted on the letter of Exemption.

2.3. Hot Work Permits

1. Where any vessel is alongside any vessel repairing facility, the master or owner may apply, in writing, to the Harbour Master for an exemption for a Hot Work Permit as set out in clause 4.6.2 subclauses (a) – (d) of this Bylaw.
2. In applying for an Exemption under this clause, the master must demonstrate that all necessary precautions and requirements have been met and continue to be met while the Hot Work is in progress.

2.4. Stephens Island Passage and Cape Jackson Exemption Provisions

1. The Harbour Master may, in writing, and on application exempt the master of every vessel of 40 metres length or more and every vessel of

40 metres length or more from the requirements of clause 4.7.1 provided that:

- (a) the master produces documented evidence that he or she has made at least four successful transits of each passage for which he or she seeks an exemption in respect of, in both directions whilst under the supervision of an exempt master. At least one transit in each direction shall be completed during the hours of darkness and all transits to have been completed within the 12 months immediately preceding the application for an exemption; and
- (b) the applicant must, to the satisfaction of the Harbour Master, have the necessary experience, local knowledge and ability to transit the passage for which the exemption is sought. The Harbour Master may consult with others when assessing a candidate's application.
- (c) on being granted an exemption, the master shall exercise the exemption a minimum of four times per year. Failure to provide the required information that an exemption has been exercised in accordance with this clause will automatically revoke the exemption.
- (d) masters shall report all incidents which occur within the passages where the exemption is being exercised to the Harbour Master, whether damage or injury occurs or not. Failure to report will result in the exemption being revoked.
- (e) applications are to be submitted on the form(s) provided for that purpose.
- (f) no fees shall be charged for the exemption.
- (g) masters employed on vessels using Stephens Island Passage or the Cape Jackson passage at the time of promulgation of this Bylaw will, on production of proof satisfactory to the Harbour Master that they have completed the required transits in the twelve (12) months immediately prior to the coming into force of this Bylaw, be issued with an exemption to navigate the relevant passages as of right.

Schedule 3 – Forms

3.1. Maritime Event Application Form



ISO 9001
Document Number:
HAF0011-C11614

Maritime Event Application Form

Harbour Master

IMPORTANT

Please ensure that you have addressed/supplied all of the under mentioned items **before** submitting your application.

Applications must be submitted a minimum of 4 weeks prior to the event date, or the application may be refused.

- Completed application form.
- Full details of the event/activity, including location, date(s), time(s), area of operation.
- A detailed nautical chart or map of the area in which the event/activity is to take place.
- A safety plan for the event, completed by the applicant, in which all risks associated with the event have been identified and managed. See on last page of this application form a list of safety plan requirements
- A copy of the applicant's Public Liability Insurance policy that details the insurer, insurance cover amount, relevant exclusions and policy expiry date.
- A copy of the Application for a Test Certificate for an Outdoor Pyrotechnic Display Work (if applicable).
- Written authorisation from the occupier/trustee of the foreshore land intended to be used in connection with the proposed event/activity (if applicable)

Once the application for a temporary maritime event is complete, please forward to the Harbour Master office on email:

Harbours@Marlborough.govt.nz or telephone 03 520 7400

Details of Applicant

Surname	_____	Given Names	_____
Organisation (if applicable)	_____	Position Held (if applicable)	_____
Physical Address	_____		
Postal Address	_____		
Postal Address (if different from physical address)	_____		
Suburb	Town/City	Post Code	
_____	_____	_____	
Phone Private	Phone Business	_____	
_____	_____	_____	
Phone Mobile	Email	_____	
_____	_____	_____	

Maritime Event Activity

(Detailed nautical chart of map of the area must be supplied)

Area of operation
(waterway) _____

Location
(specific area) _____

Start Time _____ Date / / _____

Finish Time _____ Date / / _____

(includes set up and pack down time required on water)

Maximum Number of participants / vessels _____

Bylaw Requirements (if applicable)

Do you require a **reserved area** (on the water) for your Maritime Event/Activity? Yes No

Do you require a **speed bylaw to be uplifted** for your Maritime Event/Activity? Yes No

Does your Maritime Event/Activity require approval for competitors not to wear lifejackets? Yes No

Are there any other **bylaws** that require uplifting for your Maritime Event/Activity? Yes No

If you answer **yes** to the above questions, please give brief details below and include further details/supporting documentation in your safety plan to justify.

Contents of Safety Plan

For the purpose of this application, a safety plan that is required to be submitted with this application shall include, but not be limited to:

- Analysis of all risks involved in the event and what measures will be used to eliminate, isolate or minimise those hazards.
- Numbers and types of vessels and/or people involved.
- Average and maximum vessel speeds involved.
- Map of event course(s) and required reserved areas.
- Weather Limits for event.
- Numbers and types of patrol/marshal/safety vessels and how they will be used to manage risk including preventing unauthorised vessels from entering any reserved areas.
- Details of any significant safety incidents from previous events that have been held by the event organiser, or the event safety officer has been involved in, within New Zealand in the last 5 years. Please provide details of lessons learnt and measures used to reduce similar incidents occurring.
- A communications plan between event organisers and Council.
- Schedule of Safety Briefings & key messages.
- Justification for any reserved areas and bylaw uplifting requested.
- Qualifications and /or experience of Event Organiser and Event Safety Officer.
- Contact details of Event Organiser and Event Safety Officer.
- Insurance held for the event.
- Affiliations to any national bodies that oversee the event or standards that apply to the event.

Marlborough District Council advises that a safety plan that only covers the above list is unlikely going to manage all of your risks under other statutes (such as Health and Safety in Employment

Act 1992). We strongly advise you to obtain experienced assistance if you have never completed a safety plan before.

Declaration

- I _____ declare that as applicant, or on behalf of the corporate body applicant, that:
- I declare that I am authorised to act as the applicant for the purpose of the Temporary Maritime Event and that the information supplied is true and correct.
 - I understand that if any detail is found to be incorrect the Temporary Maritime Event may be cancelled without notice.
 - I declare that as the applicant for the maritime event, I will implement strategies to alleviate all risks associated with the maritime event.
 - I agree the maritime event/activity will be run in accordance with all conditions imposed.
 - I agree I will pay, on invoice, all costs incurred for the public notifications requirements of this application. I have been made aware through discussions with the Council the approximate cost of notification.
 - I acknowledge that if in the opinion of the Harbour Master (or representative), the event is not managed safely, the Harbour Master (or representative) may cancel the event at any stage, and the Council will not have any liability for any losses incurred by the event organiser or competitors/participants as a result of any cancellation.
 - The information I have supplied may be available to any person who enquires in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993.

Applicant's Signature _____

Date _____

/ /

3.2. Hot Work Permit

MARLBOROUGH DISTRICT COUNCIL
PO BOX 443
BLLENHEIM 7240
NEW ZEALAND

TELEPHONE (0064) 3 520 7400
FACSIMILE (0064) 3 520 7496
EMAIL
mdc@marlborough.govt.nz
WEB www.marlborough.govt.nz



MARLBOROUGH
DISTRICT COUNCIL



HOT WORK PERMIT

Not for use on Tankers / Pipelines

Permit No.

Under section 4.8 of the Marlborough District Council Navigation Safety Bylaws, permission is hereby given for Hot work operations to be carried out in said locations:

On board Vessel: At Berth

Subject to the following conditions:

1. All combustible materials within surrounding area removed or made safe
2. No flammable liquids, vapours, gases or dusts present
3. Suitable fire extinguishers/hoses provided on-site and fully operational
4. Operators know how to use fire fighting equipment and how and where to raise the alarm
5. Responsible member of the ship's company is in attendance if contractors are conducting the work
6. Ship's permit to work system is operational and in force
7. Both the vessel's crew and contractors are aware of the IMO Circular 1084.
8. A Responsible Ship's Officer (not involved with the hotwork) should be designated to ensure safe working practices are followed
9. The work area including all adjacent spaces must be inspected and ensured safe prior to hot work commencing. Consideration must be given to heat / spark or similar transfers into or through into adjacent spaces.
10. The work area must be isolated before hot work commences
11. A suitably instructed individual(s) must be assigned, briefed and conduct a fire watch at the work site and adjacent spaces. Isolation and Fire precautions must be continued until the risk of a fire no longer exists.
12. An inspection of the surroundings of the work area/s is carried out at least 1 (one) hour after hot work has been completed.

Gas Free Certificate: Issued By:

I/We agree to the above conditions and will ensure that they are complied with for the duration of the permit. I acknowledge that the Company I represent and the workers and contractors we use will have documented safe systems of work in place, use equipment that is certified (when required) and is fit for purpose as per worksafe/ Maritime NZ guidelines, are competent in the work being undertaken, hold all required permits for regulatory compliance and will always work in a safe manner. I also acknowledge that if lodging this request electronically, the Marlborough District Council will accept this communication as containing my signature for the purposes of Part 4 Electronic transactions of the Contract and Commercial Law Act 2017.

For the Vessel: Position: Date:

For the Contractor Position: Date:

Permit issued by: Position: Date:

This permit is valid from on Until on

Vessel or contractor confirms that the work has been completed and the work site is safe Signed: Position: Date/Time

The permit must be displayed at the work area. If there is more than one work area, the original must be posted in the Ship's Office or Wheelhouse, and duplicate copies displayed each work site.

Once the work has been completed and the permit closed, a copy is required to be returned to the Harbourmaster's office either in hard copy or electronically.

Revised March 2023

Schedule 4 – Access Lanes and Reserved Areas

4.1 Reserved Areas - (Swimming Areas and Water Skiing Areas)

a. Swimming Areas

Picton Foreshore	Picton	Swimming Raft, marker buoys
Picton East Shore	Shelly Beach	Marker buoys, 4 large buoys, swimming raft.
Waikawa Bay east	Waikawa Bay	Marker buoys and swimming raft

b. Water Ski Access Lanes – 1st December to Easter Monday

Ski Lane	Location	Marking / Notice
Bottle Bay	Grove Arm	4 orange and black transit markers 1 Notice
Davies Bay Umungata Bay	Grove Arm	4 black and orange transit markers 1 Notice
Kumutoto Bay	Queen Charlotte Sound	4 black and orange transit markers 1 Notice
Ngakuta Bay	Grove Arm	4 Black and orange transit markers 1 Notice
Te Mahia	Kenepuru Sound	4 Black and orange transit markers 1 Notice
Kaiapakirikiri	Queen Charlotte Sound	4 Black and orange transit markers 1 Notice
Okiwi Bay	Croiselles Harbour	4 Black and orange transit markers 1 Notice
Worlds End	Pelorus Sound	4 Black and orange transit markers 1 Notice
Double Bay	Keneperu Sound	4 Black and orange transit markers 1 Notice

Schedule 5 – Fees and Charges

Note: Review of fees and charges will occur through the Annual Plan process and will be included in the Schedule of Fees and Charges in the Annual Plan. The charges listed in Schedule 5 are correct at the time of publication.

For the purpose of this Bylaw, the following definitions apply to activities for which fees and charges may be fixed:

Cruise Vessel	means a commercial vessel over 500 gross tonnage carrying passengers, that is not a ferry or water taxi.
Cargo Vessel	means a vessel over 500 gross tonnage that is a commercial vessel not carrying passengers.
Other Vessel	means a vessel that is not defined as a cruise vessel or cargo vessel but is over 500 gross tonnage.
Extended Anchoring	means anchoring a vessel of 500 gross tonnage within harbour limits for more than 2 continuous weeks per year.
Vessel Licensing	Means an operational license issued by the Harbour Master to a vessel that is not subject to maritime rules.
Visit	means entering and leaving harbour limits on one occasion.

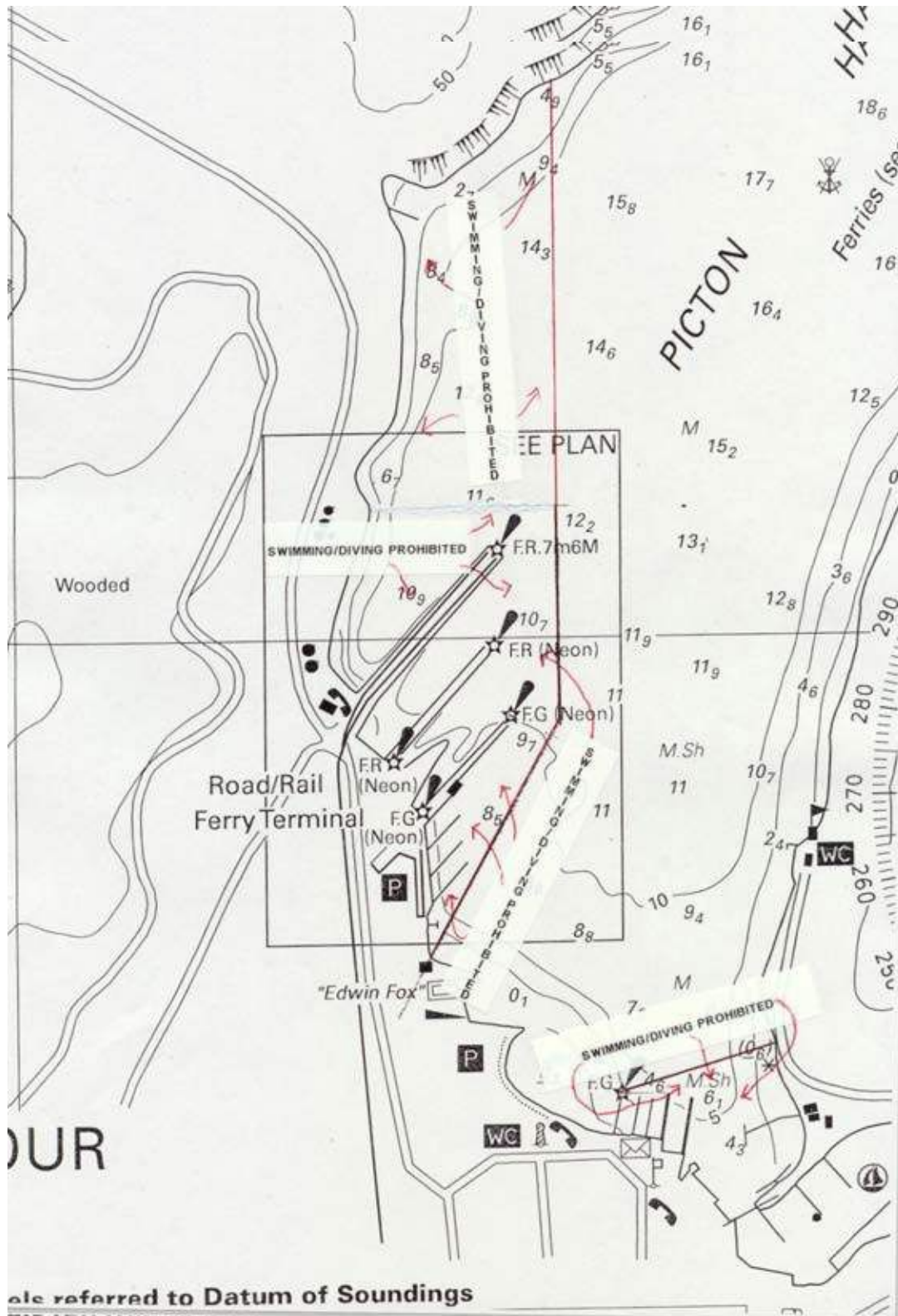
Note: the fees charged in relation to cruise vessels, cargo vessels and other vessels recover the Council's costs in respect of maintenance of the facilities to allow these vessels to enter the harbour limits and anchor (excluding costs incurred by Port Marlborough).

Table of Fees and Charges (GST exclusive)

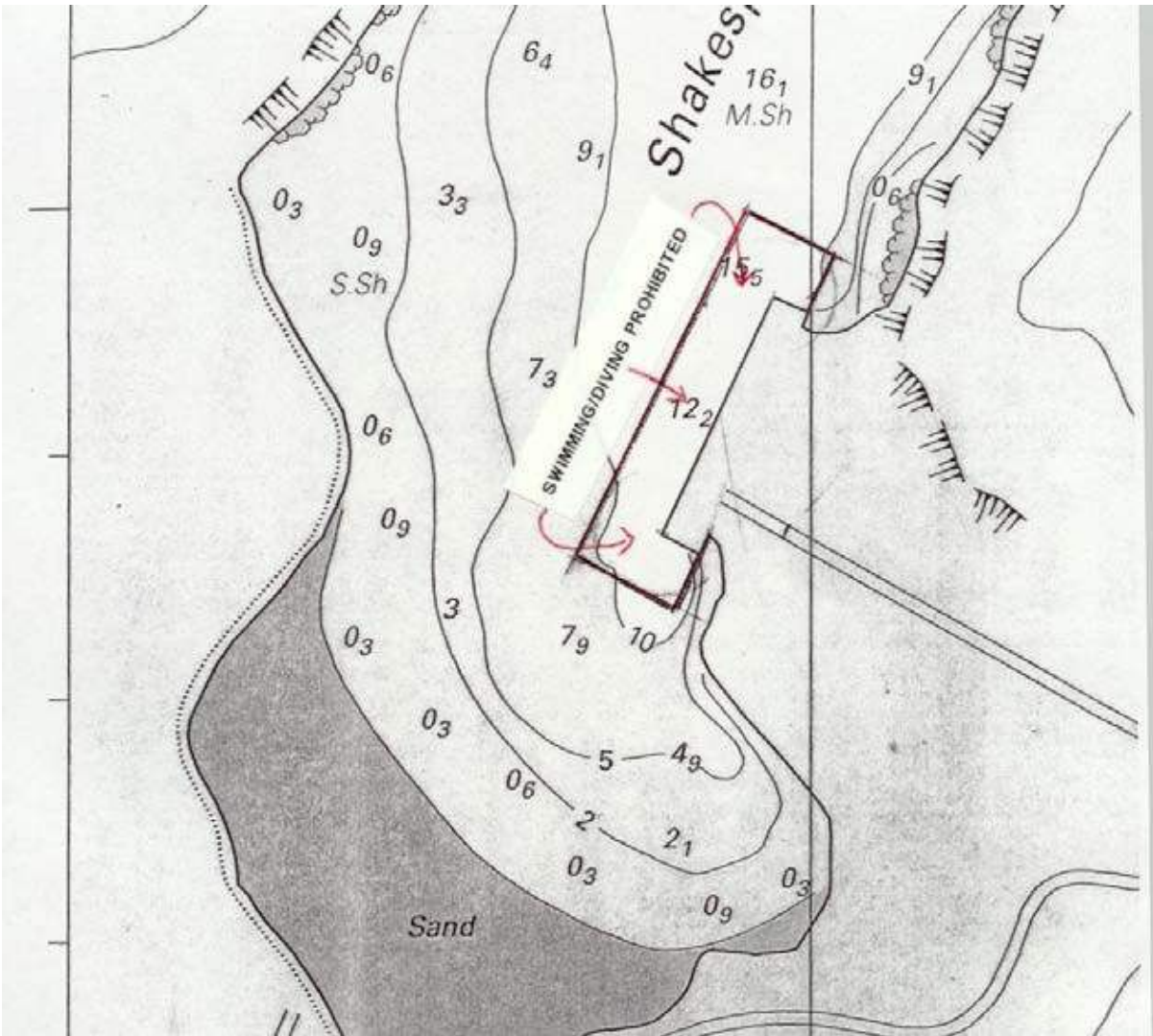
Category	Fee
Cruise Vessels *	\$25 per metre per visit
Cargo Vessels *	\$0.50 per Gross Tonnage
Other Vessels *	\$0.55 per gross tonnage
Hot Work Permit	\$150 per permit
Engine Immobilisation Approval	\$200 + Staff time
Pilotage Licence Examination	\$1500
Pilotage Exemption Examination	\$1500
Extended Anchoring	\$0.10 per gross tonnage per week or part thereof
Vessel Licensing	\$200
Event Notification & Approval	\$50 + Actual advertising costs
Harbourmasters Navigation Lights	\$100 per week or part thereof per light
Staff Time	
Harbourmaster	\$236 per hour
Deputy Harbourmaster	\$153 per hour
Harbour Protection Officer	\$140 per hour
Maritime Officer	\$128 per hour
Administrator/Coordinator	\$100 per hour
Vessel Time	
Resolution	\$480 per hour – includes 2 crew
Tohora	\$480 per hour – includes 2 crew
Tuangi	\$200 per hour – includes 2 crew
Jetski	\$125 per hour – includes 1 operator

Schedule 6

6.1 Commercial Wharves where Swimming or Diving is Prohibited



6.2 Shakespeare Bay



Schedule 7

Tory Channel

