

An aerial photograph of a swimmer in the ocean. The swimmer is wearing a blue and white patterned swimsuit and a blue snorkel. The water is clear, and the swimmer's legs are visible. A semi-transparent green navigation map with orange lines is overlaid on the left side of the image. The text 'Hawke's Bay Navigation Safety Bylaw 2024' is written in white on the map.

*Hawke's Bay*

# Navigation Safety Bylaw 2024

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# PART 1

## Preliminary provisions



Figure 1: The Hawke's Bay region

### 1. Title and commencement

- 1.1 This bylaw may be cited as the Navigation Safety Bylaw for Hawke's Bay 2024.
- 1.2 This bylaw came into force on the date of Hawke's Bay Regional Council resolution December 13, 2023.

### 2. Purpose

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

### 3. Application

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

<sup>1</sup> <https://www.maritimenz.govt.nz/media/rhwkcqt1/part91-maritime-rule.pdf>

<sup>2</sup> <https://www.maritimenz.govt.nz/media/vu5bafi0/part22-maritime-rule.pdf>

<sup>3</sup> Navigable waters refer to any waters, whether coastal or inland, which can be navigated by vessels, including harbours.

## 4. Interpretation

4.1 In this bylaw, unless the context otherwise requires:

**Access lane** means those areas designated as access lanes in Schedules 1 (Coastal waters) and 2 (Inland waters) of this Bylaw. The width of the access lane is demarcated by the distance between the posts and the length extends 200m seaward from the coast.

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

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

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

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

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

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

**Board sports** means any board sport, including but not limited to windsurfing, sailboarding, kiteboarding, stand up paddle boarding, knee boarding, body boarding, surfing and foiling where the means of propulsion is by wind, waves or other natural forces, or where no mechanical or electrical means of propulsion is used.

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

**Bylaw** means the Hawke's Bay Navigation Safety Bylaw 2024 (and for the avoidance of doubt, includes the most recent version of the Maritime Rules Part 91 - Navigation Safety Rules and Part 22: Collision Prevention, prepared by Maritime New Zealand, with all necessary modifications and exceptions).

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

**Commercial vessel** has the same meaning as in section 2 of the Maritime Transport Act 1994 – means a ship that is not:

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

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

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

**Dangerous goods** means any substance, materials or articles classified as such in the International Maritime Dangerous Goods Code (IMDG Code).

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

**Emergency response craft** means any vessel approved by the Harbourmaster for use in, emergency response and includes Police, Customs, Harbourmaster, Coastguard, Naval and Port Company vessels and approved support vessels associated with water borne sports activities.

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

**Flag A** has the same meaning as Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag A of the International Code of Signals (the diver's flag), a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, of not less than 600mm x 600mm.

**Flag B** has the same meaning as in Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules – means flag B of the international code of signals, a burgee (swallow-tailed) flag coloured in red, or a rigid replica, of not less than 600mm x 600mm.

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

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

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

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

**Large vessel** means any vessel of 500 gross tonnage or greater, and any vessel of 40 metres length overall or greater. A tug and tow are considered a composite unit.

**Length** means length overall, which, in relation to a vessel means the distance from the foremost part of the bow to the aftermost part of the stern, not including fittings such as bowsprits, rudders, or outboard motors.

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

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

**Moor** means:

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

**Mooring** means:

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

**Motorised craft** means any vessel propelled by machinery and/or electricity irrespective of the principal source of propulsion. Non-motorised has the opposite meaning.

**Navigate** has the same meaning as Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules – means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

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

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

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

**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 a vessel and/or people on a vessel.

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

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

**Paddle craft** has the same meaning as Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules – means powered only by a craft’s occupant(s) using a single or double-bladed paddle as a lever without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

**Passive recreation** means non-motorised activities on, in or below the surface of the water.

**Personal flotation device** has the same meaning as in Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules - means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

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

**Personal watercraft<sup>4</sup>** has the same meaning as in section 33B of the Maritime Transport Act 1994 – means a power-driven ship that:

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

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

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

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

<sup>4</sup> For the avoidance of doubt, ‘personal watercraft’ includes a jet ski.

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

- a. means a ship that is not offered or used for hire or reward, and is used exclusively for:
  - i. the owner's pleasure or as the owner's residence; or
  - ii. recreational purposes by:
    - a. the members of a club that owns the ship; or
    - b. the beneficiaries of a trust that owns the ship; or
    - 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; or
  - 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; or
  - iii. operated or provided by:
    - a. a club, incorporated society, or trust for non-recreational purposes; or
    - b. a business.

**Proper speed** has the same meaning as Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules means the speed through the water.

**Public Notice** means a notice published in a newspaper, or on a website administered by or on behalf of the person who is required to publish the notice. This must be publicly available and free of charge.

**Recreational craft** has the same meaning as Rule 91.2 of the Maritime Rules – Part 91 Navigation Safety Rules – means a vessel that is:

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

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

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

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

**Rocket operations** means any activity relating to the testing, launching or recovery of space vehicles.

**Seaplane** has the same meaning as in section 2 of the Maritime Transport Act 1994 – includes a flying boat and any other aircraft designed to manoeuvre on the water.

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

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

- a. a barge, lighter, or other like vessel; and
- 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; and
- c. a submarine or other submersible.

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

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

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

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

**Vessel** has the same meaning as Rule 91.2 of the Maritime Rules Part 91 - Navigation Safety Rules - means every description of boat or craft used in navigation, whether or not it has any means of propulsion and includes:

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



# PART 2

## General matters

### 5. **Maritime rules to form part of this bylaw**

- 5.1 The current version of the Maritime Rules, Part 91 Navigation Safety Rules and Part 22 Collision Prevention shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under this Bylaw.
- 5.2 In the case of any inconsistency between requirements set out in this Bylaw and those set out in the Maritime Rules, the requirements set out in the Maritime Rules shall prevail.

### 6. **Officers not affected**

- 6.1 Bylaws 8 (Reserved areas for specific activities), 9 (Reserved areas for rocket operations), 10 (Reserved areas for temporary events), 11 (Anchorage restrictions), 12 (Prohibited anchorages), 13 (Moving prohibited zones), and 14 (Access lanes), do not apply to the Harbourmaster or any Enforcement Officer while acting during his or her duty.



# PART 3

## Reserved areas and restrictions

### 7. The making of reserved areas

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

Table 1: Types of reserved areas

Type	Description	Bylaw references*
Reserved areas for specific activities	Refers to areas allocated for a specific activity by this Bylaw	Refer Bylaw 8 Schedules 1.1, 1.3, 1.4, 1.5, 2.3, 2.5
Reserved area for Rocket operations	Refers to an area allocated for rocket operations and identified as such in a public notice	Refer Bylaw 9
Reserved area for temporary events	Refers to an area allocated for a temporary event and identified as such in a public notice	Refer Bylaw 10
Prohibited anchorages	Refers to areas where vessels must not anchor	Refer Bylaw 12 Schedule 1.4, 1.6
Moving prohibited zone	Refers to the area of water that exists around any vessel of 500 gross tonnage or greater within the Napier Pilotage Area	Refer Bylaw 13 Schedules 1.6
Access lanes	Refers to areas marked on maps in Schedule 1 (Coastal waters) that are used for the launching and/or recovery of vessels	Refer Bylaw 14 Schedules 1.1, 1.2
Speed uplifted areas	Refers to areas where Council has uplifted speed restrictions set out under Bylaw 27 on a permanent or temporary basis	Refer Bylaw 15 Schedules 2.1, 2.2, 2.3, 2.4, 2.5

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

## **8. Reserved areas for specific activities**

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

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

- 9.1 'Reserved area for rocket operations' refers to waters identified as a precautionary rocket launch area in the New Zealand Annual Notices to Mariners and allocated, from time to time, for the purposes of:
- a. rocket operations; and
  - b. ensuring public safety during those operations.
- 9.2 A person must:
- a. not obstruct or interfere with rocket operations for which the area is reserved pursuant to Bylaws 9.3 and 9.4; and
  - b. comply with all applicable controls and restrictions specified in a public notice under Bylaw 9.4.
- 9.3 A reservation under Bylaw 9.1 is subject to written permission from the Harbourmaster to:
- a. temporarily prohibit or regulate the use of vessels in a reserved area within the precautionary rocket launch area for rocket operations; and
  - b. temporarily regulate, or authorise a person to regulate, the admission of persons to the areas mentioned in 9.3(a).
- 9.4 The organisation responsible for the rocket operation is required to provide public notice<sup>5</sup>:
- a. not less than 72 hours before the reservation takes effect; and
  - b. identifies the reserved area and specifies the controls and restrictions, including the time period and any other relevant details required by the Harbourmaster.

## **10. Reserved areas for temporary events**

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

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<sup>5</sup> Public notice for rocket operations may be found at <https://www.rocketlabusa.com/missions/launch-safety/>

## 11. Anchorage restrictions

- 11.1 No person shall anchor a vessel so as to:
- obstruct the passage of any other vessel(s) or obstruct the approach to any wharf, pier, jetty, ramp; or
  - create a hazard for other vessels or water users.
- 11.2 All vessels anchored within the Hawke's Bay region must be capable and ready for immediate departure unless they have been granted written permission from the Harbourmaster.

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## 12. Prohibited anchorages

- 12.1 It is prohibited to anchor a vessel in the following locations without written permission from the Harbourmaster:
- The Ahuriri Inner Harbour and approaches, extending the width of the channel and up to 200 metres seaward of Perfume Point. - Schedule 1.4
  - The Napier Pilotage Channel - Schedule 1.6.

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## 13. Moving prohibited zone

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

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## 14. Access lanes

- 14.1 'Access lanes' refer to areas designated as an access lane in Schedules 1 (Coastal waters) for the purposes of providing safe navigational access to shore.



- 14.2 A person must not propel, navigate, or manoeuvre a vessel in an access lane except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.
- 14.3 A person must not:
- proceed in a manner that is dangerous in relation to any vessel or other person in the access lane; or
  - obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
- 14.4 If the access lane is being used for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

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## 15. Speed uplifted areas

- 15.1 'Speed uplifted areas' refer to areas designated as such in Schedule 2 (Inland waters), where Council has uplifted the 5 knot speed restrictions set out in Bylaw 27 (speed of vessels).
- 15.2 A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner that does not endanger or unduly interfere with any other person who is:
- on, in or using the water; or
  - fishing or undertaking recreational activity in the vicinity of the vessel.
- 15.3 Regardless of any speed uplifting, the person in charge of a vessel is expected to always operate in a safe manner and comply with the applicable provisions of Bylaw 27.

# PART 4

## Operating requirements

### 16. Vessel responsibility

- 16.1 A person on board must be nominated as the person in charge of the vessel before undertaking a voyage.
- 16.2 The person in charge is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel (for example the carriage and wearing of personal flotation devices).

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### 17. Personal flotation devices

- 17.1 Every person on board a pleasure craft 6 metres or less in length must wear a properly secured personal flotation device, of an appropriate size when the vessel is underway.
- 17.2 If instructed to do so by the person in charge, a person on board a pleasure craft greater than 6 metres in length must wear a properly secured personal flotation device, of an appropriate size when the vessel is underway.
- 17.3 Bylaws 17.1 and 17.2 do not apply to:
  - a. any surfboard or similar non-motorised craft; and
  - b. any person engaged in board sports, if a wetsuit is worn at all times; and
  - c. a recreational diver on a pleasure craft that is 6 metres or less in length within 5 miles of shore, if a full body wetsuit 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 under maritime rule 91.3.
- 17.4 The Harbourmaster may, in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity, grant an exemption in writing to Bylaws 17.1 and 17.2, for a specified period, if the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

### 18. Swimming or diving around wharves

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

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### 19. Use of propulsion systems

- 19.1 A person must not operate the propulsion system of a vessel whilst in the vicinity of any wharf, ramp, or any other vessel, equipment or structures in a way that may damage any property or cause injury to any person.
- 19.2 In addition to the requirements of Bylaw 19.1, a person in charge of a commercial vessel in the Napier Port Breakwater Harbour must ensure crew members are stationed forward and aft on any berthed vessel prior to and for the duration of testing a propulsion system.

## 20. Seaworthiness

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

## 21. Seaplanes

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

## 22. Anchoring and mooring

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

- 22.4 A person in charge of a moored vessel must ensure there is a safe means of access for authorised persons.

## 23. Aids to navigation

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

## 24. Lights and sound signals

- 24.1 A person operating a vessel must comply with Maritime Rules Part 22: Collision Prevention, including requirements for when lights must be exhibited and for the exhibition of sidelights and stern lights on sailing vessels of less than 7 metres in length.
- 24.2 A person must not blow or sound the whistle, siren, or horn of a vessel, unless:
- they are being used as a navigation safety signal or for the testing of equipment; or
  - they are being used for the purposes of a sporting event, or a celebration event and provided they are used in locations where there will be no confusion to any other person about the navigation safety signal being sent; or
  - the Harbourmaster has given written permission.

## 25. Communication

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

## **26 Minimum age for operating motorised craft**

- 26.1 A vessel capable of exceeding a speed of 10 knots can only be operated by a person who is over 15 years old.
- 26.2 However, Bylaw 26.1 does not apply if:
- a. the Harbourmaster has upon request, provided a written exemption pursuant to Bylaw 38; and
  - b. that person is under the direct supervision of another person who is:
    - i. over 15 years of age; and
    - ii. in immediate reach of the controls of the vessel; and
    - iii. not the person responsible for observing another person being towed.
- 26.3 The Harbourmaster when considering whether to grant an exemption under Bylaw 26.2(a) must have regard to:
- a. the competency of the person to propel or navigate a motorised craft at a proper speed exceeding 10 knots; and
  - b. the awareness of the person of relevant maritime safety requirements; and
  - c. the adequacy of supervision during the proposed activity.

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## **27 Speed of vessels**

- 27.1 A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots:
- a. within 50 metres of any other vessel or person in the water; or
  - b. within 200 metres of:
    - i. the shore; or
    - ii. of any structure; or
    - iii. on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
  - c. within 200 metres of any vessel or structure that is displaying flag A (diver's flag); or
  - d. within any reserved area made under Bylaw 7.1(a) that has a 5-knot speed limit; or
  - e. in any mooring zone.

- 27.2 A person must not operate a motorised craft at a proper speed exceeding 5 knots while any person has any portion of their body extending over any part of that vessel.
- 27.3 However, the speed limit in Bylaw 27.1(a) does not apply to:
- a. a large vessel that cannot be safely navigated at that speed; or
  - b. a vessel participating in sail training, coaching, or racing administered by:
    - i. a club affiliated to Yachting New Zealand; or
    - ii. a non-profit organisation involved in sail training or racing; or
  - c. a vessel training for or participating in competitive rowing, paddling or surf lifesaving, including support vessels; or
  - d. a tug, pilot vessel, Harbourmaster vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed at that speed; or
  - e. a vessel operating in a reserved area made under Bylaw 7.1(a) that allows for a higher speed limit as identified and provided for in:
    - i. Bylaws 8, 9, 10, or 15; and
    - ii. Schedules 1 (Coastal waters) and 2 (Inland waters) of these bylaws.

- 27.4 However, the speed limit in Bylaw 27.1(b) does not apply to:
- a. a vessel operating in a speed uplifted area made under Bylaw 7.1(a) that allows for a higher speed limit; or
  - b. a vessel operating in accordance with a speed uplifting established under
    - i. Bylaws 8, 9, 10, or 15; and
    - ii. Schedules 1 (Coastal waters) and 2 (Inland waters) of this Bylaw; or
  - c. any board sport carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association, where one exists, or if one does not exist, the accepted safe practices of the individual sport.

## 28 Visibility of paddle craft

28.1 A person using a paddle craft of 6 metres or less in length overall (for example a kayak, stand up paddle board, or waka) must ensure the craft is clearly visible to any other water user more than 200 metres away (for example by using high visibility equipment, flags, or lights).

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## 29 Accidents and incidents

29.1 In the event of a vessel being involved in an accident or incident on the water that results or could result in:

- a. damage to another vessel, a navigation aid or any structure; or
- b. a vessel to be sunk or grounded; or
- c. a vessel to become unseaworthy; or
- d. injury to any person; – the person(s) in charge of the vessel(s) must report the incident to the Harbourmaster pursuant to Bylaw 37.

29.2 In the event of an accident or incident on the water that involves damage to a vessel that affects or is likely to affect its seaworthiness:

- a. the person in charge of the vessel must not move that vessel except:
  - i. to clear the main navigational channel or to moor or anchor in safety; or
  - ii. in accordance with the directions of the Harbourmaster; and
- b. the person in charge of that vessel must report to the Harbourmaster pursuant to Bylaw 37.

29.3 Except for a collision causing a person to be seriously harmed (as defined in the Maritime Transport Act), Bylaws 29.1 and 29.2 do not apply to:

- a. a vessel participating in sail training, coaching, or racing administered by:
  - i. a club affiliated to Yachting New Zealand; or
  - ii. a non-profit organisation involved in sail training, coaching, or racing; or
- b. a craft training for or participating in competitive rowing or paddling.

## 30 Obstructions and hazards

30.1 A person must not obstruct access to any wharf, landing place, boat ramp, designated launching area, slipway or mooring without written permission from the Harbourmaster.

30.2 In the event of an incident where cargo is lost into water and has the potential to be a maritime hazard, the person in charge of operations must immediately report the incident to the Harbourmaster pursuant to Bylaw 37<sup>6</sup>.

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## 31 Napier Pilotage Area

31.1 While within the Napier Pilotage Area (refer Schedule 1, Map 1.6) a person in charge of a vessel under 500 gross tonnage must not allow that vessel to impede the navigation of any vessel of 500 gross tonnage or more.

31.2 A person in charge of a vessel must not anchor, moor, or navigate a recreational vessel within 50 metres of a vessel of 500 gross tonnage or more within the Napier Pilotage Area, unless authorised to do so by the Harbourmaster.

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<sup>6</sup> The Harbourmaster may direct the recovery of lost cargo in accordance with 33F of the Maritime Transport Act and require notification again once the cargo has been recovered.





# PART 5

## Dangerous goods and work permits

### 32 Vessels carrying dangerous goods

- 32.1 A person in charge of any vessel in any port, harbour, roadstead, or anchorage carrying, loading or discharging dangerous goods must hoist on the vessel the flag B by day and display a red light by night.
- 32.2 A person in charge of any vessel in any port, harbour, roadstead or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying, loading, or discharging dangerous goods, except:
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.
- 32.3 A person in charge of any vessel carrying dangerous goods in any port, harbour, roadstead, or anchorage, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:
- for the purpose of loading or unloading that other vessel; or
  - for the purpose of rendering assistance to that other vessel in an emergency; or
  - for the purpose of navigating the vessel in the normal process of berthing or unberthing.

### 33 Loading or discharge of cargo

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

- 33.3 A person handling logs on shore or loading logs onto a vessel must monitor the operation and immediately identify any logs that have fallen into the water and track them until they have been removed.
- 33.4 A person handling or loading logs at Napier Port must immediately advise Harbour Control and the Harbourmaster of any logs that have fallen into the water and provide a follow up confirmation once the log(s) have been recovered. If the logs are unable to be recovered a navigational warning shall be promulgated.

### 34 Hot work & engine immobilisation

- 34.1 All waterborne vessels within the Napier Pilotage Area require a permit from the Harbourmaster for hot work.
- 34.2 All waterborne vessels within the Napier Pilotage Area require a permit from the Harbourmaster for engine immobilisation.
- 34.3 The permit may be denied, suspended, or cancelled at any time if the Harbourmaster has maritime safety concerns.

### 35 Dive operations

- 35.1 A person diving must ensure that flag A (diver flag) is displayed in such a manner that it can be clearly seen at a distance of at least 200 metres.
- 35.2 A person in charge of a vessel from which dive operations are in progress must ensure that flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance of more than 200 metres.
- 35.3 Where a person is diving without a vessel, the flag A must be displayed on a buoy in close proximity to that person and in a manner that the flag can be clearly identified by the watch keeper of another vessel at a distance of more than 200 metres.
- 35.4 All commercial diving operations within the Napier Pilotage Area requires a permit from the Harbourmaster.
- 35.5 The permit may be denied, suspended or canceled at any time if the Harbourmaster has maritime safety concerns.

# PART 6

## Administrative matters

### 36 Identification of vessels

- 36.1 Every motorised craft greater than 4 metres in length, and every non-motorised craft greater than 6 metres in length must be named.
- 36.2 The name of the vessel must have a minimum of two characters which may be letters and/or numbers. The characters must be of a contrasting colour to the vessel and have a minimum height of 90 millimetres and a minimum width of 80 millimetres.
- 36.3 Vessels to which clause 36.1 do not apply should have details of the owner/operator clearly marked in or on the vessel.
- 36.4 Bylaws 36.1 to 36.3 do not apply to vessels participating in training, coaching or racing administered by a club or organisation provided that the details of the vessels/owners are available.
- 36.5 Every personal watercraft must display on both sides a unique identification number that is registered with the Hawke's Bay Regional Council (or another Council) before it is used in regional waters.
- 36.6 If there is a change of ownership or disposal of the craft, the relevant form should be completed.
- 36.7 For further information please visit [hbrc.govt.nz/services/harbourmaster/jetskipwc-registration](https://hbrc.govt.nz/services/harbourmaster/jetskipwc-registration)

### 37 Notification of collisions or accidents

- 37.1 A person in charge of a vessel must provide a report if a vessel is involved in an accident or incident that results or could result in:
- damage to another vessel, a navigation aid, or any structure; or
  - a vessel to be sunk or grounded; or
  - a vessel to become unseaworthy; or
  - injury to any person.

37.2 A report under Bylaw 37.1 must be provided to the Harbourmaster:

- verbally as soon as possible, and
- in writing within 48 hours.

37.3 A report under Bylaw 37.1 must include:

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

### 38 Exemptions from this Bylaw

- 38.1 The Hawke's Bay Regional Council may suspend any provision of this Bylaw or exempt any activity from any provision of this Bylaw, subject to Bylaws 38.2 and 38.3.
- 38.2 The suspension or exemption may be subject to conditions and have an effect for a period that the Council considers appropriate. Any suspension or exemption made under this Bylaw must be notified to all affected parties as determined by the Council.
- 38.3 Any suspension or exemption under Bylaw 38.1 must not be construed so as to affect or derogate in any way from the provisions of the Maritime Transport Act, including Maritime Rules.

# SCHEDULE 1

## Coastal waters

### – reserved and restricted use areas

## Readers' guide for Schedule 1

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

Schedule 1 contains two distinct area usage types:

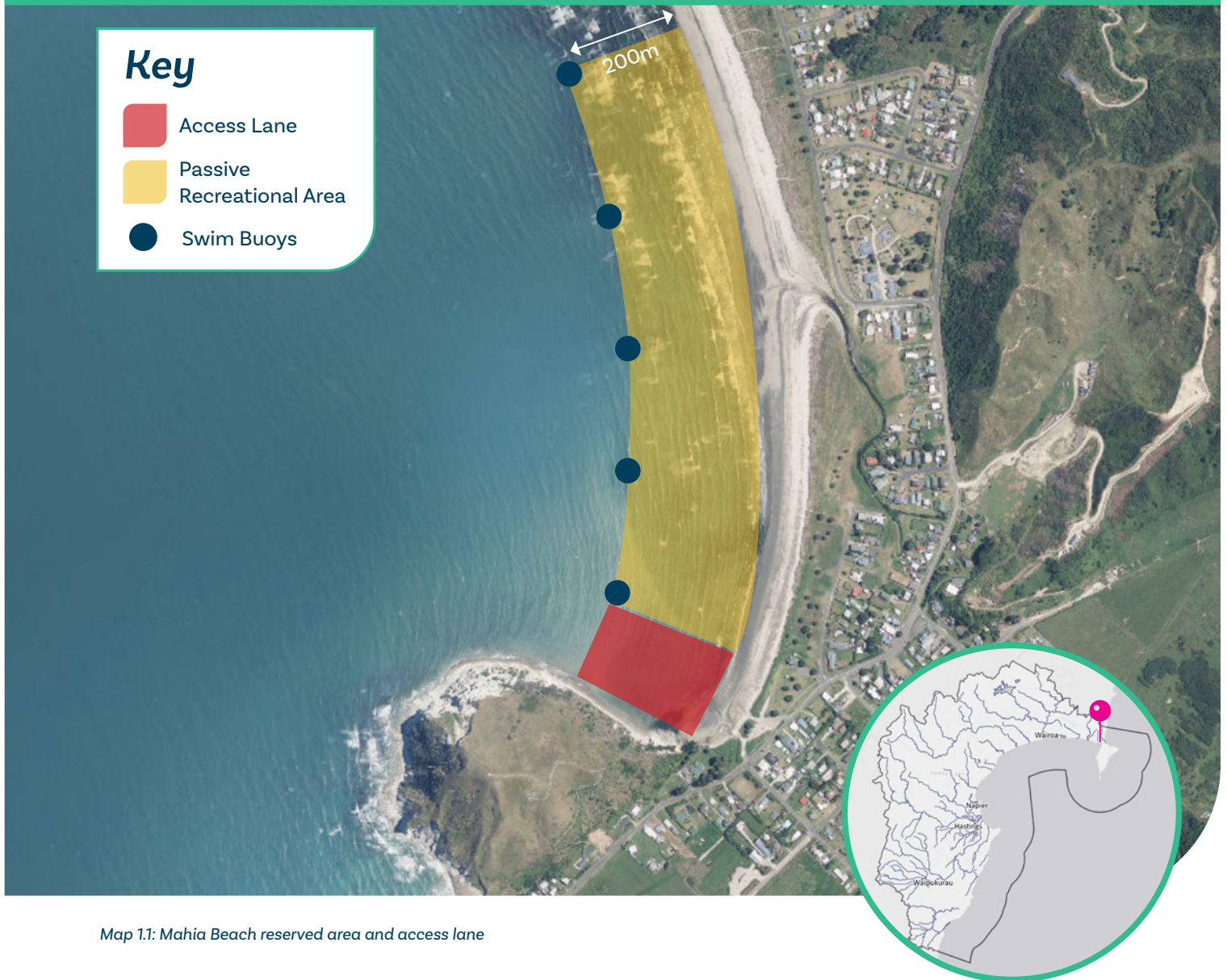
1. Access lanes and reserved areas - relevant schedules include conditions of use, which are regulatory provisions pursuant to this Bylaw. Breaches of these conditions could result in enforcement action.
2. Cautionary zones - relevant schedules do not contain regulatory provisions but instead includes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

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

Table 2: Coastal areas reserved for maritime safety purposes

Type (purpose) of area	Location	Map	Page
Access lanes for the launching/recovery of motorised craft.	Mahia Beach	1.1	21
	Waimārama Beach	1.2	22
Reserved area for passive recreation	Mahia Beach	1.1	21
	Hardinge Road (Napier Port Beach)	1.3	23
	Ahuriri Estuary (Pandora Pond)	1.4	24
	Pourerere Stream	1.5	25
Cautionary zones*	Whangawehi	1.7	28
	Waikokopu	1.8	29
	Kairakau Beach	1.9	30
	Pourerere Beach	1.10	31

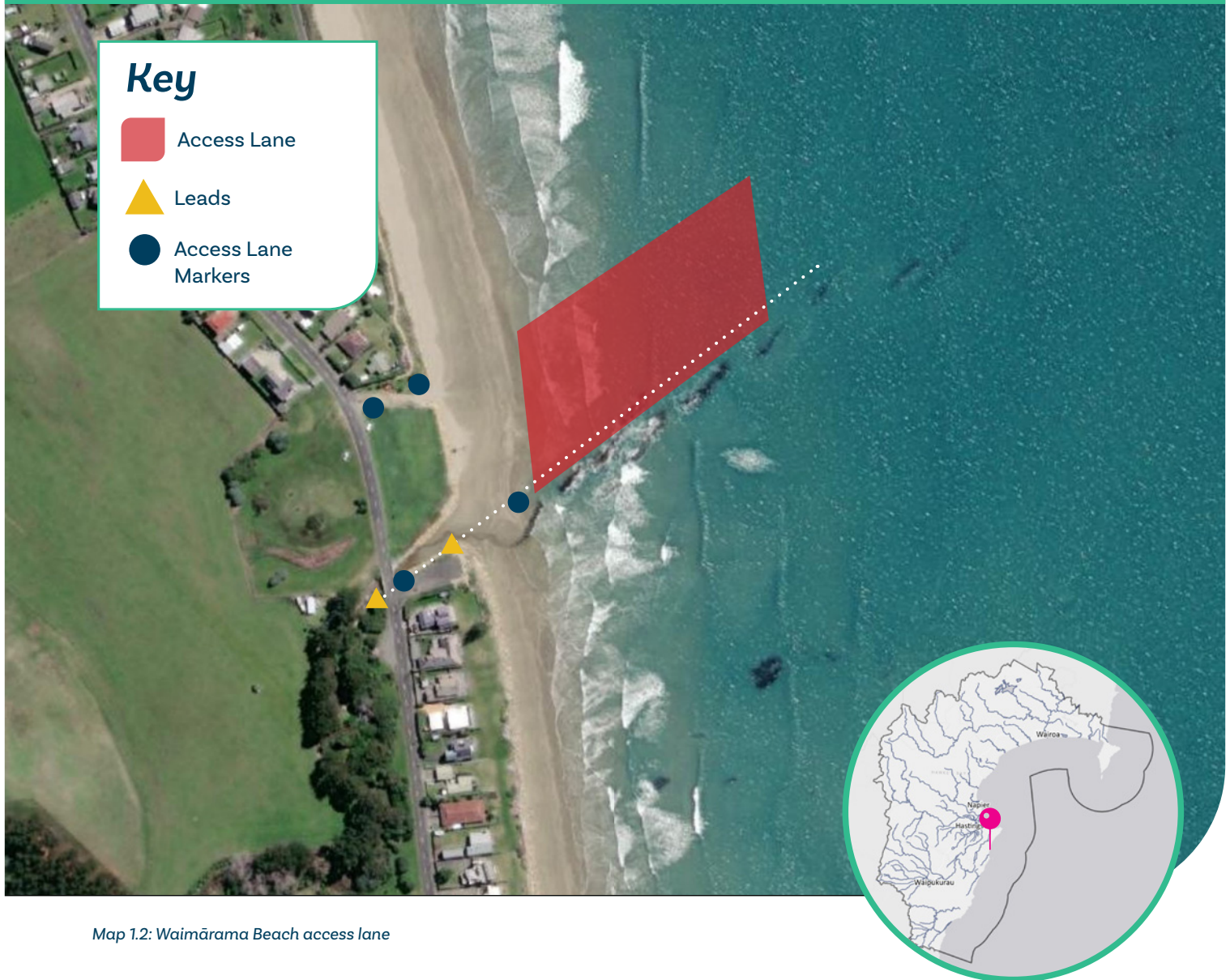
\* Refers to areas identified for advisory and educational purposes where water users must exercise caution.



Map 1.1: Mahia Beach reserved area and access lane

## Conditions of use

- a. The areas designated as such in Map 1.1 are reserved for:
  - i. passive recreation pursuant to Bylaw 8; and
  - ii. an access lane for the launching/recovery of motorised craft pursuant to Bylaw 14.
- b. Motorised craft are not permitted to enter the area between the buoys and the shore at any time unless authorised by the Harbourmaster.
- c. The access lane can be identified by:
  - i. signs in the immediate vicinity of the access lane that clearly identify the area and purpose; and
  - ii. orange posts with horizontal black bands on shore.



Map 1.2: Waimārama Beach access lane

## Conditions of use

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

# Hardinge Road Beach

(Napier Port Beach)

Schedule 1.3



Map 1.3: Hardinge Road Beach reserved areas

## Conditions of use

- a. The area designated at Hardinge Road in Map 1.3 is reserved for passive recreation pursuant to Bylaw 8. Motorised crafts are not permitted to enter the area between the buoys and the shore at any time, unless authorised by the Harbourmaster.
- b. Board sports must be carried out with due regard for the safety of other water or beach users, and in accordance with the accepted safe practices of the relevant sporting association or the accepted safe practice of the individual sport.



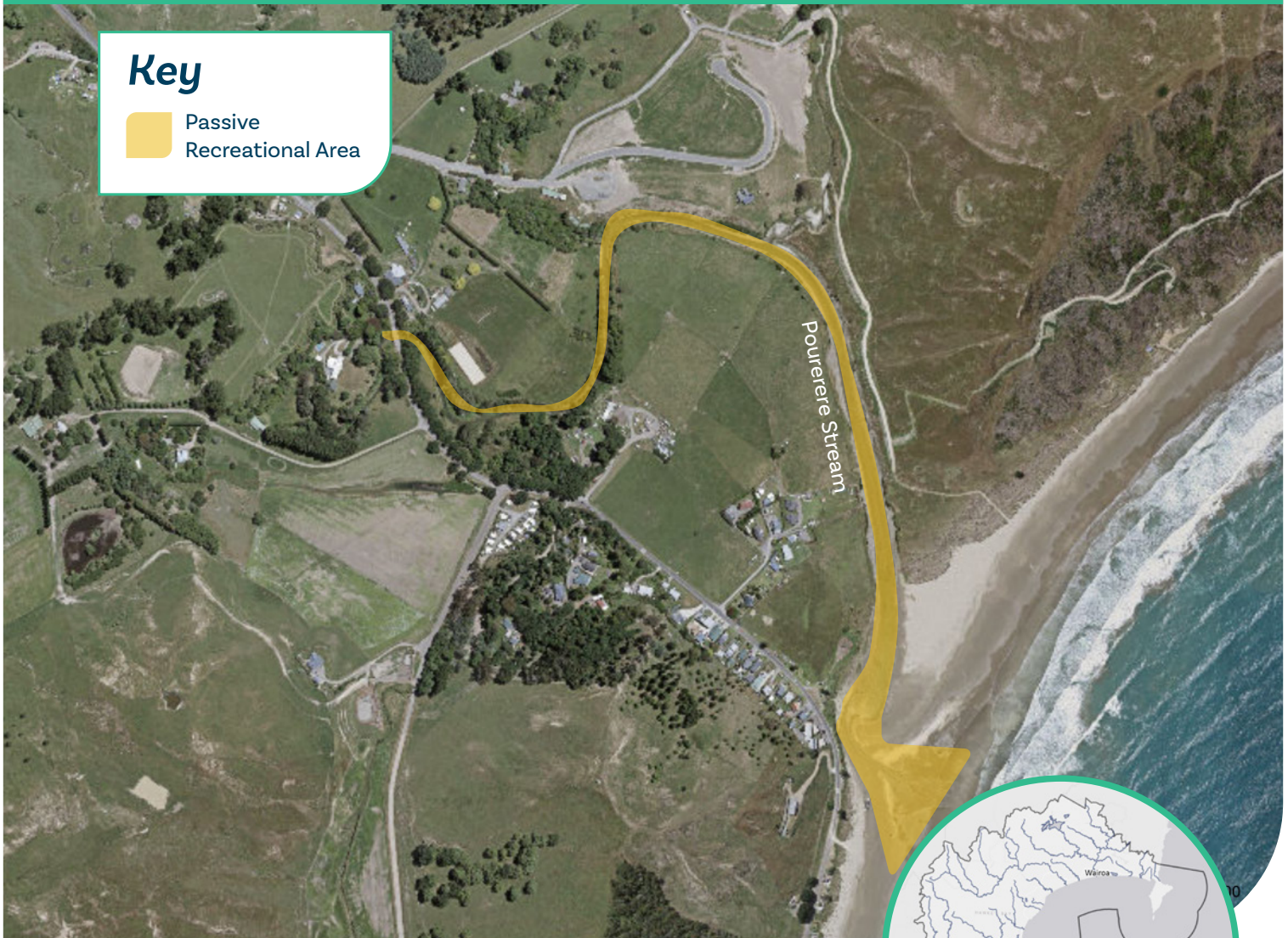
Map 1.4: Ahuriri Estuary and Inner Harbour

## Conditions of use

- The area designated as such in Map 1.4 is reserved for passive recreation pursuant to Bylaw 8.
- Motorised crafts or foiling craft are not allowed in the reserved area as shown in Map 1.4, except those permitted to be used under Rule 169 of the Hawke's Bay Regional Coastal Environmental Plan<sup>8</sup>.
- The reserved area can be identified by signs in the immediate vicinity of the reserve that clearly identify the area and purpose.
- The Ahuriri Inner Harbour and approaches, extending the width of the channel and up to 200m seaward of perfume point is a prohibited anchorage area.

<sup>8</sup> Please refer to the Regional Coastal Environmental Plan for further details.

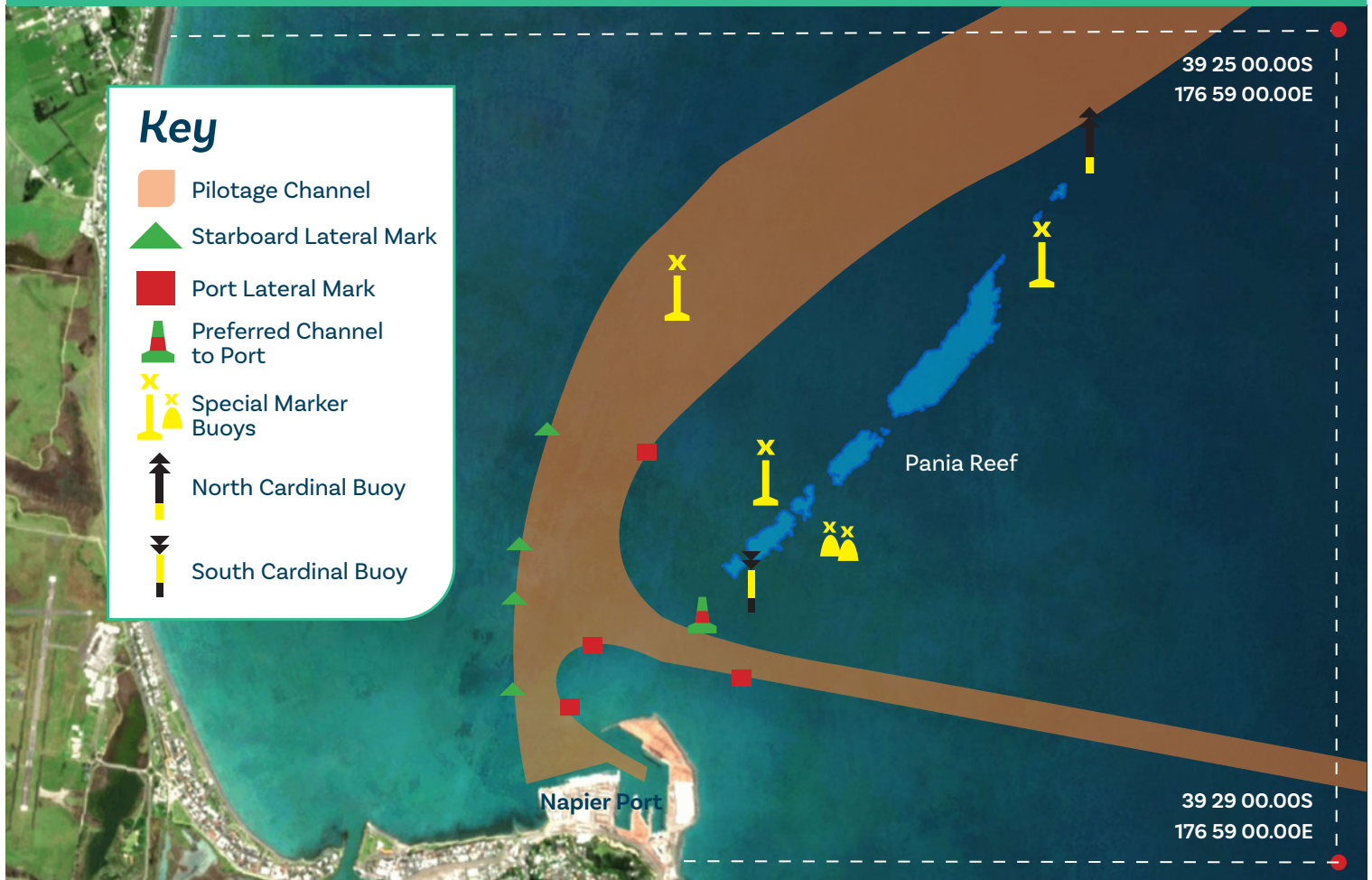




Map 1.5: Pourerere Stream

## Conditions of use

- a. The area designated as such in Map 1.5 is reserved for passive recreation pursuant to Bylaw 8.
- b. Motorised or high-speed craft, including foiling and sail boards, are not allowed in the reserved area as shown in Map 1.5 between the Pourerere Road Bridge and the coast.

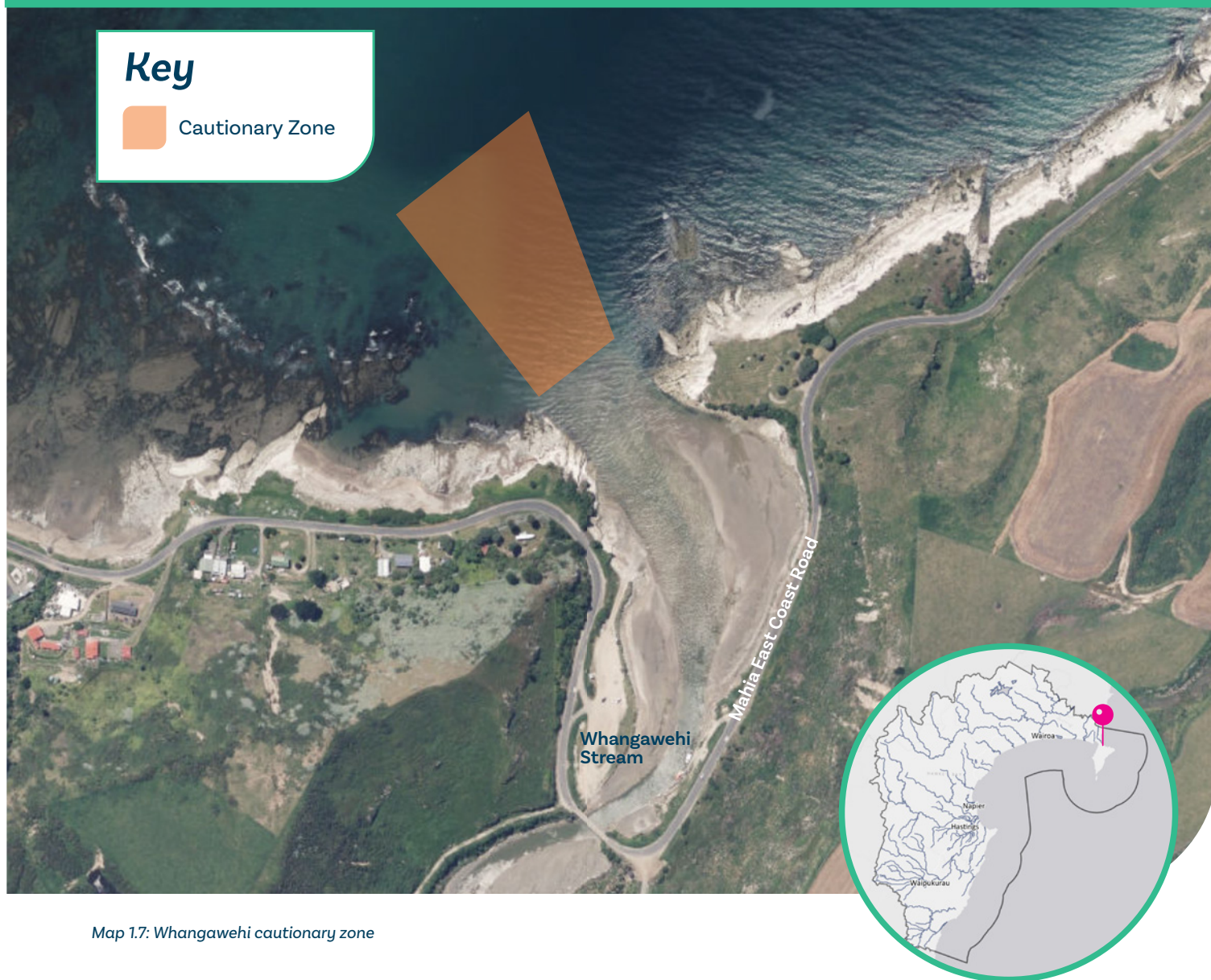


Map 1.6: Napier Pilotage Area

## Conditions of use

- a. The area designated as the Napier Pilotage Area is shown in Map 1.6 as defined in the Maritime Rule 90 (Pilotage).
- b. The highlighted area in Map 1.6 is the Napier Breakwater Harbour and Approaches.
- c. While within the Napier Breakwater Harbour and Approaches, a person in charge of a vessel must comply with all relevant requirements set out in this Bylaw, including Bylaws 12, 13, 19, 31, 32, 33, 34 and 35.
- d. It is prohibited for any unauthorised person to:
  - i. enter the Breakwater Harbour without approval from Napier Harbour Control; and
  - ii. linger in the vicinity of the Breakwater Harbour and Approaches, especially during the arrival and departure of vessels.
- d. There must be no anchoring, set nets, set lines or equipment in the Breakwater Harbour.

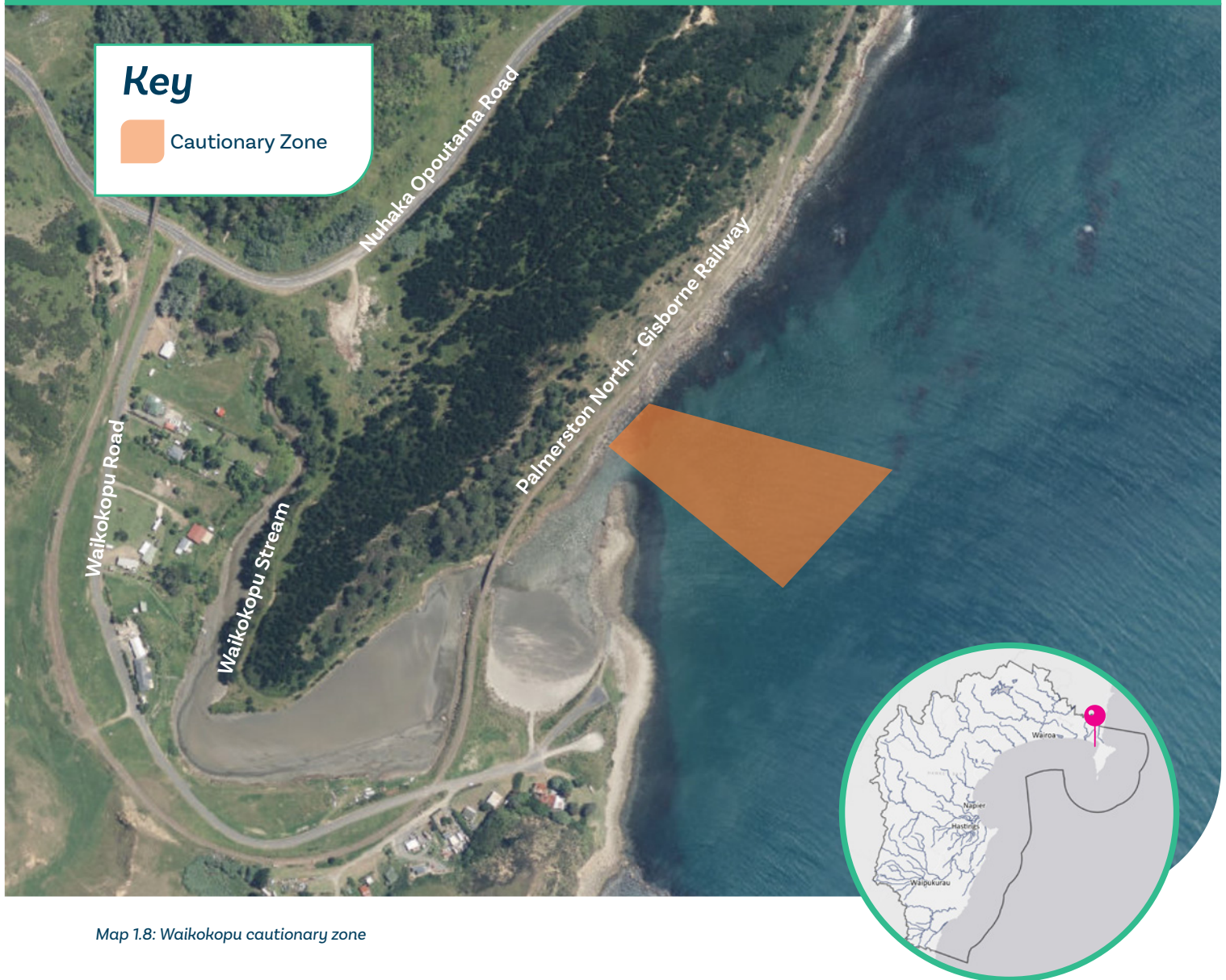




Map 1.7: Whangawehi cautionary zone

## Advisory note

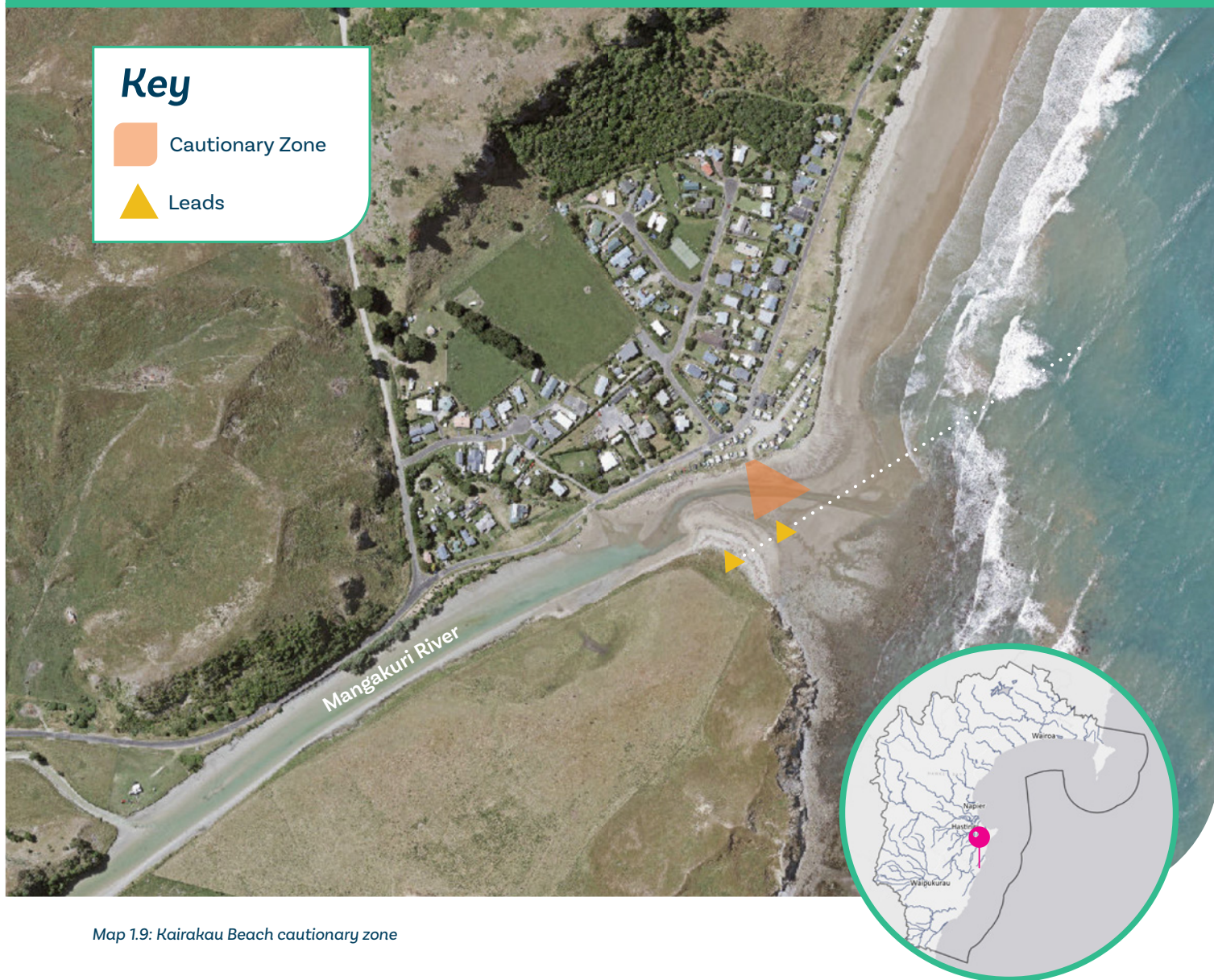
- The area identified as such in Map 1.7 is a cautionary zone and is frequently used for the launching and recovery of motorised craft.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area.



Map 1.8: Waikokopu cautionary zone

## Advisory note

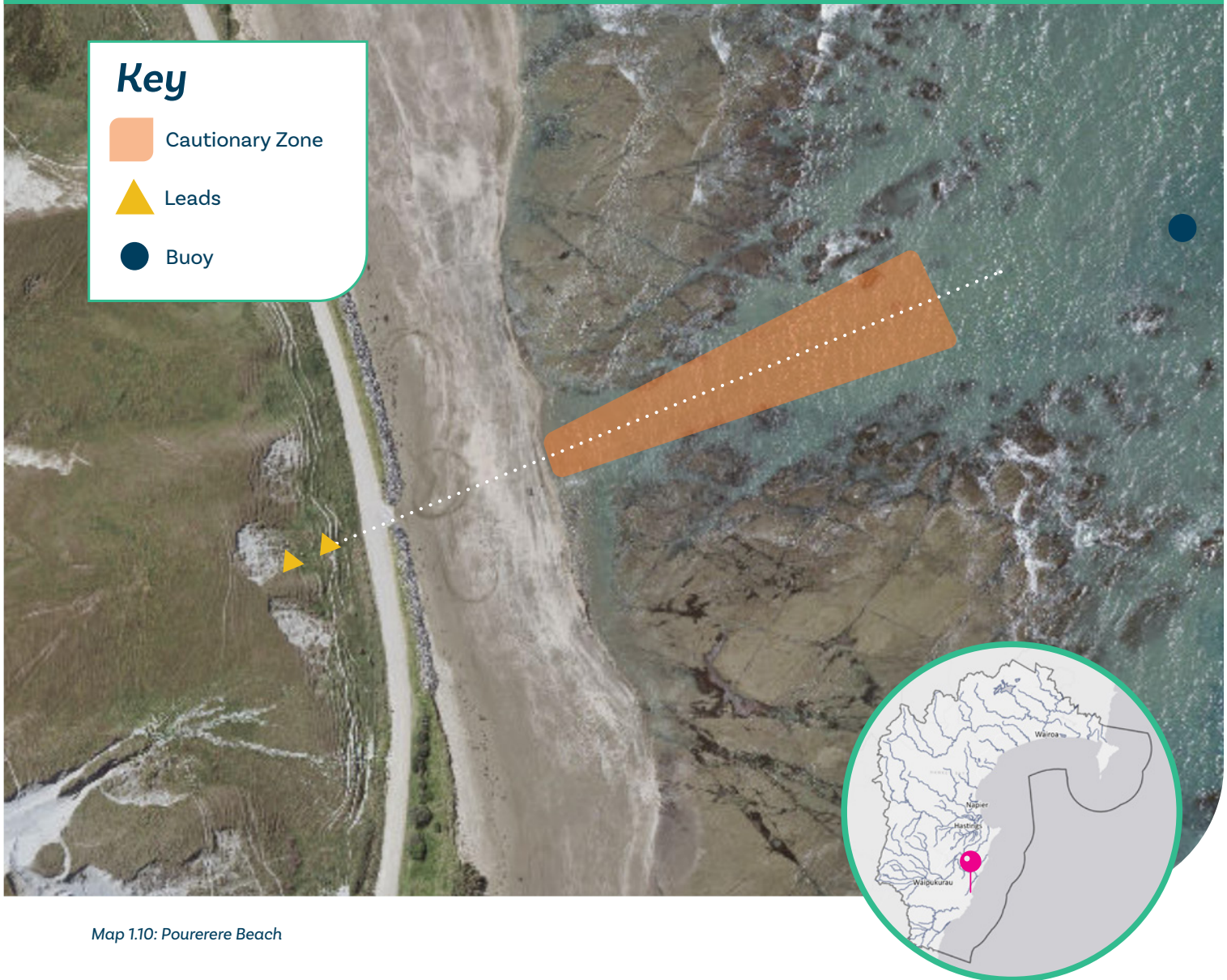
- The area identified as such in Map 1.8 is a cautionary zone and is frequently used for the launching and recovery of motorised craft.
- Water users are advised to exercise caution when operating in the vicinity of the highlighted area.
- There are no demarcations, leads, poles or buoys in the area.



Map 1.9: Kairakau Beach cautionary zone

## Advisory note

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



Map 1.10: Pourerere Beach

### Advisory note

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





# SCHEDULE 2

## Inland waters

### – reserved and restricted use areas

## Readers' guide for Schedule 2

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

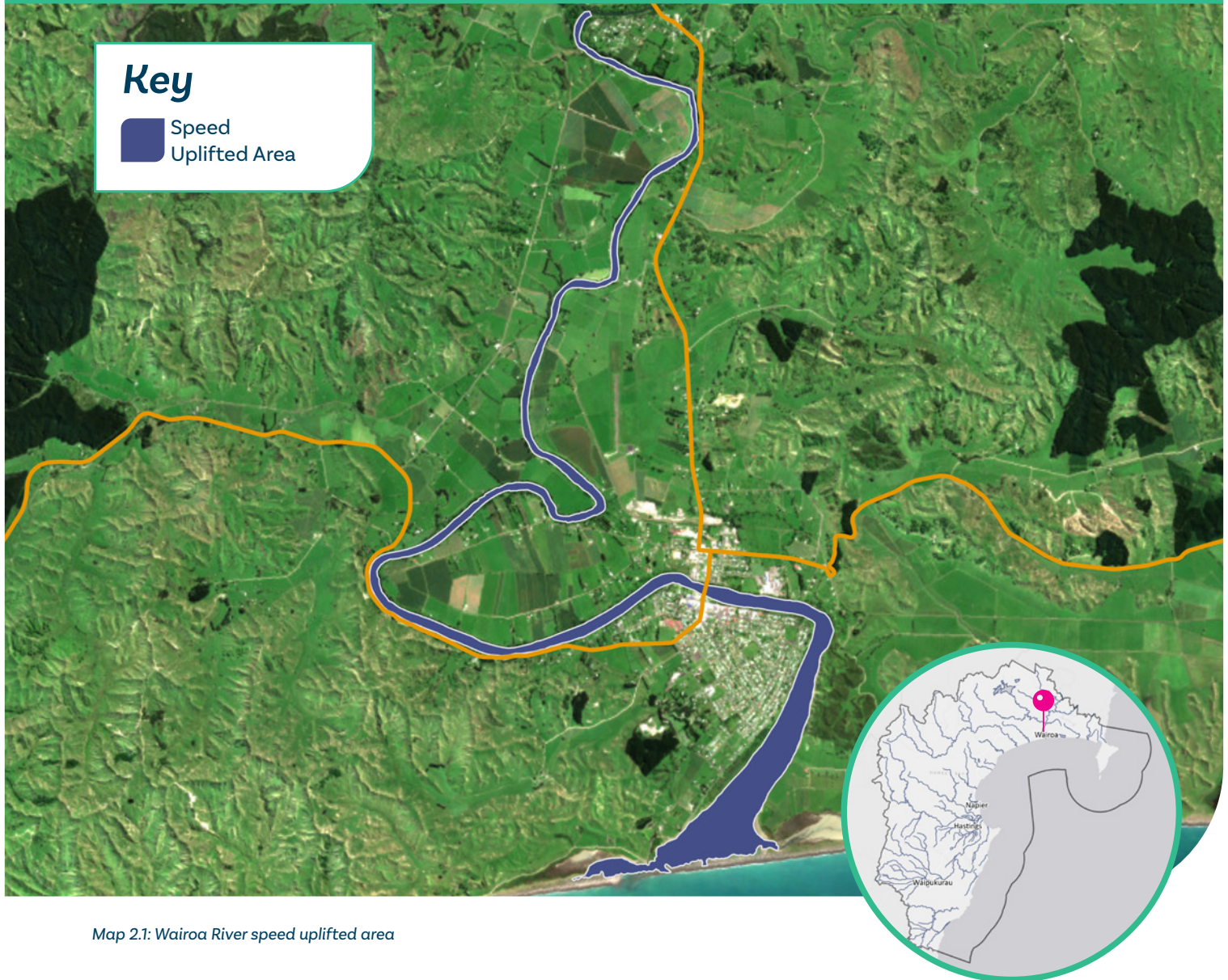
For speed uplifted areas and reserved areas, this Schedule contains location-specific conditions of use. Any clauses contained in these schedules must be read in conjunction with all other clauses in this Bylaw.

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

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

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

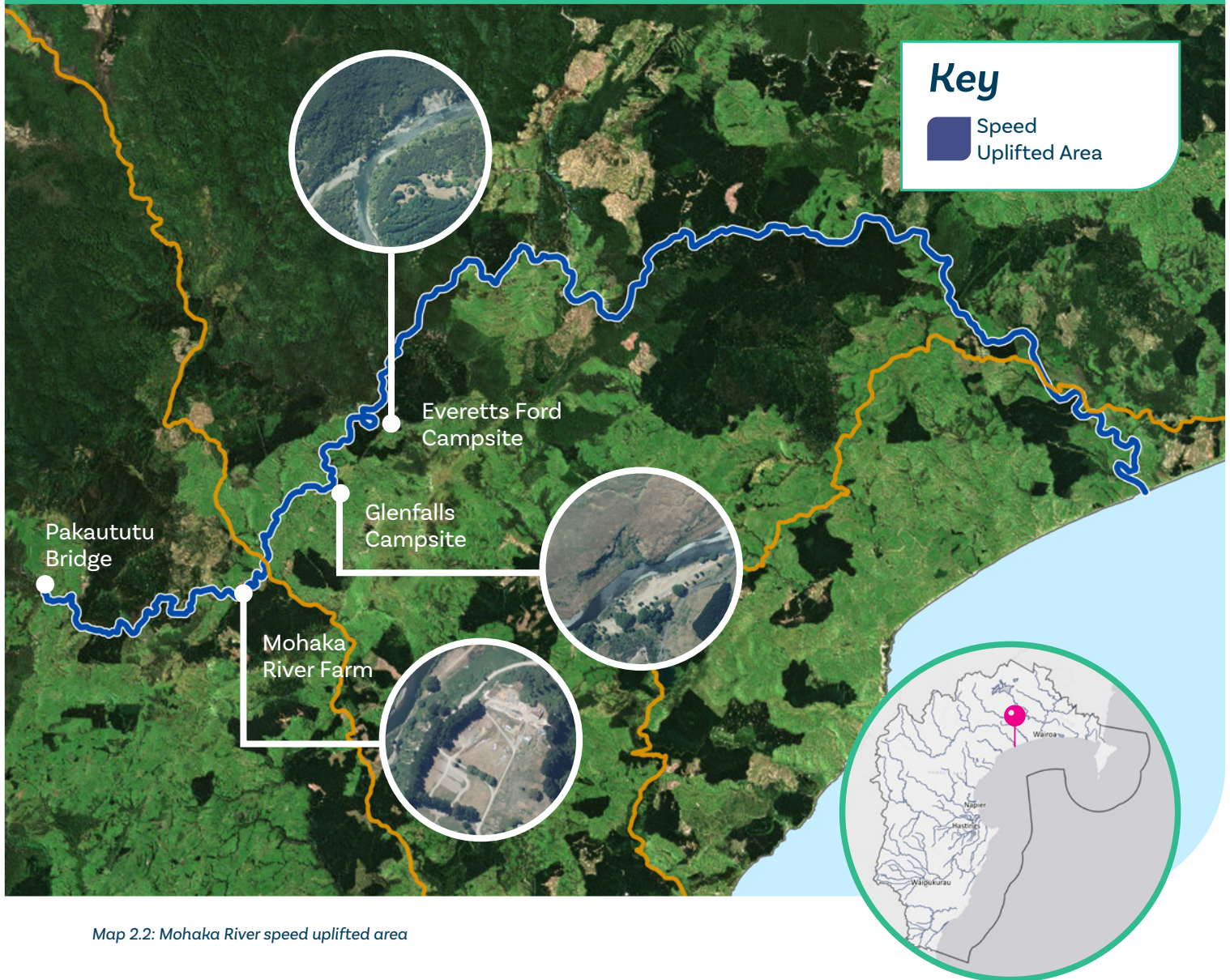
*\* Refers to areas identified for advisory and educational purposes where water users must exercise particular caution.*



Map 2.1: Wairoa River speed uplifted area

## Conditions of use

- a. The length of the Wairoa River in Map 2.1 from the confluence of the Waiau River to the sea extending 5 metres from the riverbank is designated as a speed uplifted area pursuant to Bylaw 15.
- b. Speed restrictions are uplifted subject to ensuring the vessel is at least 5 metres from the nearest riverbank.
- c. A speed uplifting does not exempt the person in charge of a vessel from complying with the provisions of Bylaw 27.



Map 2.2: Mohaka River speed uplifted area

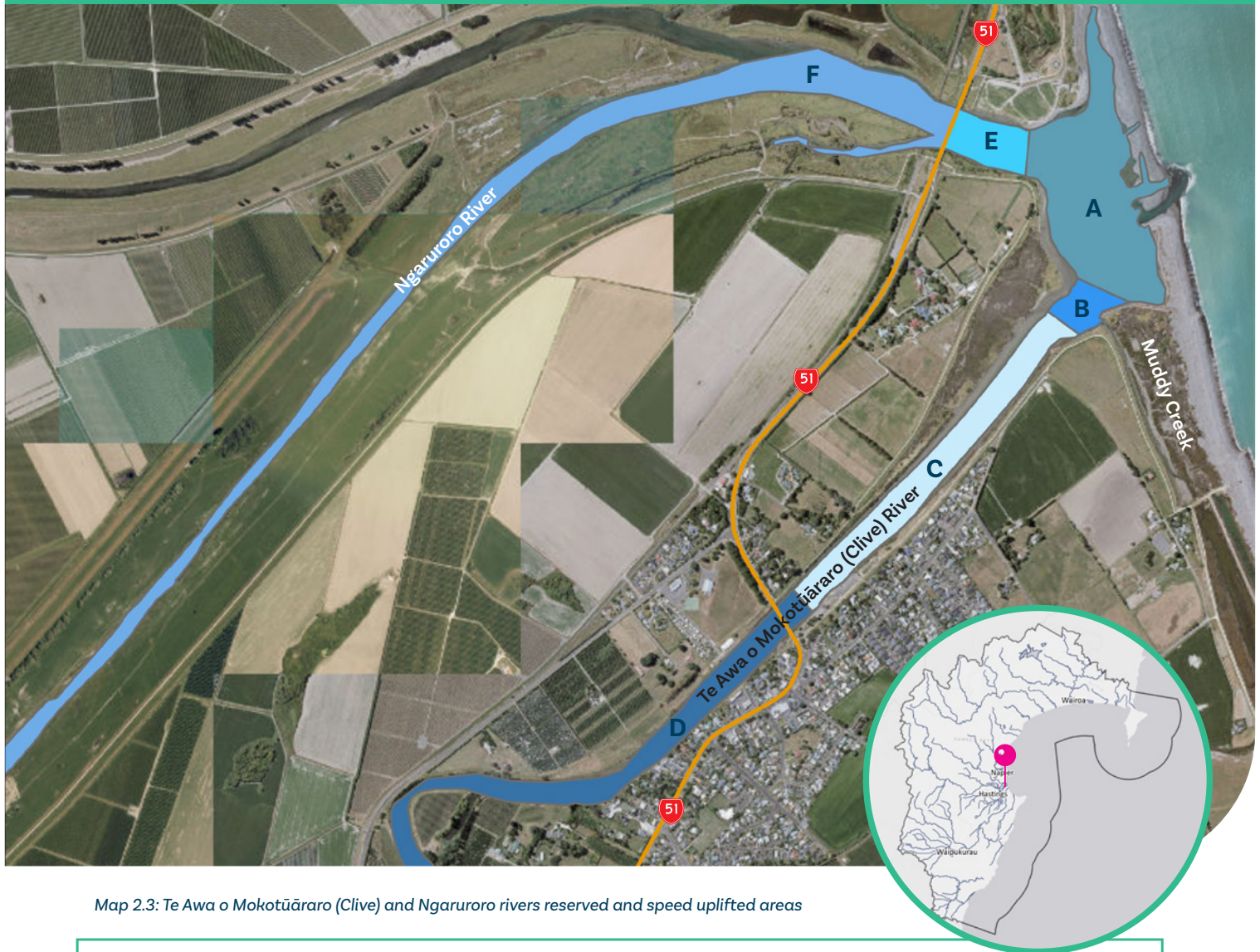
## Conditions of use

- a. Excluding the designated areas in clause (b) below, the length of the Mohaka River extending from the Pakaututu Road Bridge to the sea is designated as a speed uplifted area pursuant to Bylaw 15.
- b. Parts of the Mohaka River designated as such in Map 2.2 are areas where motorised craft shall not exceed a proper speed of 5 knots between 16 October and 31 March, these areas are:
  - i. Mohaka River Farm; and
  - ii. Glenn Falls campsite; and
  - iii. Everett's Park.
- c. A speed uplifting does not exempt the person in charge of a vessel from complying with the provisions of Bylaw 27.

# Ngaruroro and Te Awa o Mokotūāraro

(formerly known as Clive River)

Schedule 2.3



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

## Key

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

# Conditions of use

## **Parts of Te Awa o Mokotūāraro (formerly known as Clive River) and Ngaruroro River (as shown in Map 2.3) have been designated as follows:**

### **Area A – Speed Uplifted Area**

- a. Speed restrictions specified in Bylaw 27 do not apply from the confluence of the Ngaruroro River with Te Awa o Mokotūāraro (formerly known as Clive River), and from the point at which Muddy Creek enters Te Awa o Mokotūāraro to the sea.

### **Area B – Safety Buffer Area**

- b. Speed restrictions specified in Bylaw 27 do not apply to that part of Te Awa o Mokotūāraro extending from the point at which Muddy Creek enters Te Awa o Mokotūāraro to a line 50 metres upstream of that point. This part of the river is reserved for the passage of vessels between Areas A and C.

### **Area C – Regulated Area**

- c. For that part of Te Awa o Mokotūāraro extending from a line 50 metres upstream of the point at which Muddy Creek enters Te Awa o Mokotūāraro to 75 metres downstream of the SH51 bridge, speed restrictions specified in Bylaw 27 do not apply between the hours of:
  - 7:30 am and 5:00 pm on Monday.
  - 7:30 am and 8:00 pm Tuesday to Saturday.
  - 12:00 pm and 8:00 pm on Sunday.
- d. Motorised crafts must travel in an anti-clockwise direction, keeping the centre clear for non-motorised vessels.

### **Area D – Rowing Area**

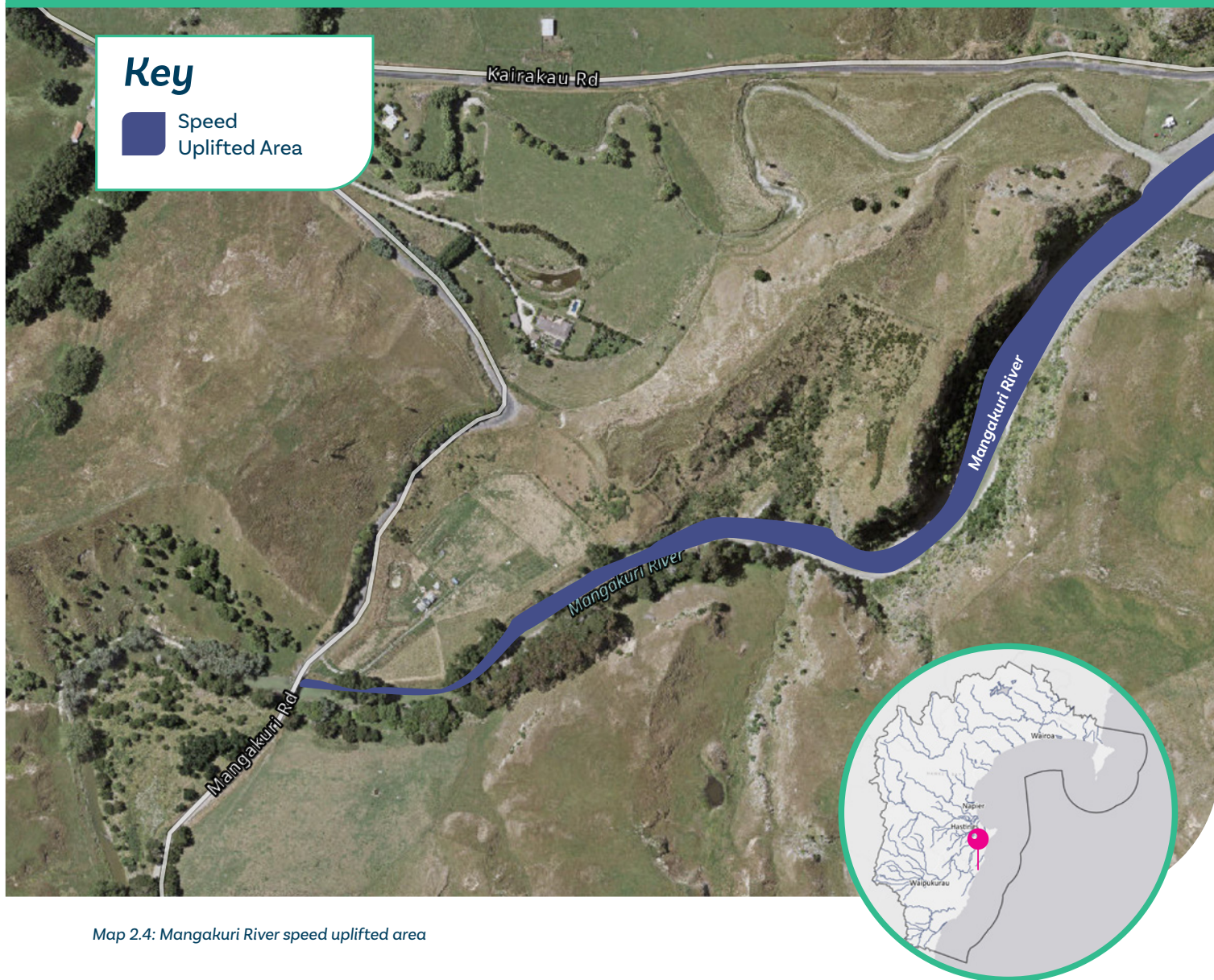
- e. That part of Te Awa o Mokotūāraro upstream of the SH51 bridge and for a distance of 75 metres downstream of the bridge is reserved for use by non-motorised craft and associated support vessels (motorised or non-motorised).
- f. Unless otherwise provided for in (e) above, no person may propel or navigate a motorised craft at a proper speed exceeding 5 knots.

### **Area E – Passive Recreational Area**

- g. That part of the Ngaruroro River extending from its confluence with Te Awa o Mokotūāraro River to the SH51 bridge, is reserved for passive recreation.
- h. No person may propel or navigate a vessel in the reserved area at a proper speed exceeding 5 knots.

### **Area F – Shared Area**

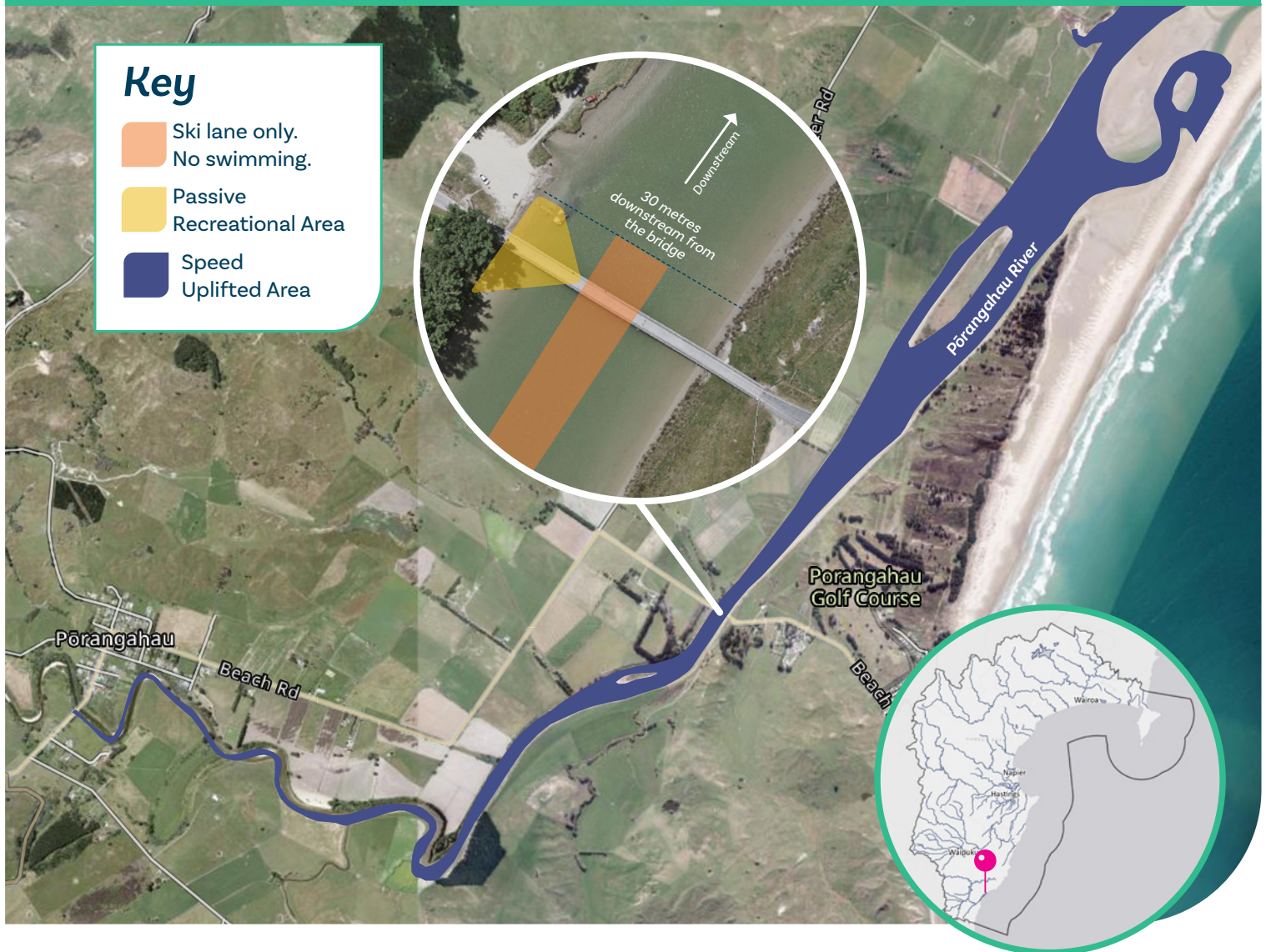
- i. That part of the Ngaruroro River from the confluence of the Taruarau River to the SH 51 Bridge is reserved as a shared area.
- j. This is a speed uplifted area except that no person may propel or navigate a vessel at a proper speed exceeding 5 knots from 1 May to 30 June (duck shooting season) and 15 August to 30 November (white-baiting season) from the SH 51 bridge to the Pakowhai Road Bridge.



Map 2.4: Mangakuri River speed uplifted area

## Conditions of use

- The length of the Mangakuri River in Map 2.4 from the Mangakuri Road Bridge to the sea is designated as a speed uplifted area.
- A speed uplifting does not exempt the person in charge of a vessel from complying with the provisions of Bylaw 27.



Map 2.5: Pōrangahau River reserved areas and speed uplifted areas.

## Conditions of use

- a. The length of the Porangahau River in Map 2.5 from the Pōrangahau Stream Bridge to the sea, excluding the reserved areas in clause (b), is designated as a speed uplifted area.
- b. The area on the northern riverbank from 50 metres upstream to 30 metres downstream of the Beach Road bridge and in a straight line out to the second bridge pier is reserved for passive recreation as shown on Map 2.5.
- c. Vessels are prohibited from entering the passive recreational area unless authorised by the Harbourmaster.
- d. Water skiers towed by boat or personal watercraft must pass through the centre bridge span only and have due regard for other water users.
- e. Jet skiing is only permitted from 30 metres downstream of the Beach Road bridge to the sea as shown in Map 2.5.
- f. Vessels may only be launched from the shore 30 metres downstream of the Beach Road bridge or other areas outside of the passive recreational area.



Hawkes Bay Regional Council  
159 Dalton St, Napier 4110,  
Private Bag 6006, Napier 4142  
Telephone 06 835 9200

[hbrc.govt.nz](http://hbrc.govt.nz)

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