

Navigation and Safety Bylaw 2012

The Gisborne District Council, under Section 684B of the Local Government Act 1974, and following the process in Local Government Act 2002, makes the following Bylaw.



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1. Introduction

1.1 Title and commencement

1.1.1 This Bylaw may be cited as the Gisborne District Navigation and Safety Bylaw 2012.
This Bylaw shall come into force on 4 December 2012.

1.2 Revocation

1.2.1 The following Bylaw is hereby revoked:
The Gisborne District Navigation and Safety Bylaw 2004.

1.3 Enabling Enactment

This Bylaw is made pursuant to s.684B of the Local Government Act 1974.

1.4 Areas within which this Bylaw Applies

This Bylaw applies to the areas defined in Schedule 1 of this Bylaw. Council may alter the areas covered by this bylaw, in accordance with the Local Government Act 2002.

1.5 Definition of Terms

In this Bylaw, unless the context otherwise requires:

Access Lane	means an area that has been declared an access lane under Clause 3.5 of this Bylaw and any access lane described in Schedule 2.1.
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.
Authorised Officer	any person authorised by Council to make any decision or undertake any function of Council pursuant to this Bylaw.
Beacon	means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.
Buoy	means an anchored float serving as a navigation or locational mark, or to indicate a mooring, reefs, or other hazards.
Bunkering	means the transfer of fuel from a wharf to a vessel or visa versa in the Port.
Class 3.1 Flammable Liquids	means a flammable liquid having a flashpoint below -61 degrees Centigrade; and includes petrol, aviation fuel and fuel oils.
Commercial Vessel	means a vessel that is not – (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail.
Commercial Raft	means a raft that is not a pleasure craft.
Council	means the Gisborne District Council or any officer so authorised to exercise the authority of Council and includes the Regulatory Services Manager who is authorised to exercise any authority of Council pursuant to this Bylaw.

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 port.
Director	means the Director of the Maritime Safety under Section 439 of the Maritime Transport Act 1994.
Dive Permit	means a permit issued for diving in the Inner Harbour for the purposes of diving in accordance with clause 2.14 of this Bylaw.
Enforcement Officer	means a person so appointed by the Council under sub-clause 5.3.2 of this Bylaw or the Local Government Act 1974 and any Police officer.
Explosive	means an explosive or an authorised explosive as defined in Section 222 of the Hazardous Substances and New Organisms (HSNO) Act 1996.
Flag A	means Flag A of the International Code of Signals (the Diver's Flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, 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.
Gas Free Certificate	means a certificate obtained from an industrial or analytical chemist or other competent person certifying that the gas in any confined space is not at a level that creates a risk of explosion.
Harbourmaster	means a person so appointed by the Council under sub-clause 5.3.1 or the Local Government Act 1974 to exercise authority under this Bylaw and all relevant associated legislation and shall include his deputy and any person acting under the instruction of the Harbourmaster.
Harbour Navigations Charts	means the current edition of the navigation charts of Gisborne NZ5571.
Honorary Enforcement Officer	means a person so appointed by the Council under sub-clause 5.3.3 of this Bylaw or the Local Government Act 1974.
Infringement Fee	as defined in Advisory Note 3.0 – Local Government (Infringement Fees for Offences: Gisborne District Navigation and Safety Bylaw) Regulations 2012.
Infringement Offence	as defined in Advisory Note 3.0 – Local Government (Infringement Fees for Offences: Gisborne District Navigation and Safety Bylaw) Regulations 2012.
Kite Surf	means a board powered with a kite and designed to be operated by a person standing on the board.
Length	in relation to a vessel, means overall length.
Licensed	means licensed by the Council or any officer authorised by the Council to issue any licence under this Bylaw.
Lifejacket	see definition of Personal Flotation Device.
Liquid Transfer	means the transfer of a liquid via a hose or a pipe, to or from a vessel or wharf. For the purposes of this definition "liquids" includes heavy fuel, diesel oil, lube oils, sewerage, oily waste, sludge and oily water.
Maritime Rules	means Maritime Rules made under the Maritime Transport Act 1994.
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 water 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 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 the area from time to time designated by the Council as a Mooring Management Area in terms of the Gisborne Regional Coastal Environment Plan, where pleasure boat moorings may be placed; but does not include an anchorage.
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.
Oil	means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and includes spirit produced from oil and oil mixed with water and refined products as defined in s222 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, and (c) as further defined in Maritime Rule Part 91.
Personal Flotation Device	means a serviceable personal flotation device that meets NZ Standard 5822:2005 or a national or international standard that the Director of Maritime Safety is satisfied substantially complies with the current standard.
Personal Water Craft (Jet Ski)	means a power driven vessel that: (a) has a fully enclosed hull; and (b) does not take on water if capsized; and (c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.
Person In Charge of a Vessel	means 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 navigational conduct of the vessel.
Pleasure Craft	means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward: but does not include- (a) a vessel that is provided for transportation or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business; or (b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; or (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.
Powered Vessel	means any vessel propelled by machinery.
Proper Speed	means speed through the water.
Public Notice	means a notice published in a newspaper circulating in the Gisborne district.

Recreational Craft	means a vessel that is – (a) a pleasure craft; or (b) solely powered manually; or (c) solely powered by sail; or (d) powered manually and by sail.
Region	means the Gisborne district as constituted by the Local Government Reorganisation Order 1989.
Reserved Area	means an area reserved for a specified navigation safety purpose. The reserved areas under this Bylaw are shown and described in Schedule 2.0.
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	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides.
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.
Sailboard	means any type of board that is propelled by detachable sail apparatus and operated by persons standing on the board.
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 (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.
Support Vessel	means a vessel used for coaching, marshalling and rescue vessels for training, regattas and competitions.
Sunrise/Sunset	has the same meaning as stated in the New Zealand Nautical Almanac, NZ204.
Surfboard	means any object constructed of wood, metal, fibreglass, plastic, or any other material, but without a sail, that is used for wave surfing or surf riding.
Tanker	means any vessel which — (a) is constructed, or has a compartment constructed, for the carriage in bulk of oil products of any class; and (b) either: (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 or certified gas-free and includes any tanker designed for carriage of bulk liquid harmful substances.
Unique Identification Number	means a number or name or combination of numbers and letters that are assigned to a specific Personal Water Craft and may not be assigned to any other Personal Water Craft.

Vessel	means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes – (a) a barge, lighter or other like vessel; (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; (c) a submarine or other submersible; (d) a seaplane when operating on the water.
Wet Suit	means a close fitting rubber suit used by underwater divers, surfboard riders etc, to retain body heat.
Windsurfer	means a board with a sail or sails designed to be operated by a person standing on the board.

2 General Matters

2.1 Personal Floatation Devices

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 – and in a readily accessible location – sufficient personal floatation devices of an appropriate size for each person on board.

Advisory Note: No person in charge of a vessel other than a pleasure craft may also be subject to Maritime Rule part 91, rule 91.4(1), which states that no person in charge of a recreational craft may 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.

2.1.2 Sub-clause 2.1.1 and 2.1.4 shall not apply to –

- (a) any surfboard or similar unpowered craft; and
- (b) any sailboard or windsurfer, if a wetsuit is worn at all times; and
- (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body wet suit is worn at all times; and
- (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director; and
- (e) a member of a visiting foreign water sports team, if the person carries or wears a personal floatation device that is approved by the competent authority for use in that person's country of residence; and
- (f) a commercial raft.

2.1.3 Sub-clause 2.1.1 shall not apply in respect of 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 recreation craft and recreation craft and the support vessel or both carry personal floatation devices or buoyancy aids of an appropriate size for each person on board the recreation craft, if a Harbourmaster or Enforcement Officer has granted an exemption in writing.

Harbourmaster or Enforcement Officer may grant an exemption for a specified period if he/she is satisfied that adequate precautions have been arranged for the rescue from the water of persons participating in the event or activity.

In this rule buoyancy aid means –

- (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001 or NZS 5823:2005;¹ or
- (b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 new tons of buoyancy.

2.1.4 No person in charge of a recreation craft may use that craft or allow it to be used in circumstances where -

- (a) tides, river flows, visibility, rough seas and
- (b) adverse weather, emergencies or other situations

will cause danger or a risk to the safety of persons on board, unless each person on board and any person being towed by the craft is wearing a properly secured personal floatation device of an appropriate size for that person.

2.1.5 No person in charge of a vessel may use it to tow any person and no person may cause himself or herself to be towed by any vessel, unless the person being towed wears a properly secured personal floatation device of an appropriate size for that person.

2.1.6 Sub-clause 2.1.5 does not apply to any person –

- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director in accordance with Maritime Rule Part 91 rule 91.4(3); or
- (b) participating in a sporting event that is administered by a national sporting organisation approved by the Director in accordance with Maritime Rule Part 91, Rule 91.4(3); or
- (c) towing at a speed of less than 5 knots.

2.2 Persons to Avoid Swimming, Diving or Working around Wharves etc

2.2.1 No person may dive, swim or undertake other related activities, from any jetty, wharf, or quay which is in regular use for the berthing and unberthing of vessels, or within 50 metres of these structures, or within any designated anchorage or mooring area, or any other such areas in the harbour as a Harbourmaster or Enforcement Officer may from time to time determine, unless the person does so in accordance with the prior written consent of a Harbourmaster or Enforcement Officer.

2.2.2 A Harbourmaster or Enforcement Officer may consent subject to such conditions as he/she considers appropriate in the interests of navigation safety.

¹ NZS 5823:1989 and NZS 5823:2001 define a buoyancy aid as any device designed to assist a person to remain afloat in water until rescue is effected. Any type of buoyancy aid categorised in the Standard meets the requirements of this rule.

2.3 Use of Vessel Engine around Wharves, Ramps

- 2.3.1 No person may operate the propulsion system of a vessel while the vessel 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 sub-clause 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 testing a propulsion system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
 - (c) notify the Council or Harbourmaster or Enforcement Officer 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 or owner of any vessel anchored or moored in any waters subject to this Bylaw – as shown and described in Schedule 1.0 – must keep the vessel in a serviceable and operational condition at all times unless a Harbourmaster or Enforcement Officer has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such conditions that the Harbourmaster or Enforcement Officer 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) a Harbourmaster or Enforcement Officer 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 that 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 sub-clause 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 to the Council.
- 2.4.4 No person may operate any unseaworthy vessel except to comply with the directions of a Harbourmaster or Enforcement Officer to move the vessel to an alternative location.

2.5 Seaplanes

- 2.5.1 No person navigating a vessel may impede a seaplane landing or taking off.
- 2.5.2 No person may take off or land any aircraft, parasailer, paraglider or other means for air flying, on any navigable waterway subject to this Bylaw, other than with the permission of the Harbourmaster, or areas specifically declared or reserved for that purpose.

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 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 Damage to Buoys and Navigation Aids

- 2.7.1 No person may tie a vessel to any beacon, buoy or other device or structure erected as a navigation aid or warning, without prior written permission of a Harbourmaster or Enforcement Officer.
- 2.7.2 No person may wilfully damage, remove, deface or otherwise interfere with any buoy, beacon or other navigation safety device or structure erected by or duly authorised by the Council and/or Maritime Safety Authority as a navigation aid or warning.
- 2.7.3 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/or the Director.

2.8 Notification of Collisions or Accidents

- 2.8.1 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 reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
 - (c) in any manner gives rise to an obstruction in a Main Navigational Channel; 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 practicable report the occurrence to the Harbourmaster and, within 48 hours, provide the Harbourmaster with full written details of the occurrence.

- 2.8.2 A report under sub-clause 2.8.1 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.

- 2.8.3 If an incident described in sub-clause 2.8.1 involves damage to a vessel that affects or is likely to affect, its seaworthiness, the Master must 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.

2.9 Obstructions

- 2.9.1 Except in an emergency involving danger to life or property, no person may obstruct the access by water to any wharf, landing place, boat ramp, slipway, fuel berth or mooring.
- 2.9.2 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.
- 2.9.3 No person may place any obstruction, including any fishing apparatus within the Set Net and Crayfish Pot Exclusion area described in Schedule 2.4.
- 2.9.4 Any obstructions placed in contravention of sub-clauses 2.9.2 or 2.9.3 may be removed by a Harbourmaster or Enforcement Officer and may subsequently be disposed of or sold, with any monies obtained kept to defer expenses.

2.10 Vessels Not to Sound Whistles

- 2.10.1 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 this Bylaw precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf.

2.11 Navigation Lights

- 2.11.1 Navigation lights must be shown during the hours of darkness and during conditions of restricted visibility.
- 2.11.2 Every vessel must show a white light visible from all directions while at anchor during the hours of darkness.

2.12 Prohibited Anchorage Areas

- 2.12.1 No person may anchor or moor any vessel within any prohibited anchorage area as described and shown in Schedule 2.5 of this Bylaw.

2.13 Aircraft Approach Area

- 2.13.1 No person may navigate a vessel with a mast or superstructure in excess of 15 metres above sea level within the defined Aircraft Approach Area as described and shown in Schedule 2.6 of this Bylaw.

2.14 Dive Operations

- 2.14.1 No dive operations shall be undertaken to a vessel located in the large vessel anchoring position, the harbour entrance channel, the swinging basin and the harbour north east of the swinging basin unless a Dive Permit has been issued in accordance with the requirements of Schedule 5.

3 Operating Requirements

3.1 Minimum Age for Operating Powered Vessels

- 3.1.1 No person who is under the age of 15 years may propel or navigate a powered vessel that is capable of a proper speed exceeding 10 knots unless they are under the direct supervision of a person over the age of 15 years who is in the immediate reach of the controls.
- 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 unless under direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.3 Sub-clauses 3.1.1 and 3.1.2 do not apply to any person who has a written exemption from a Harbourmaster or Enforcement Officer.
- 3.1.4 A Harbourmaster or Enforcement Officer may issue an exemption under sub-clause 3.1.3, subject to such conditions as he/she considers necessary in the interest of maritime safety. Any exemption may be valid for any specified place or places to a person under the age of 15 years for training, competitions or other sporting events, if the Harbourmaster or Enforcement Officer considers that the person –
 - (a) is competent to propel or navigate a powered vessel at a proper speed exceeding 10 knots; and
 - (b) is aware of the relevant navigation safety rules and Bylaw; and
 - (b) will be under adequate supervision during the proposed activity or activities.

3.2 Speed of Vessels

- 3.2.1 No person may, without reasonable excuse, 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, raft, or person in the water; or
 - (b) within 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating the distance from the shore or structure; or
 - (c) within 200 metres of any vessel or raft that is flying Flag A of the International code of Signals (underwater diving operations).
- 3.2.2 No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of their body extending over the fore part, bow, or side of that vessel.
- 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 sub-clause 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 or similar object which may cause danger to any other person or vessel, without taking action to recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.

- 3.2.5 Sub-clauses 3.2.1(a) and 3.2.1(b) do not apply to:
- (a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with sub-clause 3.2.1; 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 with the exception of sub-clause 3.2.1(b) which will continue to apply; or
 - (c) a tug, pilot boat, emergency service vessel, Harbourmaster or Enforcement Officer vessel or Police vessel when the vessel's duties cannot be performed in compliance with sub-clause 3.2.1; or
 - (d) a 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; or
 - (f) a vessel training for or participating in competitive rowing or paddling.
- 3.2.6 Every person who propels or navigates a recreational craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels, persons or structure.

3.3 Lookouts on Vessels 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 at a speed exceeding 5 knots 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 lookout as required by sub-clauses 3.3.1 and 3.3.2 above.

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 that person is on water skis, aquaplane, surfboard or similar object, or is barefoot skiing.
- 3.4.2 No person may allow themselves to be towed by a vessel between sunset and sunrise.
- 3.4.2 Emergency or commercial towing is exempted from sub-clauses 3.4.1 and 3.4.2.

3.5 Access Lanes

- 3.5.1 The Council may from time to time by public notice and upon such terms and conditions and for such period or periods it thinks fit, declare and designate that any specified area or areas as it thinks fit shall be for use as an Access Lane in addition to those specified in Schedule 2.1.
- 3.5.2 Every Access Lane must be demarcated by orange posts with horizontal black bands.
- 3.5.3 An Access Lane may also be marked with orange buoys with vertical black stripes.
- 3.5.4 Adequate signage must be provided in the vicinity of the Access Lane that declares the purpose of that lane.

3.6 Conduct in Access Lanes

- 3.6.1 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 (right) side of the vessel.
- 3.6.2 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 (right) side of that vessel.
- 3.6.3 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.
- 3.6.4 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.
- 3.6.5 No person may use an Access Lane for any purpose other than the purpose for which it is declared.
- 3.6.6 If one or more persons are using an Access Lane for the purpose for which it is declared, no person may enter, remain or use the lane for any other purpose.
- 3.6.7 The Access Lanes to which this Bylaw applies are those described and shown in Schedule 2 or those that are declared under sub clause 3.5.1.

3.7 Reserved Areas

- 3.7.1 The Council may from time to time by public notice and upon such terms and conditions and for such period or periods it thinks fit, declare and designate that any specified area or areas as it thinks fit shall be reserved for any specified purpose.
- 3.7.2 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 this Bylaw as prescribed in Schedule 2.0 or declared under sub-clause 3.7.1.

- 3.7.3 If any person is using a Reserved Area for the purpose for which it is reserved, no other person may enter, remain or use the area for any other purpose.
- 3.7.4 Adequate signage must be provided in the vicinity of the Reserved Area that defines that area and declare the purpose for which the area has been reserved.
- 3.7.5 If marked, Reserved Areas must be marked on shore with black posts with horizontal bands or at sea with black buoys with white bands.

3.8 Temporary Events

- 3.8.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area subject to this Bylaw as shown and described in Schedule 1.0, may apply to the Council to –
 - (a) temporarily suspend the application of Clause 3.2 of this Bylaw in that area during the conduct of the race, speed trial, competition or other organised water activity; and
 - (b) temporarily reserve that area for the purpose of the activity.
- 3.8.2 Where a Harbourmaster or Enforcement Officer is satisfied, on considering an application under sub-clause 3.8.1, that the application may be granted without endangering the public, Council may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as Council may specify.
- 3.8.3 No grant of an application under this Bylaw may have effect unless not less than 7 days notice 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.
- 3.8.4 The Council may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice required under sub-clause 3.8.3.

3.9 Personal Water Craft (Jet Ski)

- 3.9.1 No person shall launch or operate a Personal Water Craft in any area other than the designated areas set out in Schedule 2.3 or the rivers.
- 3.9.2 No person may operate a Personal Water Craft in the rivers that exceeds a speed of 5 knots.
- 3.9.3 No person may operate a Personal Water Craft that does not have a Unique Identification Number marked on or affixed to it, registered with the Council.
- 3.9.4 The Unique Identification Number must be affixed on both sides of the Personal Water Craft with a minimum number or letter height of 100 millimetres and be clear and easy to read.
- 3.9.5 To register a Unique Identification Number with the Council the owner or operator of the Personal Water Craft must provide the following details:
 - (a) full name of the owner of a Personal Water Craft; and
 - (b) residential and postal address of the owner; and
 - (c) telephone number of the owner
 - (d) a full description of the Personal Water Craft, including any serial numbers and distinguishing features, colour, manufacturer and model of the Personal Water Craft.

Advisory Note: A specific number or name can be requested provided that the number or name is not registered to any other Personal Water Craft. Alternatively the Council can assign a unique number or name.

- 3.9.6 In the event that there is a change in the information as required in sub-clause 3.9.5 (b) and (c), the owner of the Personal Water Craft shall inform the Council of any new residential or postal address and telephone number.
- 3.9.7 In the event of a Personal Water Craft with Unique Identification Number being sold or transferred, the new owner must advise the Council in writing of the fact and must provide all the details set out in sub clause 3.9.5 as applicable, prior to operating the Personal Water Craft within waters administered under this Bylaw.
- 3.9.8 The transference, removal, alteration or masking of the Unique Identification Number, while in waters administered under this Bylaw, is an offence against the Bylaw.

3.10 Duties of Persons in Charge of Vessels Less than 500 Gross Tonnes within the Gisborne Pilotage Area

- 3.10.1 The master of any vessel of less than 500 gross tonnes must not impede the navigation of any vessel of more than 500 gross tonnes within the Gisborne Pilotage Area as described and shown in Advisory Note 1.0.
- 3.10.2 No unauthorised person may navigate a vessel under his or her control in the swinging basin, or in the entrance channel when a vessel exceeding 500 gross tonnes is in the channel between Tokomaru Rock Light Buoy and the entrance to the swinging basin or is in the swinging basin.

Advisory Note: The entrance channel and swinging basin are shown in Schedule 2.8.

3.11 Harbour Limit Requirements

- 3.11.1 The Master of any vessel prior to arrival at the Harbour Limits must confirm via their agent that they carry the harbour navigation charts.
- 3.11.2 The Harbourmaster may prevent any vessel from entering the Harbour Limits where it does not carry the harbour navigation charts.
- 3.11.3 When the vessel is in the Harbour Limits it must ensure a continuous listening watch on VHF channels 12 and 16 at all times.

3.11.4 It shall be an offence to fail to comply with the requirements of this clause.

3.12 Kite Surfing

- 3.11.5 A kite surf shall not be permitted to operate within 200 metres of flagged patrolled swimming areas or within 200 metres of the areas set out in Schedule 2.3.

4 Tankers, Hazardous Cargoes, Hazardous Works, Dangerous Materials and Bunkering Operations and (non-cargo) Liquid Transfer Management

4.1 Vessels Carrying Explosives

- 4.1.1 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 all round light by night.
- 4.1.2 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 a Harbourmaster or Enforcement Officer; 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.
- 4.1.3 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 a Harbourmaster or Enforcement Officer; 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.
- 4.1.4 Nothing in Clauses 4.1.1, 4.1.2 and 4.1.3 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 in the Seventh Schedule of the Hazardous Substances and New Organisms Act 1996.

4.2 Signals to be Displayed by Oil Tankers

- 4.2.1 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 a red Flag B of the International Code of Signals, and by night an all round red light at the masthead or where it can best be seen from all directions.

4.3 Duties of Master while Tanker is in Harbour

- 4.3.1 While in 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).
- 4.3.2 The Master of a tanker must -
- (a) Berth or moor the ship only at such wharf or place as specified for bulk oil discharges as otherwise permitted in writing by the Harbourmaster; and
 - (b) Keep the holds and spaces containing Class 3.1 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.

4.4 Oil Tankers not to Lie Close to Other Ships

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

4.5 Hot Work Operations

4.5.1 Within Gisborne Harbour the Master of every vessel on board of 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 ship or not, must obtain from the Harbourmaster or Enforcement Officer a Hot Work Permit in accordance with requirements set out in Schedule 4, not less than two hours before commencing the work.

4.5.2 The Master of the ship 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 should be made for the continuance of the precautions until the operations are completed.

4.5.3 A Harbourmaster or Enforcement Officer may grant a written exemption from compliance with sub-clauses 4.5.1 and 4.5.2 to the Master or owner of a vessel lying at any ship-repairing establishment.

4.5.4 No work may commence until such time as the Harbourmaster or Enforcement Officer is satisfied that requirements of a Hot Work Permit, as specified in Schedule 4 have been met in full.

4.6 Person on Board to Ensure Vessel Berths Safety

4.6.1 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 a Harbourmaster or Enforcement Officer, maintain a person on board to keep watch.

4.7 Bunkering Operations and (non-cargo) Liquid Transfer Management

4.7.1 Any bunkering or liquid transfer operation on any vessel shall be monitored in accordance with MARPOL regulations and recommendations and otherwise in accordance with the Gisborne District Marine Oil Spill Contingency Plan (Tier 2 Plan) 2011 or any plan which replaces it.

4.7.2 Any automatic pumping arrangement within the Harbour Limits shall be monitored at all times and not be left unattended.

5 Administrative Matters

5.1 Other Legislation

5.1.1 This Bylaw must be read in conjunction with any other relevant legislation and in particular the Maritime Rules under the Maritime Transport Act 1994. Particular note should also be made of the International Collision Regulations.

5.2 Suspensions and Exemptions from this Bylaw

- 5.2.1 An authorised officer of the Council may, of his or her own accord or on application by any person, suspend any provision of this Bylaw or exempt any 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.
- 5.2.2 An Authorised officer of the Council must be satisfied that the suspension or exemption will not endanger the safety of the public, and that appropriate consultation, with parties who may be adversely affected, has been undertaken.
- 5.2.3 Unless otherwise specified in this Bylaw, the Council shall require the suspension or exemption to be publicly notified.

5.3 Appointment of Harbourmaster and Enforcement Officers

- 5.3.1 The Council may, by resolution, appoint one or more Harbourmasters for the purpose of this Bylaw.
- 5.3.2 The Council may, by resolution, appoint one or more Enforcement Officers for the purpose of this Bylaw.
- 5.3.3 The Council may, by resolution, appoint one or more Honorary Enforcement Officers for the purpose of this Bylaw.
- 5.3.4 A Harbourmaster, Enforcement Officer, or Honorary Enforcement Officer may require the Master of any vessel or any other person who is found to be committing an offence in contravention to this Bylaw, to stop their vessel, and supply their name and address.

5.4 Applicability to Master/Owner

- 5.4.1 Where any clause in this Bylaw 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.
- 5.4.2 Where any clause of this Bylaw imposes an obligation or duty on both the Master and the owner of a vessel, then if that clause is not complied with, the Master or the owner shall be deemed severally to have committed an offence against this Bylaw. If any such clause is complied with by either the Master or the owner, then compliance by one shall for the purpose of the clauses of the Bylaw be deemed to be compliance by the other.

5.5 Fees and Charges

- 5.5.1 Fees and Charges as specified in Schedule 3.0 or as prescribed from time to time by the Council for functions undertaken by the Council under this Bylaw shall be paid to the Council on demand.
- 5.5.2 The Council may, amend this Bylaw under the Local Government Act 2002 review processes.

5.6 Offences

- 5.6.1 Every person commits an offence against this Bylaw, and is liable on summary of conviction to a fine not exceeding \$500 who contravenes any provision of Clauses 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.14, 3.1, 3.2, 3.3, 3.4, 3.6, 3.7, 3.9, 3.10, 3.11, 3.12, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 of this Bylaw.
- 5.6.2 Notwithstanding sub-clause 5.6.1 of this Bylaw, no Harbourmaster or Enforcement Officer or Honorary Enforcement Officer shall be guilty of an offence under this Bylaw by reason only of the fact that he or she does any act in contravention of this Bylaw, if –
- (a) he or she does the act in the reasonable belief that it is necessary in order to enable him or her to carry out any of his or her duties under this Bylaw; and
 - (b) he or she has due regard, while doing the act, to the safety of every person and ship within his or her vicinity.
- 5.6.3 Notwithstanding sub clause 5.6.1 of this Bylaw, in any proceedings for an offence against this Bylaw it shall be a defence to the charge if the person charged proves that any act or omission that is an ingredient of the offence was committed or made because of stress of weather, or for the safety of navigation in an emergency.
- 5.6.4 Except as provided for in sub clause 5.6.2, every person commits an Infringement Offence and may receive an infringement notice specifying an Infringement Fee, who contravenes any Navigation Bylaw specified in Regulations made pursuant to Section 699A (2) of the Local Government Act 1974 and may not exceed \$1000.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO
RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON
_____ (DAY) OF _____ (MONTH) 2012

----- MAYOR

----- CHIEF EXECUTIVE

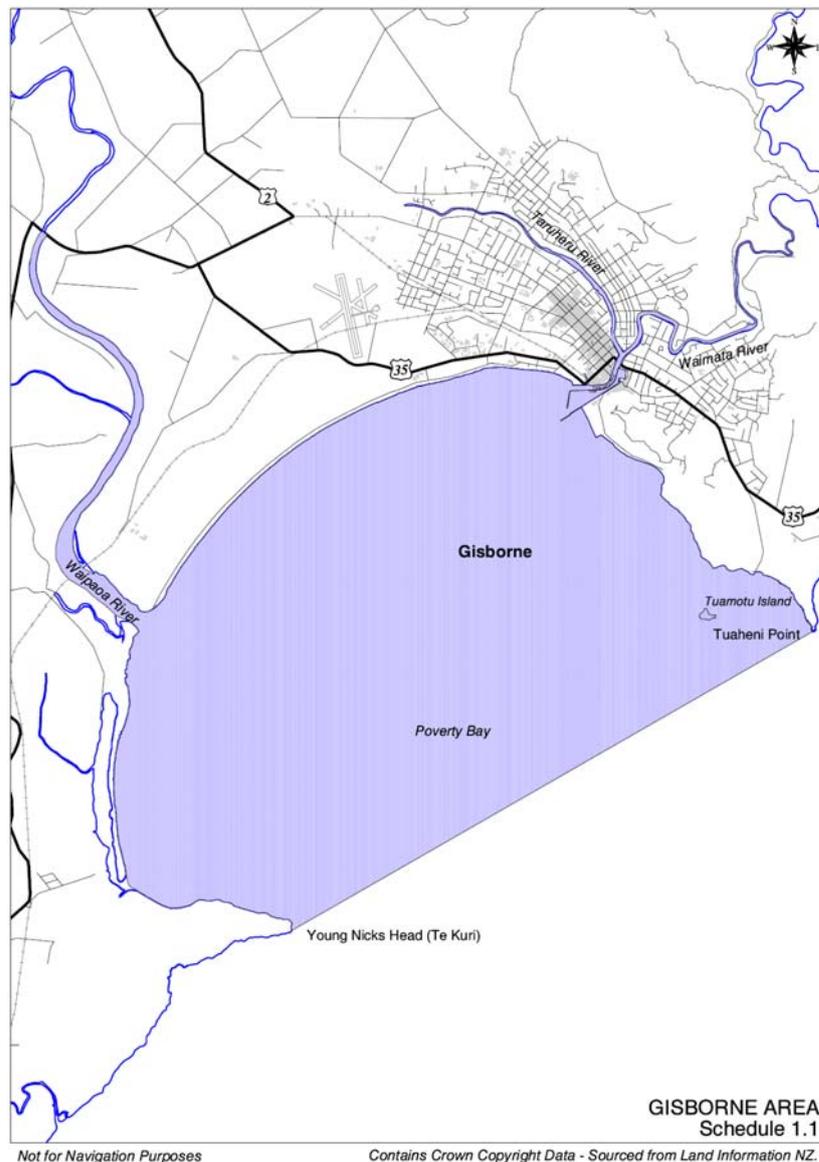
Schedule 1.0 – Areas Within Which this Bylaw Apply

S1.1 Gisborne Area Limits

All that area of tidal water inside a right line drawn from the easternmost point of Young Nick's Head to Tuahine Point, and to seaward of:

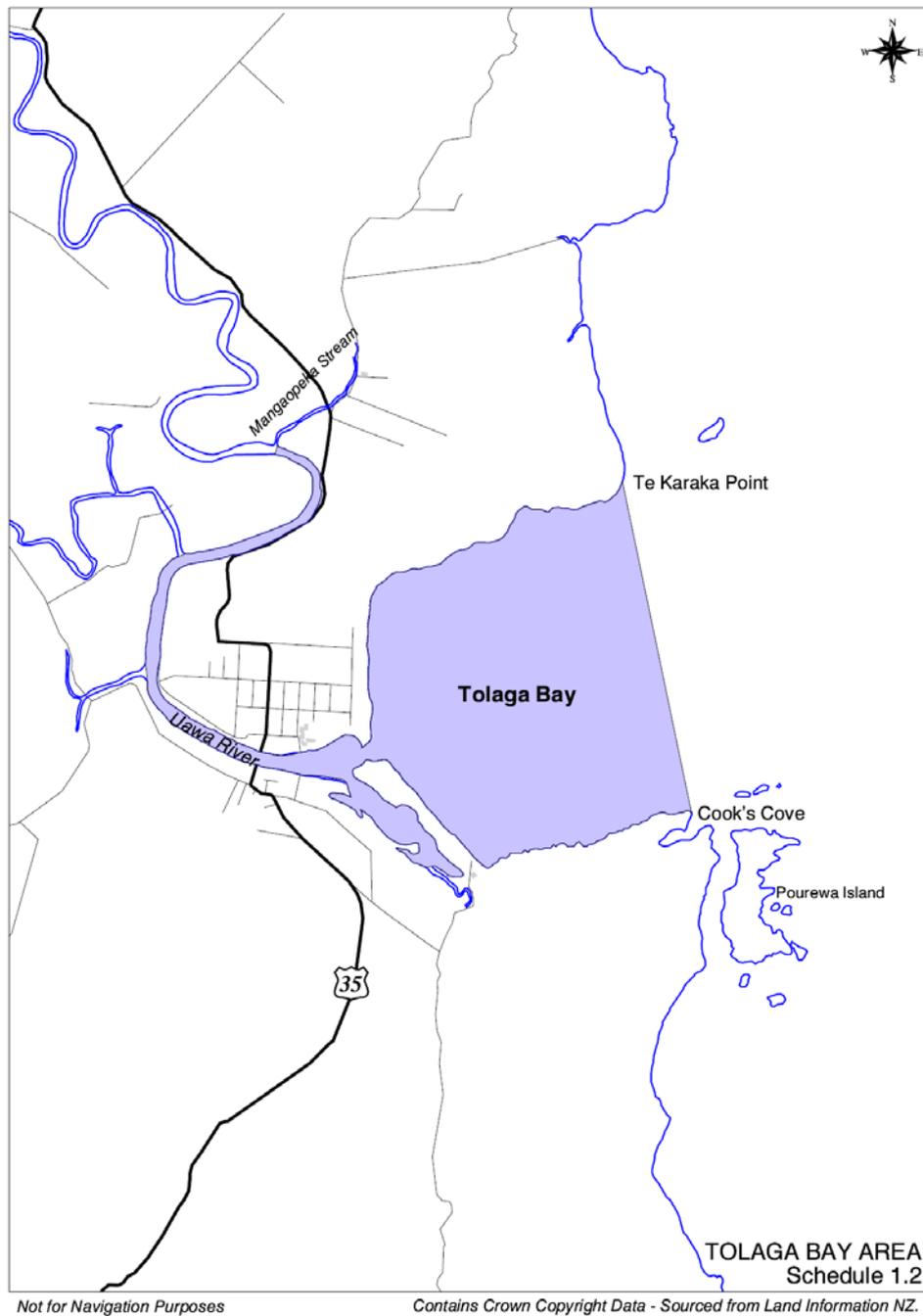
- (a) a right line drawn across the Waipaoa River from the seaward side of the State Highway 2 Bridge;
- (b) a right line drawn across the Waikanae Creek along the extended centreline of Lowe Street;
- (c) the navigable limit of the Taruheru River;
- (d) the navigable limit of the Waimata River;
- (e) a right line drawn across the mouth of the Wherowhero lagoon

as shown on the map below:



S 1.2 Tolaga Bay Area Limits

All that area of sea known as Tolaga Bay, and covered by the sea at high tide water lying inside a straight line from Te Karaka Point to Cooks Cove and to seaward of a right line drawn across the Uawa River from the seaward bank of the Mangopeka Stream, as shown on the map below:

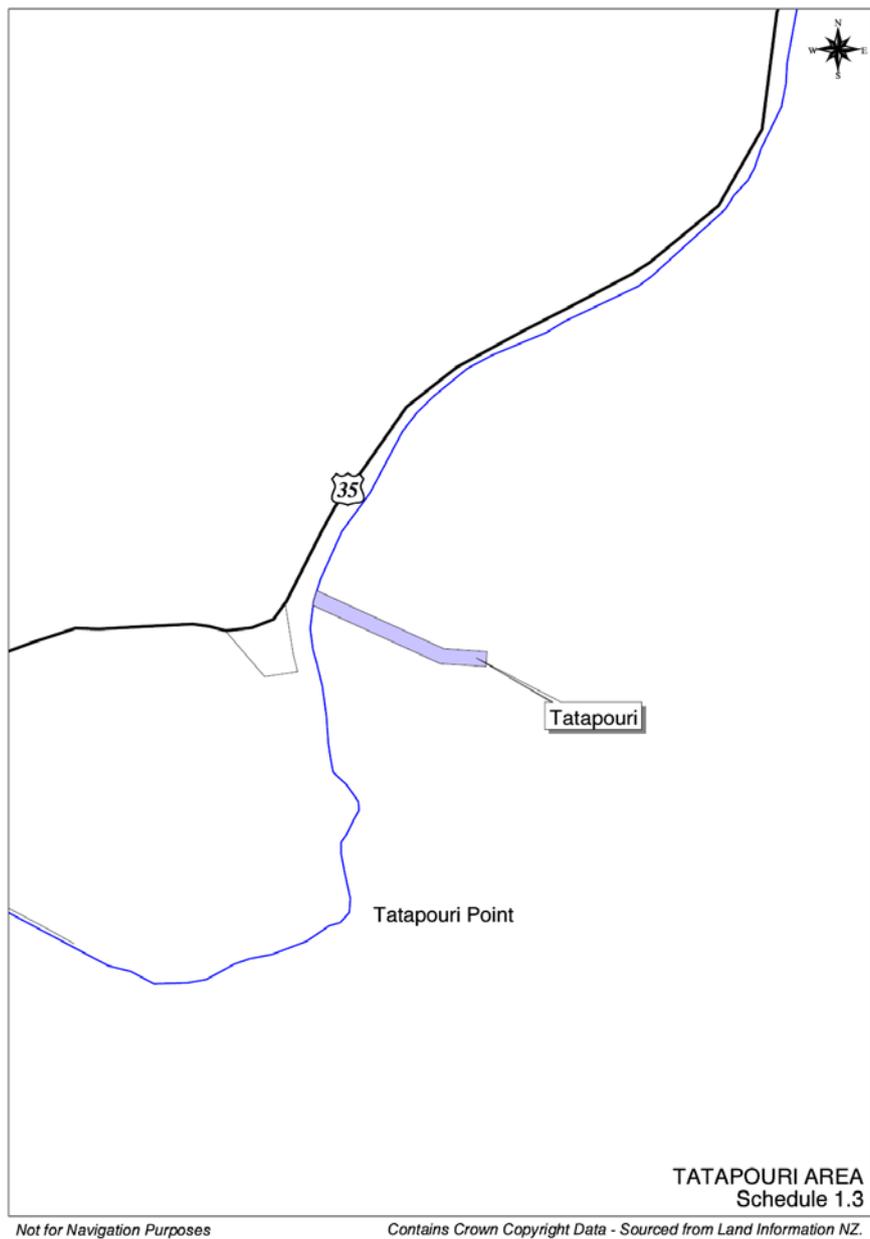


S 1.3 Tatapouri Area Limits

All that area of sea known as the Tatapouri Channel bounded by co-ordinates (WGS 1984):

- (a) 38°38.734'S 178°8.746'E
- (b) 38°38.752'S 178°8.742'E
- (c) 38°38.796'S 178°8.948'E
- (d) 38°38.814'S 178°8.944'E
- (e) 38°38.185'S 178°9.015'E
- (f) 38°38.815'S 178°9.0155'E

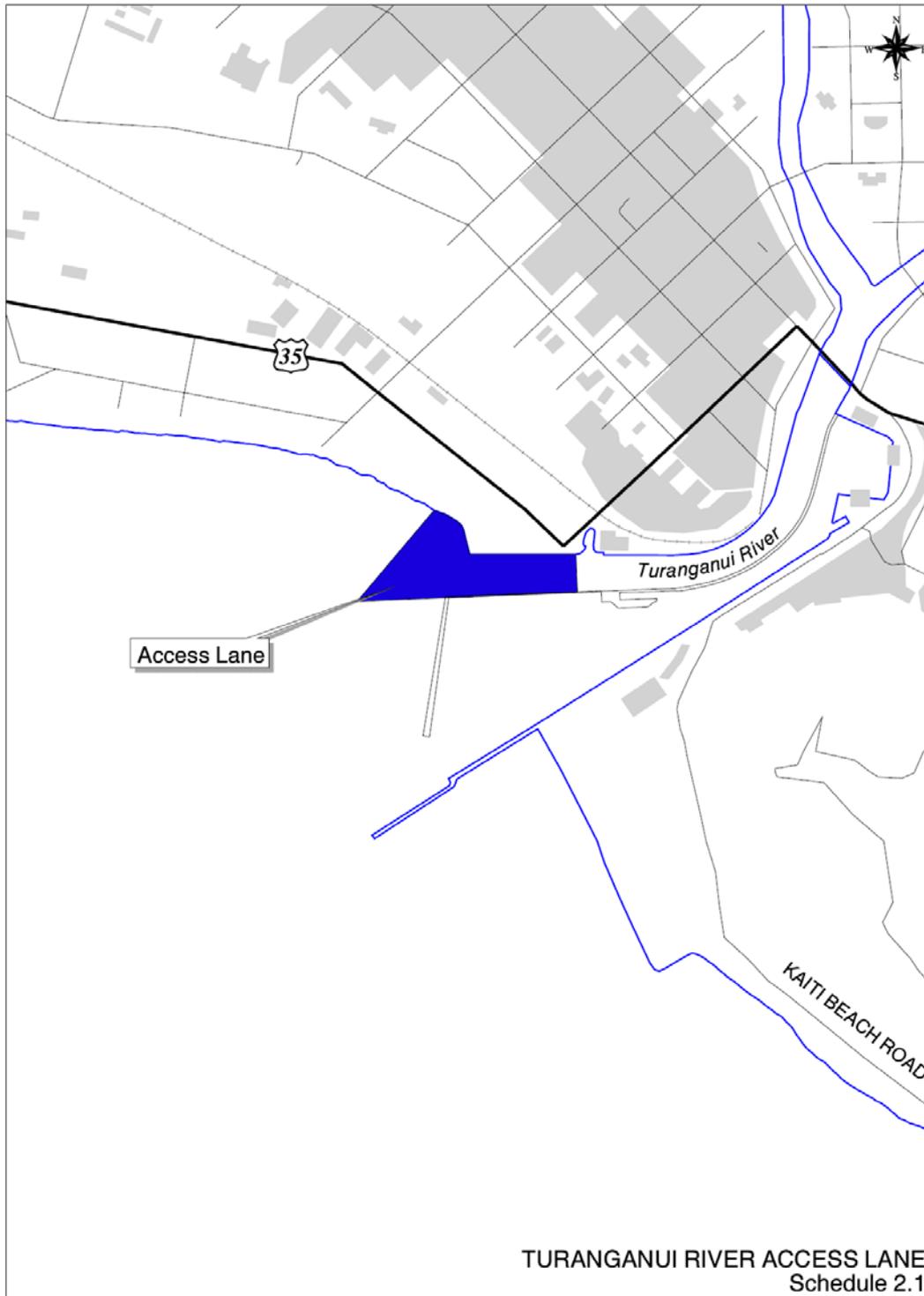
as shown on the map below:



Schedule 2.0 – Location Specific Information

S2.1 Access Lanes

- 2.1.1 An access lane has been designated for the launching and operation of powered vessels at the mouth of the Turanganui River as shown on the map below:

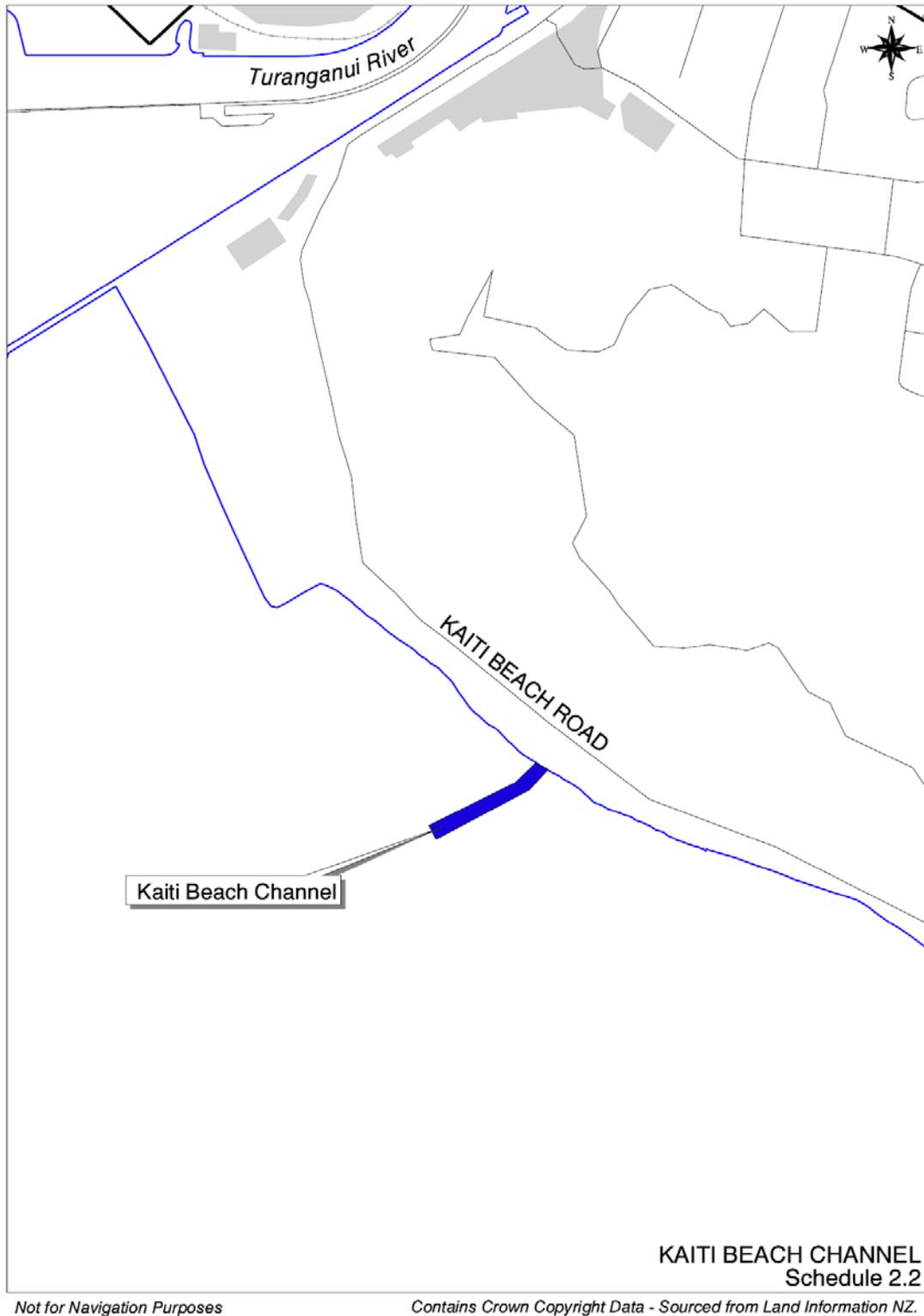


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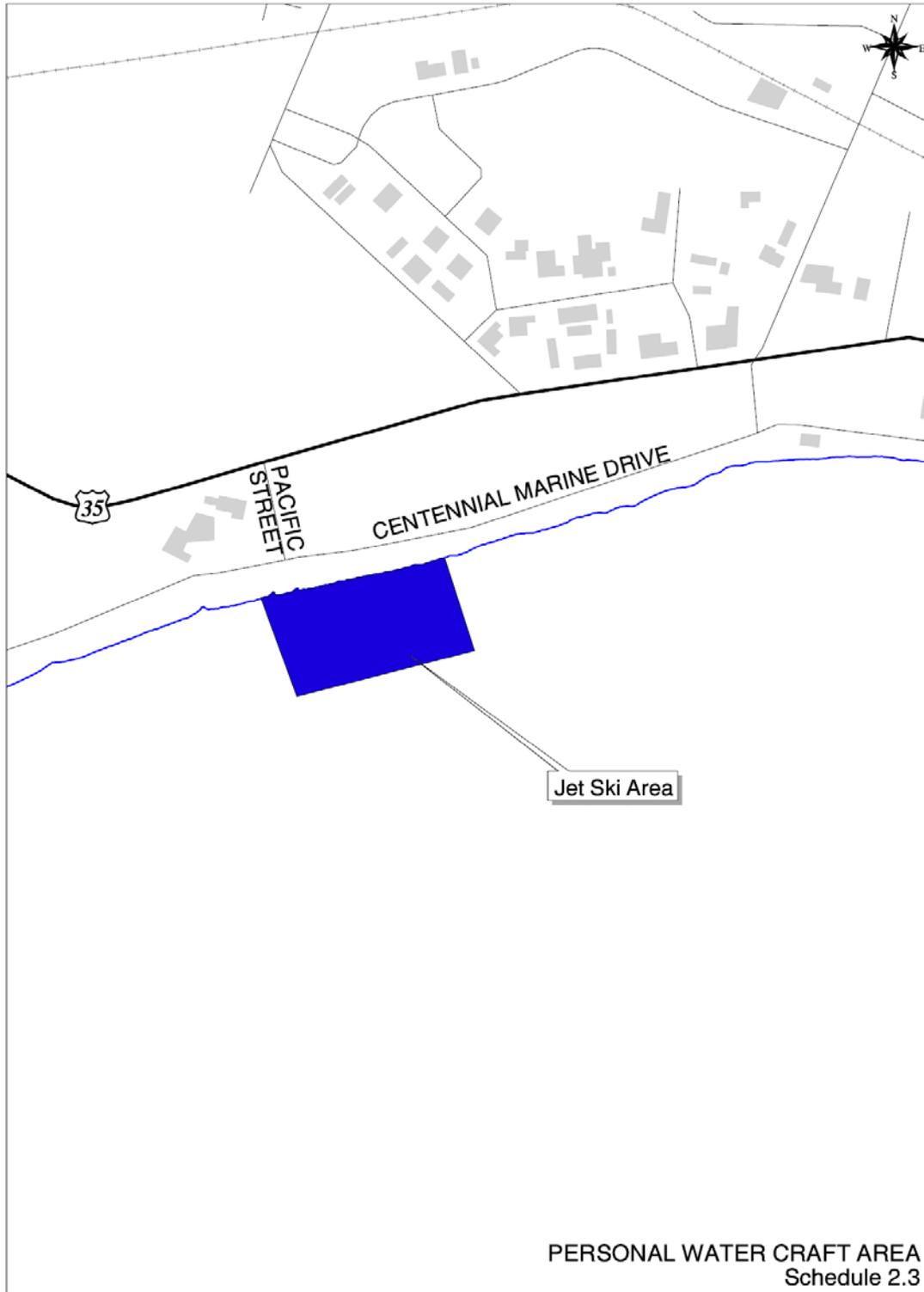
S2.2 Kaiti Beach Channel

2.2.1 The Kaiti Beach Channel has been reserved for the purpose of providing access for vessels navigating between the shore and the open sea. This excludes other activities from the channel including swimmers when vessels are navigating through the channel. The reserved area is shown on the map below:



S2.3 Personal Water Craft (Jet Ski)

2.3.1 A specific area has been reserved for the purpose of the operation of personal water craft, located between Mean High Water Springs and 200 metres offshore, extending 400 metres parallel to the shore with its western end located 50 metres west of the extended centre line of Pacific Street and its eastern end located 350 metres east of the extended centre line of Pacific Street and as shown on the map below:

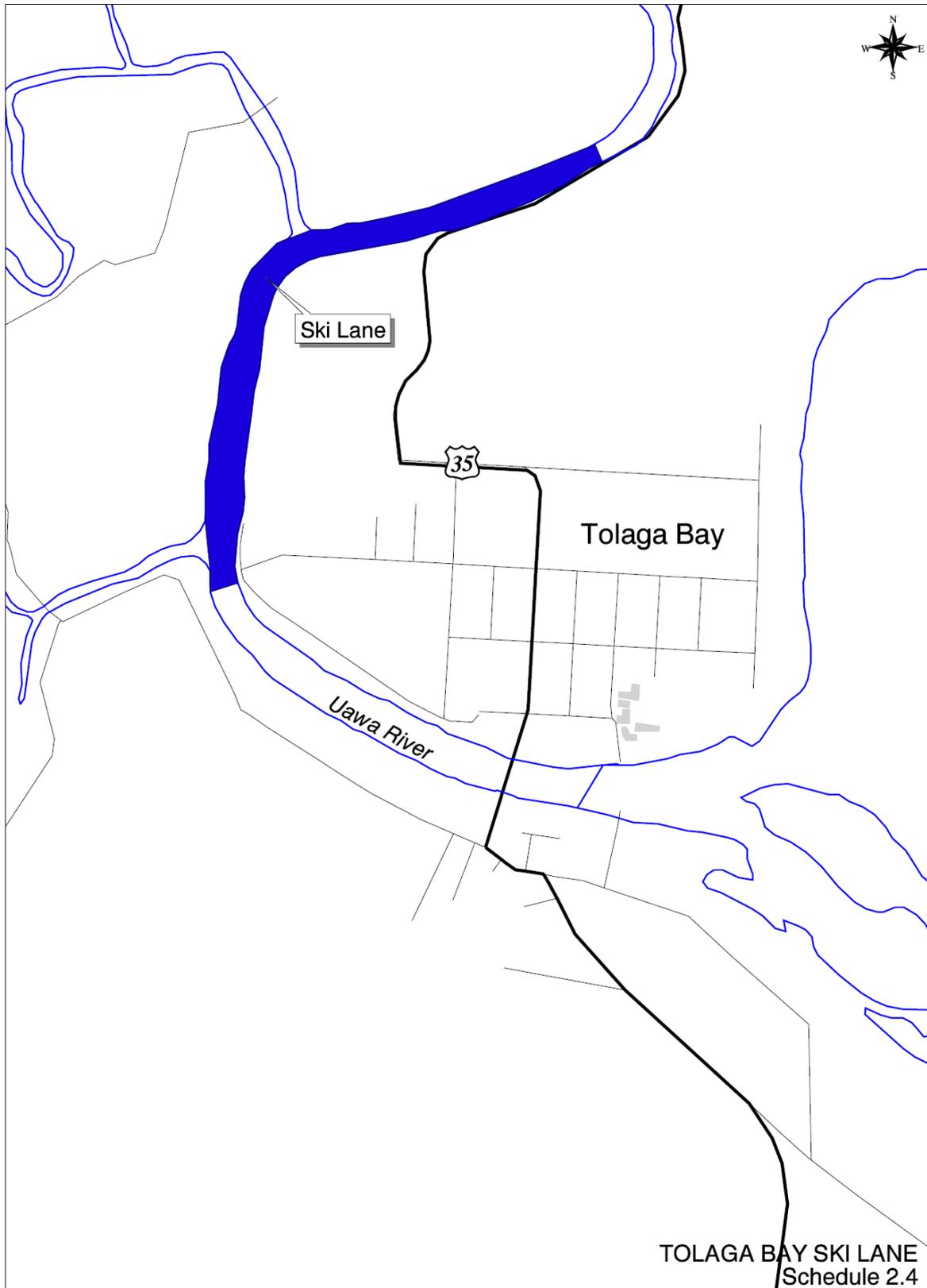


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S2.4 Tolaga Bay Ski Lane

2.4.1 An area of the Uawa River, Tolaga Bay has been reserved for water skiing purposes, as shown on the map below:



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S2.5 Crayfish Pot and Set-Net Exclusion Area

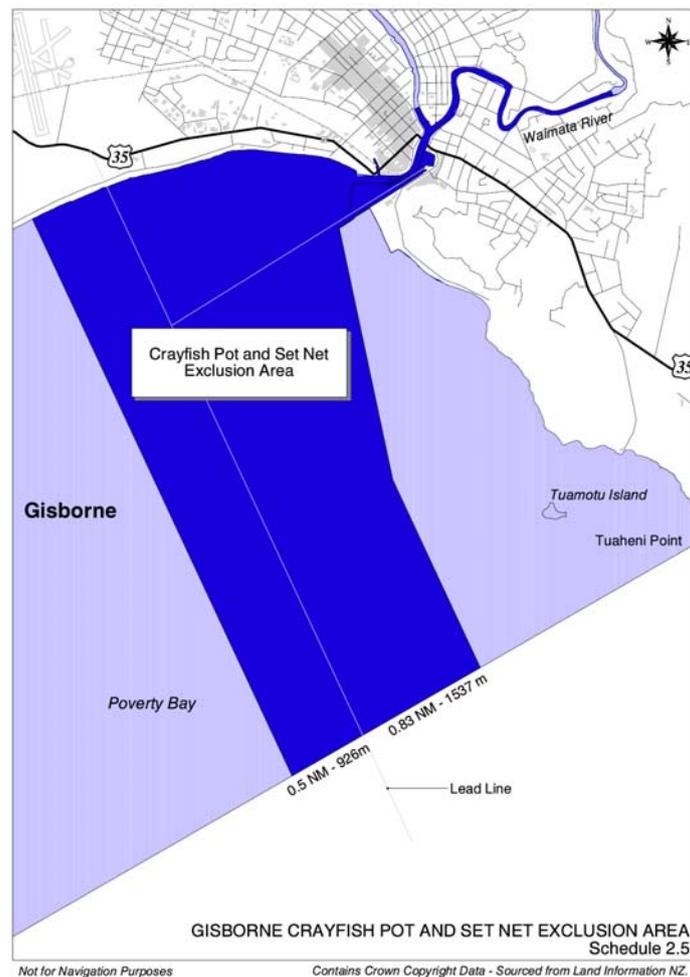
2.5.1 A Crayfish Pot and Set-Net Exclusion Area is located in the Gisborne Harbour Area bounded by co-ordinate positions (WGS 1984):

- (a) 38° 40.5' S 177° 59.1' E Beach (MHWS), 200m w of lead line;
- (b) 30° 43.9' S 178° 1.4' E Harbour limit, 200m of lead line;
- (c) 30° 42.5' S 178° 4.1' E Tuahine Point;
- (d) 38° 42.4' S 178° 2.8' E Tuamotu Island;
- (e) 38° 42.2' S 178° 1.6' E Waihora Buoy
- (f) 38° 40.7' S 178° 1.1' E Breakwater

and seaward of:

- (a) A right line drawn across the Waikanae Creek along the extended centreline of Lowe Street;
- (b) A right line drawn across the Taruheru River along the line of the seaward side of the Peel Street Bridge;
- (c) A right line drawn across the Waimata River above stream at the landmark commonly referred to as the Island.
- (d) Waihora Rock Buoy in position 38 42.21 S Lat 178 01.65 E Long

as shown on the map below:

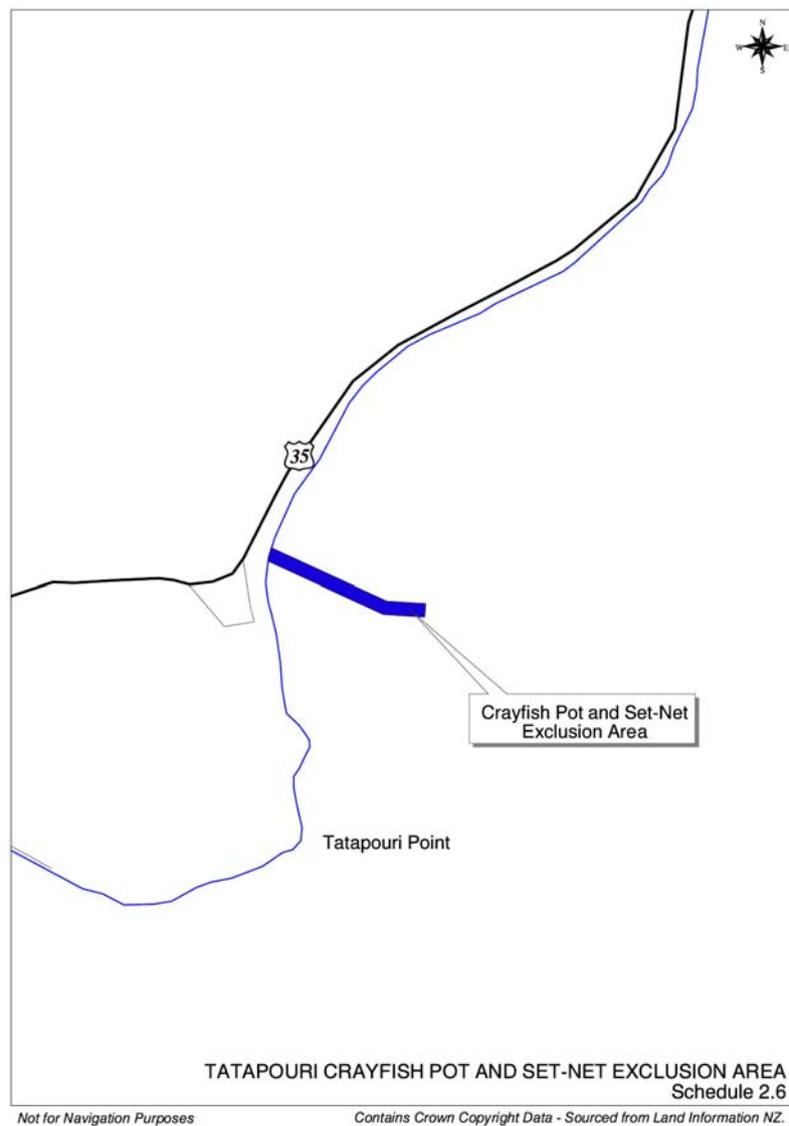


S2.6 Tatapouri Crayfish Pot and Set-Net Exclusion Area

2.6.1 A Crayfish Pot and Set Net Exclusion Area is located in the Tatapouri Channel Area bounded by co-ordinate positions (WGS 1984)

- (a) 38°38.734'S 178°8.746'E
- (b) 38°38.752'S 178°8.742'E
- (c) 38°38.796'S 178°8.948'E
- (d) 38°38.814'S 178°8.944'E
- (e) 38°38.185'S 178°9.015'E
- (f) 38°38.815'S 178°9.0155'E

as shown on the map below:

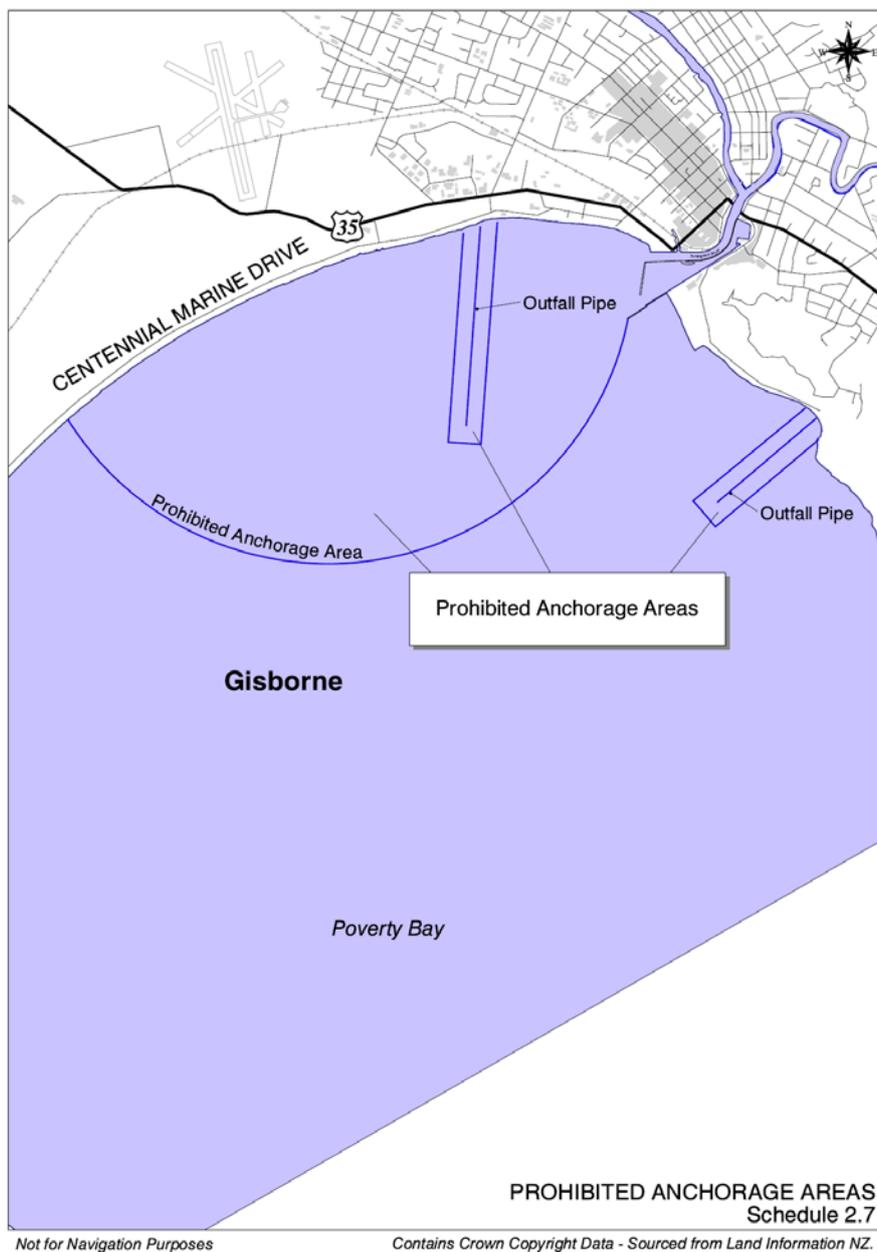


S2.7 Prohibited Anchorage Areas

2.7.1 All prohibited anchorage areas are those that are defined by New Zealand Hydrographic charts NZ 5613 and NZ 5551. The co-ordinate positions (WGS 1984) are:

- (a) the wastewater outfall from 38° 40.4' S 178° 00.2' E, hence south for a distance of 1NM;
- (b) the wastewater outfall from 38° 41.1' S 178° 02.3' E, hence in a direction of 226°(T) for a distance of 0.65NM;
- (c) the area encompassed within a circle with a radius of 1.5NM centred on a position of 38° 40.5' S 177° 59.25' E (Front Lead);
- (d) Waihora Rock Buoy in position 38 42.21 S Lat 178 01.65 E Long

as shown on the map below:

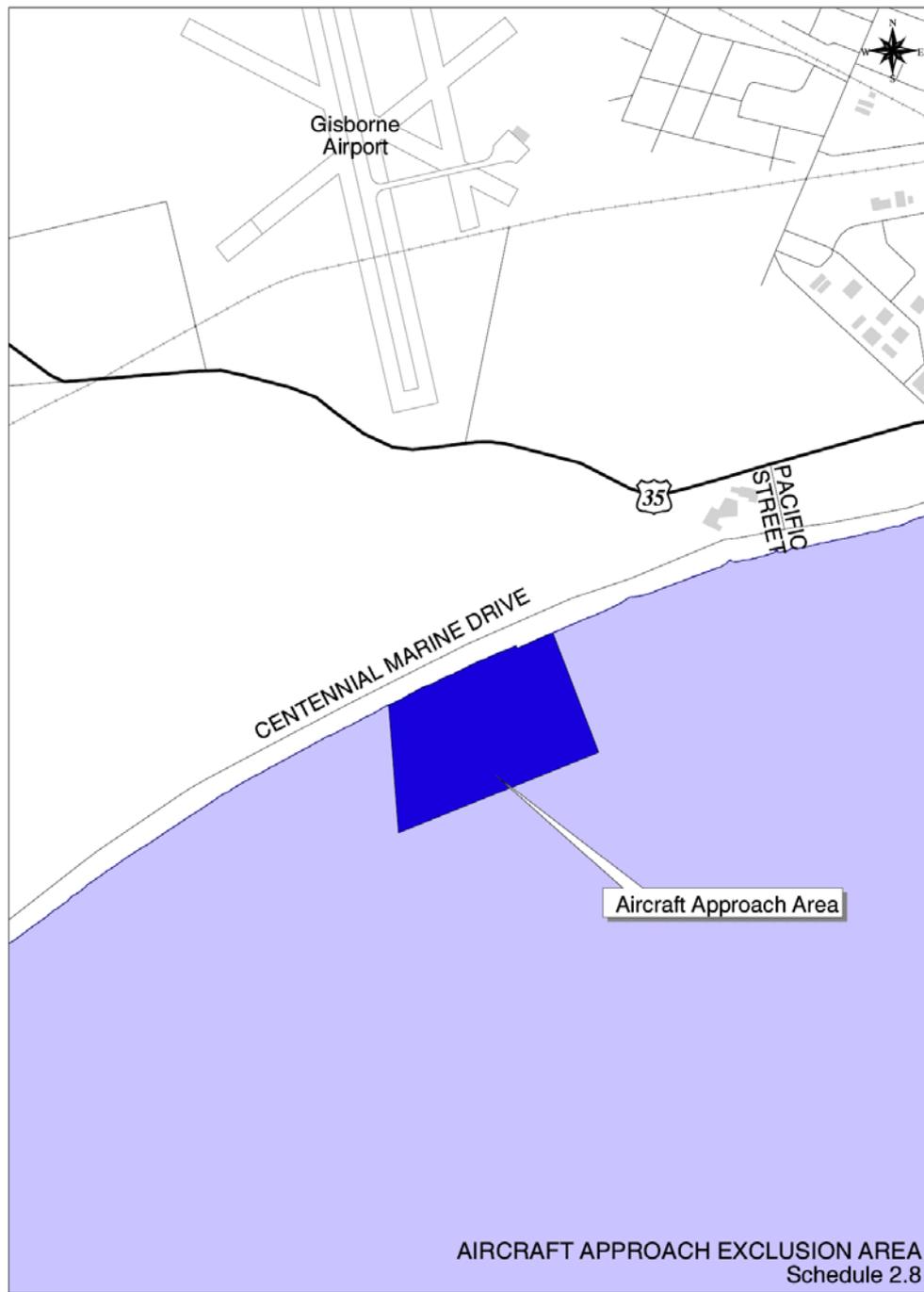


S2.8 Aircraft Approach Area

2.8.1 An aircraft approach area is located in the Gisborne Harbour, within co-ordinates (WGS 1984):

- (a) 38° 4.7' S 177° 58.7' E;
- (b) 38° 40.9' S 177° 58.8' E;
- (c) 38° 40.8' S 177° 59.2' E;
- (d) 38° 40.6' S 177° 59.1' E.

as shown on the map below.



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S2.9 Entrance Channel and Swinging Basin

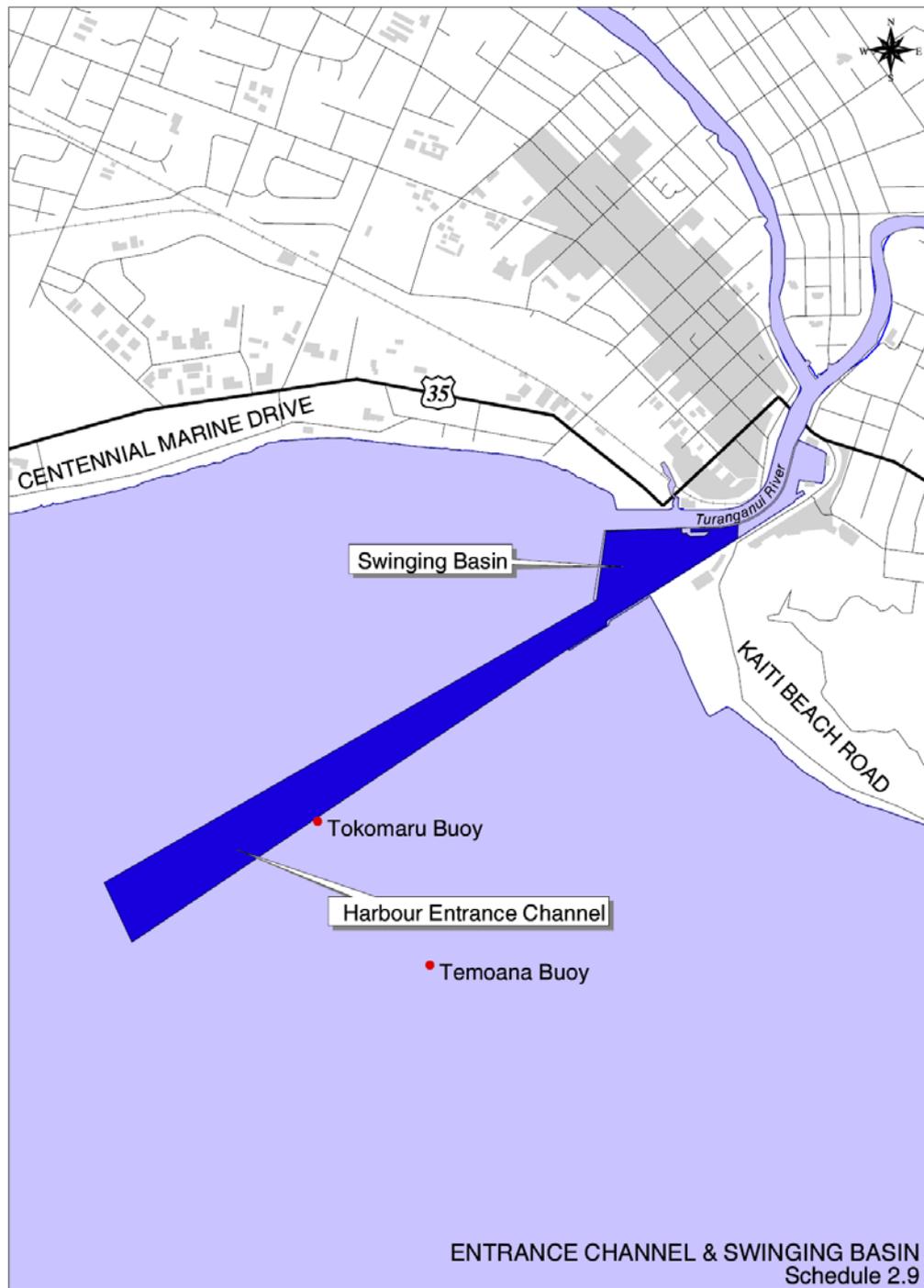
2.9.1 The entrance channel and swinging basin are shown on the map below:

Waihora rock west cardinal mark - 38 42.21 S Lat 178 01.65 E Long

Far Port hand channel entrance buoy – 38 41.008 S Lat 178 00.300 E Long

Port hand mid channel marker – 38 40.822 S Lat 178 00.687 E Long

Starboard mid channel marker – 38 40.901 S Lat 178 00.761E Long



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Schedule 3.0 – Fees

The following fees relate to this Bylaw:

Service	Fee
Registration of Personal Watercraft Clause 3.9	No Fee
Application for suspension or exemption Clause 5.2	\$40 (plus disbursements)
Removal of Vessel or Obstruction Clauses 2.4 and 2.9	\$85 per hour (plus disbursements)
Any other services or action	\$85 per hour (plus disbursements)
Public Notice	Actual cost of advertisement

Schedule 4.0 – Hot Work Permit and Application



Regulatory Services
Gisborne District Council
Fitzherbert Street
P O Box 747
Telephone: (06) 867 2049
Fax: (06) 867 8076

HOT WORK PERMIT

Not for use on Tankers/Pipeline

Permit No: _____

Under Clause _____ Gisborne District Navigation & Safety Bylaw 2012, permission is hereby given for gas cutting / burning / welding (electric/gas) to be carried out in the said locations:

on board vessel _____ at Berth _____, Port of Gisborne, 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. Suitable fire extinguishers / hoses provided onsite and fully operational.
4. Operator knows how to use fire equipment.
5. Operator knows how and where to raise fire alarm.
6. An inspection of the surroundings of the work area/s is carried out at least one hour after hot work is completed.
7. Other specified conditions:

Gas Free Certificate: Yes / No _____ Issued by _____

Signed:

For the Vessel _____ Position _____ Date _____

For the Contractor _____ Position _____ Date _____

Permit Issued By _____ Position _____ Date _____

This Permit is Valid from ____ hrs Date _____ until Hrs ____ 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.



Regulatory Services
Gisborne District Council
Fitzherbert Street
P O Box 747
Telephone: (06) 867 2049
Fax: (06) 867 8076

APPLICATION FOR HOT WORK PERMIT

To be completed by the Vessel's Master or his or her representative
prior to a Hot Work Permit being issued

Date: _____ Time: _____ Port of: _____

TO: Harbourmaster

I hereby advise that it will be necessary for the:

_____ (Name of Company)

to use gas cutting and/or electric welding during necessary repairs to:

_____ (Part of Vessel)

on board:

_____ (Name of Vessel)

The work will commence at _____ hours on _____ (Date)

Estimated completion time _____ hours on _____ (Date)

A plan of the intended work accompanies this application.

Signed:

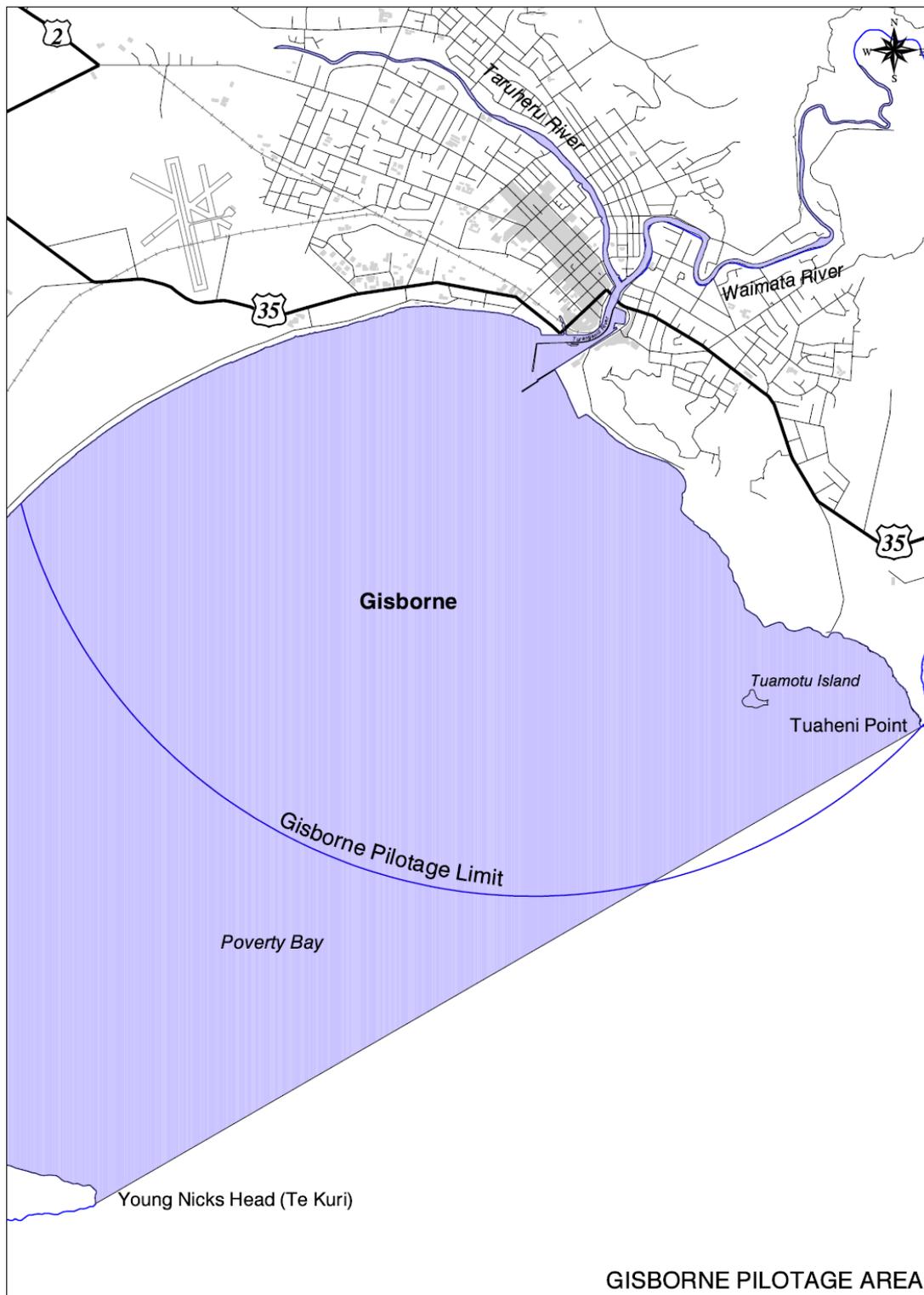
_____ Master

Advisory Notes

These advisory notes are for information purposes only. They are not part of the Navigation and Safety Bylaw and may change subject to other rules and legislation.

1.0 Gisborne Pilotage Area

- 1.1 The Gisborne Pilotage Area is defined as the area bounded seaward by the arc of a circle, radius 3 nautical miles, centred on the southern end of Butlers Wall (38° 40' .6S, 178° 01' .2E) and as shown on the map below:



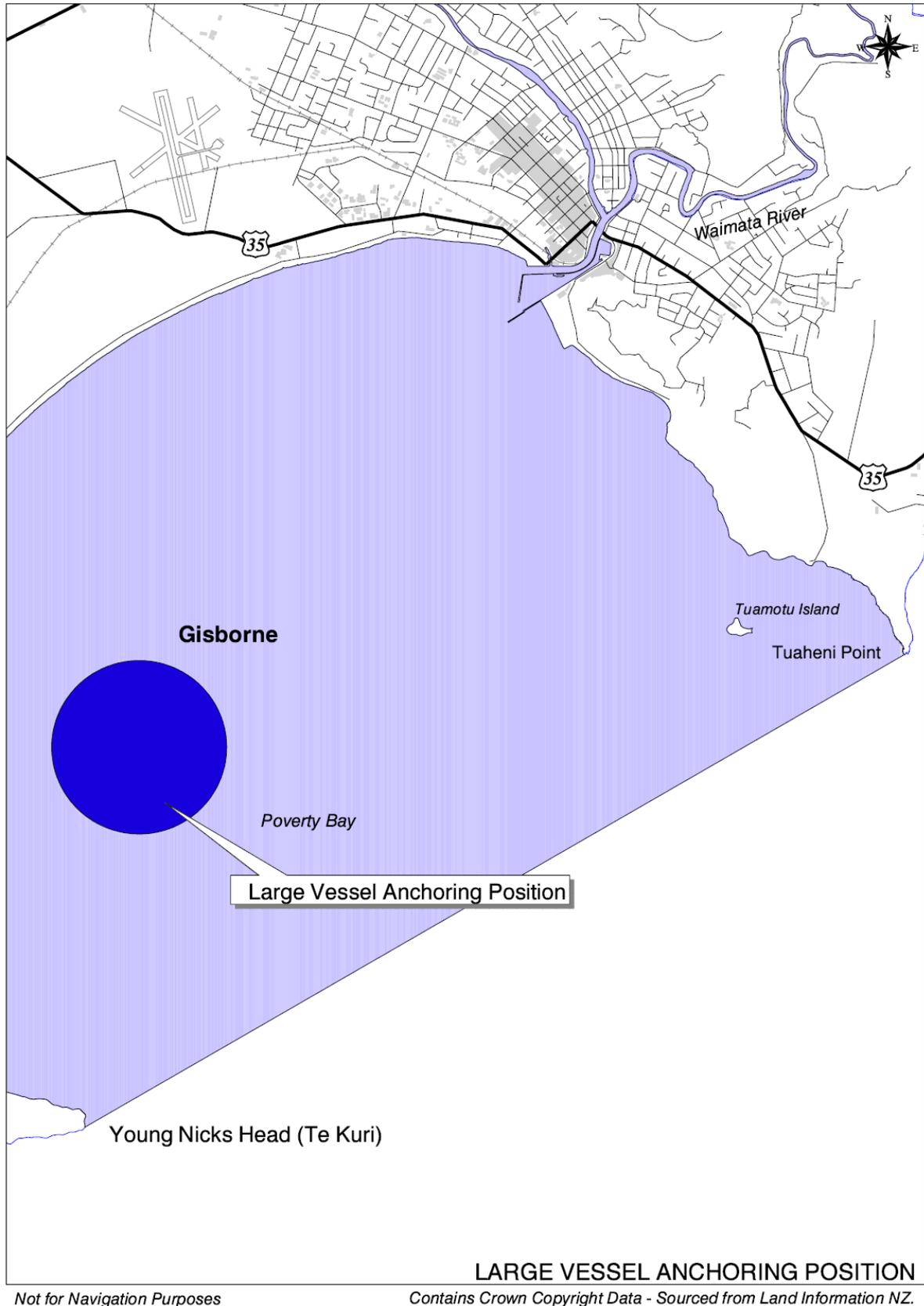
Not for Navigation Purposes

Contains Crown Copyright Data - Sourced from Land Information NZ.

- 1.2 General directions for navigating in the Gisborne Pilotage Area require that the Master shall ensure that:
- (a) automatic-steering "pilot" devices are not 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 immediately available for reducing speed, stopping or going astern at all times without delay; and
 - (c) anchors are 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; and
 - (e) while within Gisborne Pilotage Area 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; and
 - (f) the number of persons on the bridge of the vessel shall be sufficient to enable compliance with sub-clause (a).

2.0 Large Vessel Anchoring Position

2.1 The designated anchoring position for large commercial vessels is located within a circle of radius 0.5 nautical miles centred from position Lat. 38° 43.25'S Long. 177° 58.60' E, and as shown in the map below:



3.0 Local Government (Infringement Fees For Offences: Gisborne District Navigation and Safety Bylaw) Regulations 2012

PURSUANT to section 699A(2) of the Local Government Act 1974, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS (List of Sections)
S5.1. Title and commencement S5.2. Interpretation S5.3. Infringement offences and fees S5.4. Infringement notices
SCHEDULES Schedule 1 INFRINGEMENT OFFENCES AND FEES UNDER GISBORNE DISTRICT NAVIGATION AND SAFETY BYLAW.

S5.1 Title and Commencement –

S5.1.1 These regulations may be cited as the Local Government (Infringement Fees for Offences: Gisborne District Navigation and Safety Bylaw) Regulations 2012.

S5.1.2 These regulations come in force on [].

S5.2 Interpretation –

S5.2.1 In these regulations, unless the context otherwise requires, -

“The Act” means the Local Government Act 1974:

“Provision” means a provision of the Gisborne District Navigation and Safety Bylaw 2012.

S5.3 Infringement Offences and Fees –

S5.3.1 A breach of a provision specified in the first column of Schedule 1 for which an infringement fee is specified in that schedule is an infringement offence against the Act.

S5.3.2 The infringement fee for an offence referred to in S5.3.1 is the infringement fee specified in relation to that offence in the third column of Schedule 1.

S5.4 Infringement Notices –

S5.4.2 Every Infringement Notice in respect of an infringement offence against a provision specified in the first column of Schedule 1 must be in the form set out in Schedule 2.

Schedule 5.0 – Dive Permit and Application



Regulatory Services
Gisborne District Council
Fitzherbert Street
P O Box 747
Telephone: (06) 867 2049
Fax: (06) 867 8076

DIVE OPERATIONS PERMIT

Permit No: _____

Under Clause _____ Gisborne District Navigation & Safety Bylaw 2012, permission is hereby given for dive work on vessels to be carried out in the said locations:

on board vessel _____ at Berth _____, Port of Gisborne, subject to the following conditions:

1. *Main Engines immobilized.*
2. *'A' flag to be displayed on the vessel and the support craft.*
3. *All overside discharges to be ceased.*
4. *All ballast operations to have ceased*
5. *Appropriate lookouts posted.*
6. *Continuous watch on VHF channel 12 and 16 to be maintained.*
7. *Other specified conditions:*

Signed:

For the Vessel _____ Position _____ Date _____

For the Contractor _____ Position _____ Date _____

Permit Issued By _____ Position _____ Date _____

This Permit is Valid from ____ hrs Date _____ until Hrs ____ Date _____

THIS PERMIT MUST BE DISPLAYED AT WORK AREA
original to be kept in ships office / wheel house



Regulatory Services
Gisborne District Council
Fitzherbert Street
P O Box 747
Telephone: (06) 867 2049
Fax: (06) 867 8076

APPLICATION FOR DIVE OPERATIONS PERMIT

To be completed by the Vessel's Master or his/her representative
prior to a Dive Operations Permit being issued

Date: _____ Time: _____ Port of: _____

TO: Harbourmaster

I hereby advise that it will be necessary for the:

_____ (Name of Company)

to use divers during necessary repairs/ inspections to:

_____ (Part of Vessel)

on board:

_____ (Name of Vessel)

The work will commence at _____ hours on _____ (Date)

Estimated completion time _____ hours on _____ (Date)

A plan of the intended work accompanies this application.

Signed:

_____ Master



6 Schedule 6.0 – infringement Offences and Fees under Gisborne District Navigation and Safety Bylaw – [amended]

Provision	Description of Offence	Fee
Cl. 2.1.1	Failure to carry sufficient personal floatation devices.	\$200
Cl. 2.1.4	Failure to ensure each person onboard recreation craft wears personal floatation device during adverse weather or similar conditions.	\$200
Cl. 2.1.5	Failure to ensure personal flotation device worn while towing or being towed.	\$200
Cl. 2.2.1	Diving, swimming or other related activities in the Harbour.	\$100
Cl. 2.3.1	Operating propulsion system of vessel in prescribed circumstances.	\$100
Cl. 2.4.1	Vessel anchored or moored in an unseaworthy state.	\$100
Cl. 2.5.1	Impeding take off or landing of a seaplane.	\$200
Cl. 2.5.2	Taking off or landing aircraft on navigable waterway.	\$100
Cl. 2.6.1	Anchoring vessel so as to cause obstruction.	\$300
Cl. 2.6.2	Interfering with the mooring or security of a vessel.	\$200
Cl. 2.7.2	Damaging, removing, defacing or interfering with buoy, beacon or other navigation device.	\$200
Cl. 2.9.1	Obstructing access by water to wharf, landing place, boat ramp, slipway, fuel berth or mooring.	\$300
Cl. 2.9.2	Placement of obstructions in waters.	\$300
Cl. 2.9.3	Placing obstruction in Set-Net and Crayfish Pot exclusion zone.	\$300
Cl. 2.10.1	Blowing or sounding whistle, siren or horn.	\$200
Cl. 2.11.1	Failing to show navigation lights in darkness or low visibility.	\$200
Cl. 2.11.2	Failing to show white light while at anchor during darkness.	\$200
Cl. 2.12.1	Anchoring vessel within prohibited anchorage area.	\$200
Cl. 2.13.1	Navigating vessel with mast or superstructure over 15m within aircraft approach area.	\$200
Cl. 2.14.1	Undertaking dive operations without a permit.	\$200
Cl. 3.1.1	Operating a vessel underage.	\$100
Cl. 3.1.2	Owner of vessel permitting under age driving.	\$100
Cl. 3.2.1	Vessel exceeding 5 knots in specified areas.	\$200
Cl. 3.2.2	Unsafe practices for passengers above 5 knots.	\$200
Cl. 3.2.3	Exceeding 5 knots while being towed in specified areas.	\$100
Cl. 3.2.4	Failing to recover dropped water ski or similar object.	\$100
Cl. 3.2.6	Failing to ensure wake does not cause danger or risk of damage to other vessel, person or structure.	\$100
Cl. 3.3.1	Towing without a lookout.	\$100
Cl. 3.3.2	Being towed without a lookout.	\$100
Cl. 3.4.1	Towing a person between sunset and sunrise.	\$100
Cl. 3.4.2	Being towed between sunset and sunrise.	\$100
Cl. 3.6.1	Improper conduct in an Access Lane.	\$100

Cl. 3.6.2	Improper conduct in an Access Lane while being towed in an Access Lane.	\$100
Cl. 3.6.3	Acting dangerously in an Access Lane.	\$100
Cl. 3.6.4	Obstructing person using Access Lane.	\$300
Cl. 3.6.5	Using Access Lane other than for declared purpose.	\$100
Cl. 3.6.6	Using Access Lane for other than declared purpose while it is being used by one or more persons.	\$100
Cl. 3.7.2	Obstruction of others lawfully using reserved area.	\$100
Cl. 3.7.3	Using reserves area for purpose other than reserved purpose.	\$100
Cl. 3.9.1	Operate personal water craft in areas outside those designated for use.	\$100
Cl. 3.9.2	Operate a personal water craft in the rivers at a speed exceeding 5 knots.	\$100
Cl. 3.9.3	Failure to have identification number for personal water craft.	\$100
Cl. 3.9.8	Transference removal, alteration, or masking of identification number on personal water craft.	\$100
Cl. 3.10.1	Impeding the navigation of a vessel over 500 tonnes.	\$200
Cl. 3.11.1	Failure to confirm carrying harbour navigation charts prior to arrival.	\$500
Cl. 3.11.3	Failure to monitor vhf 12 and 16 within harbour limits.	\$500
Cl. 3.12.1	Operating kite surf within 200 metres of flagged patrolled swimming areas or in areas designated for personal water craft.	\$100
Cl. 4.5.4	Commencing work before requirements of hot work permit met.	\$200
Cl. 4.7.1	Failure to monitor bunkering or liquid transfer in accordance with requirements.	\$200
Cl. 4.7.2	Failure to monitor automatic pumping arrangement.	\$200