

**BULLER DISTRICT COUNCIL
NAVIGATION AND SAFETY BYLAWS 2008**

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

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1 PRELIMINARY PROVISIONS

1.1 Title and commencement

- (1) These Bylaws are the Buller District Council Navigation and Safety Bylaws 2008.
- (2) These Bylaws come into force on 6 October 2008.

1.2 Areas within which these Bylaws apply

These Bylaws apply to the areas defined in Schedule 1.

1.3 Definition of terms

In these Bylaws, unless the context otherwise requires:

Access lane means an area designated as an access lane in Schedule 3 of these Bylaws

Accident means an occurrence that involves a vessel and in which:

- (a) a person is seriously harmed as a result of:
 - (i) being on the vessel; or
 - (ii) direct contact with any part of the vessel, including any part that has become detached from the vessel; or
 - (iii) direct exposure to the wash of the vessel or interaction (other than direct contact) between two vessels; or
 - (iv) being involved in the salvage of any vessel;

except where the injuries are self inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside areas normally available to passengers and crew.

- (b) the vessel sustains damage or structural failure that:
 - (i) adversely affects the structural strength, performance or seaworthiness of the vessel; or

- (ii) would normally require major repair or replacement of the affected component; or
- (iii) poses a threat to the safety of people on board the vessel; or
- (c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel; or
- (d) there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the vessel which poses a risk to the vessel or other vessels; or
- (e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels; or
- (f) there is a loss or escape of any substance or thing that-
 - (i) may result or has resulted, in serious harm to any person; or
 - (ii) may pose a risk, or has resulted in damage to the vessel or other vessels; or
 - (iii) may pose a risk, or has resulted in any damage to any property (whether or not on board the vessel); or
- (g) a person is lost at sea (whether or not subsequently found) or is missing; or
- (h) the vessel is foundering, capsizing, being abandoned stranding, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board.

Act means the Local Government Act 1974.

Aid to navigation includes:

- (a) any lightship and any floating or other light exhibited for the guidance of ships; and

- (b) any description of fog signal not carried on a vessel; and
- (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.

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| Aircraft | has the same meaning as in the Civil Aviation Act 1990. |
| Anchorage | in relation to vessels, means a place (enclosed or otherwise) normally 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 light or mark set up in a prominent position as a navigation mark or a warning to vessels. |
| Buoy | means a float secured to the seabed serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring. |
| Buoyancy aid | means: <ul style="list-style-type: none"> (a) a buoyancy aid as defined in NZ standard 5823:1989 or NZ standard 5823:2001 or any subsequent NZ standard; or (b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in subclause (a) above and that provides a minimum of 53 newtons buoyancy. |
| Class 3 packing group I oil products | means oil having an initial boiling point less than or equal to 35 degrees centigrade. |
| Class 3 packing group II oil products | means oil having a flashpoint of less than 23 degrees centigrade and an initial boiling point greater than 35 degrees centigrade. |

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| Class 3 packing group III oil products | means oil having a flashpoint equal to or greater than 23 degrees centigrade up to and including 61 degrees centigrade and an initial boiling point greater than 35 degrees centigrade. |
| Coastal marine area | means the foreshore, seabed, and coastal water, and the airspace above the water: <ul style="list-style-type: none"> (a) of which the seaward boundary is the outer limits of the territorial sea; and (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of: <ul style="list-style-type: none"> (i) one kilometre upstream from the mouth of the river; or (ii) the point upstream that is calculated by multiplying the width of river mouth by 5. |
| Commercial vessel | means a vessel that is not: <ul style="list-style-type: none"> (a) A pleasure craft; or (b) Solely powered manually; or (c) Solely powered by sail. |
| Council | means the Buller District Council as constituted under the Local Government (West Coast Region) Reorganisation Order 1989. |
| Craft | has the same meaning as ship or vessel. |
| Crew | means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port. |
| Director | means the person who is for the time being the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994. |
| Emergency response craft | means any vessel approved by the Harbour Master for use in emergency response and includes police, customs, Harbour Master, naval and port company vessels. |

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| Enforcement officer | means a person appointed as an enforcement officer under section 650B of the Act. |
| Explosive | means any substance or mixture or combination of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect. |
| Flag A | means Flag A of the International Code of Signals (the diver's flag), being a burgee (swallow-tailed) flag, or a rigid equivalent, coloured in white and blue, with white to the mast, of not less than 600mm by 600mm. |
| Flag B | means Flag B of the International Code of Signals, being a burgee (swallow tailed) flag, or a rigid equivalent, coloured in red, of not less than 600mm by 600mm. |
| Flagged area | means that area of beach which may be marked from time to time, by red and yellow flags and extending to 200 metres from the actual waters edge, for the purposes of swimming. |
| Foreshore | means any land covered and uncovered by the flow and ebb of the tide at mean springs and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area. |
| Gross tonnage | in relation to a ship, means the gross tonnage of that ship determined or recognised in accordance with the provision of the Maritime Transport Act 1994 or any maritime rules. |
| Harbour | means Westport Harbour. |
| Harbour Master | means the person(s) appointed by the Council as Harbour Master to exercise authority under these Bylaws and all relevant associated legislation; and includes any deputy of a Harbour Master: |
| Honorary enforcement officer | means a person appointed as an honorary enforcement officer under section 650B of the Act. |
| 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.

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| Incident | means any occurrence, other than an accident that is associated with the operation of a vessel and affects or could affect the safety of operation. |
| Kiteboarding | (also known as kite surfing) means using a controllable kite to pull the rider through the water on a small surfboard, a wakeboard, or a kiteboard. Kiteboarder has a corresponding meaning. |
| Length | in relation to a vessel, means overall length. |
| Maritime Rules | means maritime rules made under Part 4 of the Maritime Transport Act 1994 and includes emergency maritime rules made by the Director under section 37 of that Act. |
| Master | means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel. |
| Moor | means: (a) the securing of any vessel alongside a wharf or jetty by means of suitable mooring ropes; or (b) the securing of any vessel to a mooring or anchor. |
| Mooring | means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of permanently securing a vessel, raft, aircraft, or floating structure; and (a) includes any wire, rope, chain, buoy, or other device attached or connected to the weight; but (b) does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage. |
| Mooring area | means the area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage. |
| Nautical chart | a map of a sea area showing on it any coastlines, rocks and dangers to vessels etc. within the area covered |

and also showing the positions of aids to navigation and other prominent features.

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| Navigable waters | means any waters whether coastal or inland which are able to be navigated; and includes harbours. |
| Navigate | means the act or process of managing or directing the course of a vessel on, through, over, or under the water. |
| Obstruction | means an object, equipment, structure, vessel or person positioned, whether in the water or not, so as to restrict or prevent navigation of a vessel or cause a hazard to people on a vessel. |
| Oil | means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994); |
| Owner | <p>(a) in relation to a vessel registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the vessel;</p> <p>(b) in relation to a vessel registered in any place outside New Zealand, means the registered owner of the vessel;</p> <p>(c) in relation to a fishing vessel; other than one to which paragraph (a) or (b) of this definition applies, means the person registered as owner under section 57 of the Fisheries Act 1983;</p> <p>(d) in relation to a vessel to which paragraph (a) or paragraph (b) or paragraph (c) of this definition 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</p> <p>(e) in relation to an unregistered vessel or a registered vessel that does not have a registered owner, means the person who is for the time being responsible for the management of the vessel.</p> |
| Personal flotation | means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a |

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| device | <p>recognised authority as meeting:</p> <p>(a) type 401, 402, 403, 404, 405 or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001; or</p> <p>(b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405 or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001.</p> |
| Personal water craft | <p>means a power driven vessel that:</p> <p>(a) has a fully enclosed hull; and</p> <p>(b) does not take on water if capsized; and</p> <p>(c) is designed to be operated by a person standing, sitting astride, or kneeling on it but not seated in it.</p> |
| Pilot | <p>in relation to any vessel, means any person not being the master or a member of the crew of the vessel who has the conduct of the vessel.</p> |
| Pilotage District | <p>means the area defined as such in Schedule 2 of these Bylaws.</p> |
| Pleasure craft | <p>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:</p> <p>(a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment or other establishment or business; or</p> <p>(b) a vessel that is used on any voyage of 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</p> <p>(c) a vessel that is operated or provided by any club, incorporated society, trust or business.</p> |
| Power driven vessel | <p>means any vessel propelled by machinery and includes personal water craft.</p> |
| Prohibited anchorage | <p>means any area defined as such in Schedule 2 of these Bylaws.</p> |

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| Proper speed | means speed through the water. |
| Public notice | means a notice in a newspaper circulating generally in the district or region to which the subject matter of the notice relates. |
| Recreational craft | means a vessel that is: <ul style="list-style-type: none"> (a) A pleasure craft; or (b) Solely powered manually; or (c) Solely powered by sail. |
| Region | means the West Coast Region as constituted under the Act. |
| Reserved area | means any area defined as such under Schedule 3 of these Bylaws. |
| Reward | means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of persons; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members. |
| Sailboard | means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. Sailboarder has a corresponding meaning. |
| Seaplane | means a flying boat or any other aircraft designed to manoeuvre on the water, and under Maritime Rule 22 is deemed to be a vessel when operating on the water. |
| Seaworthy | In relation to any vessel means being in a fit condition or readiness to safely undertake a sea voyage. |
| Ship | means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes- <ul style="list-style-type: none"> (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: |

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| | (c) A submarine or other submersible |
| Shore | when referring to distance from shore, means distance from the waters edge. |
| Structure | means any building, equipment, device, or other facility made by people and which is fixed to land or seabed; and <ul style="list-style-type: none"> (a) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline of the foreshore; but (b) does not include aids to navigation. |
| Sunrise | means the time of sunrise as stated in the New Zealand nautical Almanac NZ204. |
| Sunset | means the time of sunset as stated in the New Zealand nautical Almanac NZ204. |
| Support vessel | means any vessel used for coaching, marshalling and rescue attendance for training, regattas and competitions. |
| Surfboard | means any type of board that is designed to be used for surf riding. |
| Tanker | means any vessel which: <ul style="list-style-type: none"> (a) is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and (b) either: <ul style="list-style-type: none"> (i) has on board or is about to take on board a cargo the whole or any part of which consists of class 3 packing group I, II or II 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. |

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| The Bar | means the Westport Bar as defined in Schedule 1 of these bylaws. |
| Underway | means that a vessel is not at anchor, or made fast to the shore, or aground. |
| Vessel | has the same meaning as ship |
| Waterskiing | means being towed barefoot or on an object of any kind other than a vessel. |
| Windsurfing | means using a board with a sail or sails designed to be operated by a person standing upright on the board. Windsurfer has a corresponding meaning. |
| Westport Harbour | means Westport Harbour as defined by Order in Council, dated 28 September 1987 (and published in the New Zealand Gazette on 8 October 1987, No 174, page 4629) and described in Schedule 1 of these Bylaws. |

2 GENERAL MATTERS

2.1 Personal flotation devices

2.1.1 No person in charge of a recreational craft shall use it unless there are onboard 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 Clause 2.1.1 and 2.1.6 shall not apply to

- (a) any surfboard or similar unpowered craft; and
- (b) any sailboarder, kiteboarder 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 dive 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 sporting organisation approved by the Director under Maritime Rule 91.4(3); and
- (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- (f) a commercial raft.

2.1.3 The Director, under Maritime Rule 91.4(3), may approve a national sporting organisation for the purposes of clause 2.1.2(d) if that organisation has in place a safety system that the Director is satisfied provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

2.1.4 Subject to clause 2.1.5 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 recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.

2.1.5 Clauses 2.1.1 and 2.1.6 shall not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the Harbour Master with jurisdiction for the applicable region has granted an exemption in writing. A Harbour Master may grant an exemption for a specified period if it is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

2.1.6 Despite clause 2.1.4 no person in charge of a recreational craft may use that craft in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of persons on board, unless every person on board is wearing a properly secured personal flotation device of an appropriate size for that person.

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

2.1.8 Clause 2.1.7 shall not apply to a person –

- (a) training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under Maritime Rule 91.4(3); or
- (b) participating in a sporting event that is administered by a national sporting organisation approved under Maritime Rule 91.4(3);

2.2 Swimming or diving around wharves

2.2.1 No person shall jump, dive, swim or undertake other related activities, from:

- (a) any commercial jetty, wharf, or quay which is in regular use for the berthing and unberthing of vessels; or
- (b) within 50 metres of the structures listed in 2.2.1 (a); or
- (c) within any designated anchorage or mooring area; or
- (d) within any navigational channel; or
- (e) any other such areas in the navigable waters of the region as the Harbour Master may from time to time determine;

unless the person does so in accordance with the prior written consent of the Harbour Master.

2.2.2 The Harbour Master may consent subject to such conditions as the Harbour Master considers appropriate in the interests of navigation safety.

2.3 Use of vessel engine around wharves, ramps

2.3.1 No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp, in such a way that it may damage any property, scour the bed of the waterway, or injure any person. However, this bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

2.3.2 In addition to the requirements of clause 2.3.1, a master of a commercial vessel shall ensure that a crew member shall:

- (a) be stationed 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 Harbour Master prior to the engines being tested.

2.4 Vessels which are not seaworthy

2.4.1 The master and/or owner of every vessel anchored or moored in any waters in the region must keep the vessel in a seaworthy condition at all times, unless the Harbour Master or Enforcement Officer has given prior written approval for it to be anchored or moored in a condition which is not seaworthy and subject to such conditions that the Harbour Master or Enforcement Officer may determine appropriate to ensure navigation safety.

2.4.2 If any vessel is a navigation hazard by reason of it not being seaworthy

- (a) the Harbour Master or Enforcement Officer may give a direction to the master and/or owner of that ship to move the vessel to an alternative location or remove it from the waters of the region within a reasonable time specified in the direction. Such direction may be given by any means of communication and subsequently supported by a written direction; and
- (b) where the master and/or owner of a vessel fails to move that vessel in accordance with such direction given by the Harbour

Master or Enforcement Officer, the Harbour Master or Enforcement Officer may move that vessel to a position where it is no longer a hazard or remove it from the water. Costs incurred will be recovered from the owner of the vessel as a debt due to Council.

The owner and master are jointly and severally responsible for ensuring the direction is complied with.

- 2.4.3 No person shall operate any vessel that is not seaworthy except to comply with the directions under this Bylaw of the Harbour Master or an Enforcement Officer to move that vessel to an alternative location. However, in the event of an emergency or an accident at sea, the person in charge of the vessel shall proceed to a safe area immediately.

2.5 Seaplanes

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

2.6 Vessels to be adequately moored or secured

- 2.6.1 No person shall anchor or moor a vessel in any navigable water in a manner that it may break free, drag anchor or cause a navigational safety hazard.
- 2.6.2 No person shall cut, break, or destroy:
- (a) the mooring or anchor of any vessel; or
 - (b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.
- 2.6.3 The owner or master of a vessel berthed at a wharf, or at anchor, must ensure that it is securely fastened at all times and, if required by the Harbour Master, maintain a person on board to keep a watch.

2.7 Prohibited anchorages

2.7.1 Except in emergencies no person shall anchor or moor any vessel within any Prohibited Anchorage as defined in Schedule 2 without the prior permission of the Harbour Master.

2.8 Obstructions

2.8.1 No person shall obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, navigation channel or mooring, without the prior written permission of the Harbour Master.

2.8.2 No person shall place any obstruction, including any vessel, fishing apparatus, in any waterway, that is liable to:

- (a) restrict navigation; or
- (b) cause or have potential to cause, injury or death to any person; or
- (c) cause or have potential to cause, damage to any vessel or any property.

2.8.3 No person shall leave equipment, stabilizers, booms, cranes, davits or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel.

2.9 Notification of collisions or accidents

2.9.1 The master of any vessel that:

- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
- (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to other vessels or property; or
- (c) in any manner gives rise to an obstruction; or
- (d) causes any damage to any 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 Harbour Master and within 48 hours, provide the Harbour Master with full written details of the occurrence.

2.9.2 A report under clause 2.9.1 must include:

- (a) a full description of any injury to persons and their names and their addresses; and
- (b) a full description of any damage to vessels or structures; and
- (c) the name(s) and address of person(s) in charge of the vessel.

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

- (a) to clear the main navigational channel or to moor or anchor in safety; or
- (b) in accordance with the directions of the Harbour Master.

2.10 Aids to navigation

2.10.1 No person shall secure their vessel to any aid to navigation without the prior permission of the Harbour Master.

2.10.2 No person shall damage, remove, deface or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbour Master as an aid to navigation, or warning.

2.10.3 No person shall tie a vessel to any aid to navigation without the written permission of;

- (a) the Harbour Master if the aid to navigation is operated by a local authority or port company; or
- (b) the Director if the aid to navigation is operated by Maritime New Zealand.

2.10.4 No person shall erect, maintain or display any aid to navigation or other device which may be used or mistaken as a recognised aid to navigation without the written permission of the Harbour Master and Director of Maritime New Zealand.

2.11 Sound and light signals

2.11.1 No person shall fit or use any flashing lights, sirens or other sound or light signals not prescribed in a Maritime Rule for that vessel, without the written permission of the Harbour Master.

2.11.2 No person shall use blue flashing lights and/or sirens other than Police, Customs, Harbour Master or other enforcement vessels authorised by the Harbour Master.

2.11.3 The use of purple flashing lights is for the use of an emergency response craft, authorised by the Harbour Master, to identify itself to a vessel or aircraft involved in a response.

2.11.4 A vessel authorised to use purple flashing lights by the Harbour Master shall only display them when;

- (a) the use is required to assist the location of a vessel or person in need of assistance; or
- (b) the use is required to assist the identification of the vessel to an aircraft involved in an incident.

The lights may not be used when the vessel is underway at a speed in excess of 12 knots, and imply no status or privilege to that vessel. Any use of the lights should be for a short period of time. A vessel authorised by this clause must observe clause 3.2 at all times.

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

2.12 Flagged areas on beaches

2.12.1 The Harbour Master, a Surf Life Saving New Zealand Patrol Captain, or an Enforcement Officer or an Honorary Enforcement Officer so empowered may, from time to time, set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.

2.12.2 No person may carry out any activity other than the activities for which the area has been flagged.

3. OPERATING REQUIREMENTS

3.1 Minimum age for operating powered vessels

- 3.1.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls, and is not the lookout person as provided for in clause 3.3.
- 3.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.
- 3.1.3 Clause 3.1.1 and 3.1.2 does not apply in respect of any person who has a written exemption from the Harbour Master issued in accordance with a navigation bylaw, or by the Director under Maritime Rule 91.5(4).
- 3.1.4 The Harbour Master may issue an exemption in accordance with these Bylaws that is valid for any specified place or places to a person under the age of 15 years for transport, training, competitions or other sporting events, if the Harbour Master:
- (a) considers that the person -
 - (i) is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - (ii) is aware of relevant navigation safety rules and navigation Bylaws; and
 - (iii) will be under adequate supervision during the proposed activity or activities.

3.2 Speed of vessels

- 3.2.1 No person shall, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
- (a) within 50 metres of any other vessel, raft, or person in the water; or
 - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or

(c) within 200 metres of any vessel or raft that is flying Flag A of the International Code of Signals (diver's flag).

3.2.2 No person shall propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.

3.2.3 No person shall cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in Clause 3.2.1 of these Bylaws.

3.2.4 No person in charge of a vessel shall permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately 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 Clause 3.2.1 (a) shall not apply to:

(a) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or

(b) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by-

(i) a club affiliated to Yachting New Zealand; or

(ii) a non profit organisation involved in sail training or racing; or

(c) a craft training for or participating in competitive rowing or paddling; or

(d) a tug, pilot vessel, Harbour Master vessel, emergency response craft or police vessel, if the vessel's duties cannot be performed in compliance with this clause; or

(e) a vessel operating in accordance with a speed uplifting established under-

(i) Schedule 3 of these Bylaws.

(ii) Clauses 3.5, 3.8 or 3.9 of these Bylaws

3.2.6 Clause 3.2.1 (b) shall not apply to:

- (a) a vessel operating in an access lane or a reserved area for the purpose for which the access lane or reserved area was declared,
- (b) a vessel operating in accordance with a speed uplifting established under-
 - (i) Schedule 3 of these Bylaws
 - (ii) Clause 3.5, 3.8 or 3.9 of these Bylaws
- (c) a vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
- (d) a craft training for or participating in competitive rowing or paddling; or
- (e) a tug, pilot vessel, Harbour Master vessel, emergency response craft or police vessel when the vessel's duties cannot be performed in compliance with this clause.

3.3 Lookouts on vessel used for water skiing and towing

3.3.1 No person in charge of a vessel shall use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is -

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.3.2 No person shall cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board that is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

3.4 Water skiing or towing between sunset and sunrise

3.4.1 No person shall operate, between sunset and sunrise, a vessel that is towing any person on water skis, an aquaplane, surfboard, or similar object, or who is barefoot skiing, or who is on a paraglider or similar object.

(The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac).

3.4.2 No person may cause himself or herself to be towed in the circumstances described in clause 3.4.1.

3.5 Access lanes

The Council may, from time to time, by Public Notice, declare that specified area or areas of any harbour shall be an access lane for the purpose of high speed access to and from the shore.

3.6 Conduct in access lanes

3.6.1 No person shall propel, navigate, or maneuver a vessel in an access lane for the purpose for which it is declared except by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

3.6.2 No person shall -

(a) while being towed by a vessel in an access lane, cause himself or herself or any water ski, aquaplane or other similar object, on or by which he or she is being towed; or

(b) cause any object that is being towed by a vessel in an access lane;

to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard (right) side of the vessel.

3.6.3 No person within an access lane shall proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.

3.6.4 No person shall obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

3.6.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

3.6.6 The access lanes to which this bylaw applies are those prescribed in Schedule 2.

3.7 Marking of access lanes

3.7.1 Every access lane must be demarcated by:

- (a) orange posts with horizontal black bands on shore; and
- (b) if the access lane is marked at its outer edge, it shall be marked by orange buoys with black bands; and
- (c) an adequate sign or signs in the vicinity of the access lane that declare the purpose of that lane.

3.8 Reserved areas and Marrs Beach Children's Area

3.8.1 The Council, on application or of its own mind, may from time to time, by Public Notice, and in the interests of navigation safety, reserve any specified area for a specific purpose.

3.8.2 A reservation under this bylaw may be made on such conditions, and for such period or periods, as Council may specify in the notice.

3.8.3 Every area that is reserved under this bylaw shall be indicated by notice boards that are prominently displayed on the land at the extremities of the area.

3.9 Reserved areas for special events

3.9.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws may apply to the Harbour Master to:

- (a) temporarily suspend the application of Clause 3.2 in part or in total in that area for the purposes of facilitating the event
- (b) temporarily reserve the area for the purpose of that activity.

3.9.2 Where the Harbour Master is satisfied that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days and on such conditions as he or she may specify.

3.9.3 No grant of an application shall have effect unless, not less than 7 days nor more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.

3.9.4 The Council may recover, from the applicant, all actual and reasonable costs associated with the application, including any monitoring and advertising.

3.10 Conduct in reserved areas

3.10.1 No person may obstruct any other person while that other person is using a reserved area for the purpose for which it is reserved.

3.10.2 If any person is using a reserved area for the purpose for which it is reserved, no other person shall enter, remain in or use the area for any purpose, unless otherwise stated in Schedule 3.

3.10.3 Nothing in Clause 3.10.1 or 3.10.2 prohibits the use of emergency response craft within a reserved area.

3.10.4 The reserved areas to which these Bylaws apply are those prescribed in Schedule 2, or those notified in accordance with Clauses 3.8.1 or 3.9.3.

3.11 Marking of reserved areas

3.11.1 Adequate signs shall be provided in the vicinity of a reserved area that;

(a) define the area; and

(b) declare the purpose for which the area has been reserved.

3.11.2 If the area is demarcated on shore, it is marked by black posts with white horizontal bands.

3.11.3 If the reserved area is marked at sea it is marked by black buoys with white bands.

3.11.4 Nothing in this Clause applies to reserved areas for special events made in accordance with Clause 3.9.

3.12 Collision prevention

3.12.1 No person shall operate any vessel in breach of Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.

3.12.2 A Harbour Master, enforcement officer or honorary enforcement officer may direct any vessel to take any action they deem necessary for compliance with Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.

3.12.3 Every person commits an offence against these Bylaws who, being required by a Harbour Master, enforcement officer or honorary enforcement officer under clause 3.12.1 of these Bylaws to do anything, fails to comply with that requirement as soon as is reasonably possible.

3.13 Duty of master of a vessel under 500 gross tonnage

The master of a vessel under 500 gross tonnage must not allow the vessel to impede the navigation of any vessel of 500 gross tonnage or more if the vessels are in the limits of Westport Harbour or the Pilotage District as prescribed in Schedule 2.

3.14 Moving prohibited zone

3.14.1 A moving prohibited zone extending to 100m astern and to each side of a vessel, and continued at such width to 500m ahead shall exist around any vessel of 500 gross tonnage or greater, when that vessel is within the limits of Westport Harbour or the Pilotage District as prescribed in Schedule 2.

3.14.2 The master or person in charge of a vessel shall not navigate their vessel within the moving prohibited zone of any vessel within the harbour limits of Westport Harbour or the Pilotage District as prescribed in Schedule 2.

3.14.3 The provisions of clause 3.12.2 shall not apply to a vessel having prior written authority from the Harbour Master to enter such zone.

3.15 Dive operations

3.15.1 The master of every vessel from which dive operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

3.15.2 Every person diving from a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watchkeeper of another vessel at a distance of 200 metres.

4 TANKERS, HAZARDOUS CARGOES, HAZARDOUS WORKS AND DANGEROUS MATERIALS

4.1 Explosives anchorage

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

- (a) the vessel remains within the area specified in writing by the Harbour Master when at anchor; and
- (b) no person loads or unloads explosives outside the specified area, unless otherwise permitted by the Harbour Master.

4.2 Vessels carrying explosives

4.2.1 The master of any vessel in any port, harbour, roadstead, or anchorage having on board or intending to load explosives must hoist on the ship a red flag or the Flag B of the International Code by day and a red light by night.

4.2.2 The master 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 or loading explosives, except:

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

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

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

4.2.4 Nothing in Clause 4.2.1, 4.2.2 and 4.2.3 applies 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 (fireworks) class as defined by the Explosives Act 1957.

4.3 Signals to be displayed by oil tankers

- 4.3.1 On or immediately before the arrival in port of any vessel carrying bulk oil cargo, and so long as the vessel remains in port, the master must display by day a red Flag B of the International Code of Signals, and by night a red light at the masthead or where it can best be seen from all directions.
- 4.3.2 However, if the vessel cannot normally comply with clause 1, the master must instead display by day, in a conspicuous position above the deck, a red flag made of metal not less than 0.6 metres square, and by night a red light capable of being seen from all directions.

4.4 Duties of master while tanker is in port

- 4.4.1 While in port, the master of a tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- 4.4.2 The master must:
 - (a) berth or moor the vessel only at a wharf or place specified for Bulk Oil Discharges in Schedule 2 or as otherwise authorised by the Harbour Master; and
 - (b) keep the tanks containing Class 3 packing groups I and II oil cargo securely closed, except when opened for loading or discharging; and
 - (c) in the case of a vessel carrying a cargo of bulk oil, unless exempted by the Harbour Master, ensure that sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

4.5 Tankers not to lie close to other vessels

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

4.6 Hot work operations

- 4.6.1 Within the Westport Harbour, the master of every vessel on board which or on the hull of which it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain a Hot Work Permit from Westport Harbour Limited no less than 2 hours before commencing the work.
- 4.6.2 The master of the vessel must ensure that, before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere during the welding operations and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
- 4.6.3 Despite clauses 4.6.1 and 4.6.2, the Harbour Master may exempt from compliance with those provisions the master of a vessel lying at any vessel-repairing establishment.
- 4.6.4 If in any case the Harbour Master is not satisfied that adequate precautions have been taken, the Harbour Master may forbid the operations to be commenced or continued until he or she is so satisfied or has caused such precautions to be taken as he or she thinks necessary.

5 ADMINISTRATIVE MATTERS

5.1 Revocation of Bylaws

These Westport Harbour Bylaws 2008 supersede the Westport Harbour Bylaws dated 2002.

5.2 Suspensions and exemptions from these Bylaws revocation of Bylaws

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

5.3 Appointment of Harbour Master and Enforcement Officers

5.3.1 The Council may, by resolution, appoint a Harbour Master for the purposes of these Bylaws.

5.3.2 The Chief Executive Officer of the Council, or such person holding a similar office, may appoint an Enforcement Officer for the purposes of these Bylaws.

5.4 Application to master/owner

5.4.1 Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.

5.4.2 Where any clause of these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against these Bylaws. If either the master or the owner complies with any such clause then, for the purposes of these Bylaws, compliance by one is deemed to be compliance by the other.

5.5 Vessels to be licensed

5.5.1 The owner of a vessel that is not subject to any Maritime Rule made under the Maritime Transport Act 1994 dealing with the use of the vessel for hire or reward must not operate that vessel for hire or reward unless it is licensed by the Harbour Master.

5.5.2 The Harbour Master may issue a licence in respect of clause 5.5.1 if, in the opinion of the Harbour Master, the operation:

- (a) Is safe and the vessel is fit for its intended purpose; and
- (b) will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route.

5.5.3 Every licence issued by the Harbour Master under these Bylaws shall apply only to that vessel and operator(s) named in the licence.

5.5.4 Every licence issued by the Harbour Master must be available for inspection at any time by the Harbour Master, or enforcement officers or honorary enforcement officers, or any prospective client of the operation.

5.5.5 A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.

5.5.6 The terms and conditions of any licence issued by Harbour Master may include, but are not limited to:

- (a) defining points of embarkation/ disembarkation
- (b) defining the area or route of operations
- (c) limiting the number of passengers or quantity of freight
- (d) any limitations in respect of weather or operating hours
- (e) any requirements for rescue craft
- (f) any requirements for safety equipment
- (g) the level of instruction to be given to persons hiring a vessel
- (h) the qualifications required by the person in charge of the vessel.

5.6 Fees and Charges

5.6.1 The fees and charges specified in Schedule 4 for functions undertaken by the Council and/or its authorised agent under these Bylaws must be

paid on demand to the Council or its authorised agent by the specified person.

5.6.2 The Council will set and/or amend fees and charges. Such fees and charges shall be set by resolution, which shall be publicly notified.

6. WESTPORT HARBOUR AND BAR

6.1 Communications before attempting a crossing

No person may attempt a crossing of the Bar without first establishing effective communication with and providing advice to the Harbour Master of:

- (a) their intention to attempt a crossing; and
- (b) the total number of persons on board the vessel.

6.2 Relevant and up-to-date information

6.2.1 No person shall attempt a crossing of the Bar and shall stay a safe distance from the Bar until relevant up-to-date information has been obtained from the Harbour Master regarding the Bar conditions.

6.2.2 No person shall attempt a crossing of the Bar unless a listening watch is maintained on Marine VHF Radio Channel 14, if such a radio is on board.

6.3 Only one vessel to navigate the Bar at any one time

No person shall attempt a crossing of the Bar until any preceding vessel is clear of the Bar so that only one vessel is navigating the Bar at any one time.

6.4 Deck openings and hatches

No person shall attempt a crossing of the Bar without first ensuring that:

- (a) All deck opening and hatches are battened down;
- (b) All freeing ports are clear and operating; and
- (c) All loose gear on deck including ice slurry bins and their lids are property secured.

6.5 All persons on board should be awake and dressed

In all vessels less than 500 GRT no person may attempt a crossing of the Bar unless all persons on board are awake and dressed.

6.6 Every person must wear a personal flotation device (PFD)

No person shall attempt a crossing of the Bar in a vessel less than 500 GRT unless all persons on board are wearing a Personal Flotation Device (PFD).

6.7 Moderate speed

No person shall attempt a crossing of the Bar unless the approach to the Bar is made at a moderate speed having regard to the existing circumstances and conditions.

6.8 Lookout watching astern

If more than one person is aboard no person shall attempt a crossing of the Bar unless a lookout watching astern is posted in order to keep the helmsman informed of the approach of dangerous building swells.

6.9 Confirmation of successful crossing

Once across the Bar the person in charge of the vessel shall confirm the successful crossing with the Harbour Master.

6.10 Power of the Harbour Master to close the Bar

For the purpose of ensuring navigation safety, the Harbour Master may give directions closing the Harbour Bar pursuant to s650C(3)(a) of the Act (or any subsequent legislation).

6.11 General directions for navigating in Westport Harbour

6.11.1 The Master of any vessel shall ensure that while within Westport Harbour:

- (a) automatic-steering "pilot" devices are not used; and
- (b) main engines are immediately available for reducing speed, stopping or going astern at all times without delay; and where possible anchors are immediately available for use in an emergency, and capable of being used without power;
- (c) all information from aids to navigation and charts is fully monitored; and
- (d) all aids to navigation on board vessels, including but not limited to radar and depth recording devices, are in continuous operation and fully utilised.

6.11.2 The Master of any vessel whether under Pilotage or exempt, shall:

- (a) have an agreed passage plan for transits within Harbour limits;

- (b) ensure the number of crew members on the bridge shall be sufficient to safely carry out the agreed passage plan; and
- (c) in determining the composition of the bridge team, have due regard to the need to steer, operate manoeuvring machinery, monitor the progress of the vessel visually, use all available aids to navigation and refer to an appropriate navigational chart.

6.12 Harbour deemed to be a narrow channel

6.12.1 The inner part of the Harbour from the Buller Bridge to the outer limit of the Pilotage District shall be deemed to be a narrow channel in accordance with Maritime Rule, Part 22.9 of the Collision Prevention Rules, Narrow Channels.

6.12.2 The Master of a vessel of less than 24 metres shall not transit the narrow channel while a vessel of greater length is inward or outward bound.

6.13 Duties of persons in charge of pleasure craft

The Master of every pleasure craft (including motor boats, yachts, launches, etc) shall not navigate so as to impede the navigation of any vessel of 100 gross tonnage or more, or any hovercraft.

6.14 Navigational documents required

When navigating within Westport harbour all vessels of 6 metres in length and above shall carry and consult a current copy of Chart NZ 7132 (or approved electronic equivalent) and be familiar with the current Bar Plan as published by the Harbour Master.

6.15 Reporting of vessel's air draught

Any vessel with a height of mast or superstructure exceeding 20 metres shall at least 15 minutes prior to entering or leaving the Harbour, contact the Harbour Master.

7 PILOTAGE AND PILOTS

7.1 Application of Maritime Rules Part 90

These Bylaws are to be read in conjunction with Maritime Rules Part 90: Pilotage, which shall apply within the limits of the Pilotage District specified in Schedule 2. A breach of these Maritime Rules shall constitute a breach of these Bylaws.

7.2 Method of Pilotage

The Harbour Master shall decide in any case whether the compulsory pilotage shall necessitate the pilot being on board the vessel, or whether the pilot shall lead the vessel in or out of the port from another vessel or from shore.

7.3 Application for outward Pilotage

The Master or owner of any vessel requiring outward pilotage shall apply in writing at the Harbour Master's office at least 6 hours before sailing time or, where the expected sailing time is between 10:00pm on a Friday and 2:00pm on the next Monday, shall so apply before 4:00pm on the Friday.

7.4 Pilotage fee

7.4.1 The Master or owner of any vessel requiring pilotage shall be liable to pay to the Council or its authorised agent any relevant fee in respect of pilotage specified in Schedule 4 of these Bylaws.

7.4.2 All outward pilotage fees shall be paid by the Master or owner of the vessel either before or at the time of making the application for pilotage.

7.5 Pilotage exemption certificates

7.5.1 In accordance with Part 90 of the Maritime Rules, pilotage is not required if the Master holds an applicable pilotage exemption certificate.

7.5.2 Despite clause 7.5.1, the Harbour Master may direct that a pilot be carried when satisfied, due to weather conditions or other circumstances, that this is in the interests of navigation safety or the protection of the marine environment.

7.5.3 No pilotage exemption certificate shall be granted in respect of any ship designed for bulk carriage of oil, gas or chemicals, whether laden or not, or any tug and barge system.

7.6 Prerequisites for pilotage exemption certificates

7.6.1 In accordance with Part 90 of the Maritime Rules, before a pilotage exemption certificate can be applied for, the applicant must have:

- (a) Completed an approved training course in piloting in the area concerned and local knowledge; and
- (b) Passed an assessment by a person delegated the Director's power of examination approved that tests knowledge of an approved syllabus.

7.6.2 For the Westport Harbour, Westport Harbour Limited is an approved provider under Part 90 of the Maritime Rules that is authorised to set and administer the training course and the assessment required under Part 90.

7.6.3 In order to meet the requirements of Part 90, the applicant shall:

- (a) Demonstrate to the satisfaction of the Harbour Master that within the period of six months immediately preceding the date of examination that he/she has:
 - (i) Completed pilotage as Master or first mate under the supervision of a pilot on board; or
 - (ii) Completed pilotage as first mate under the supervision of a Master holding a Pilotage Exemption Certificate

on at least 10 voyages inwards and 10 voyages outwards at the Harbour; and

- (b) Produce a certificate, dated within 90 days of the application, certifying that he/she has successfully completed an eyesight test as specified by the Maritime Rules; and
- (c) Complete to the satisfaction of the Harbour Master an examination on his/her knowledge of the matters specified in Regulation 59(2) of the General Harbour (Nautical and Miscellaneous) Regulations 1968¹ or any subsequent legislation; and

¹ SR 1968/239

- (d) Pay to the Council the pilotage exemption examination fee specified in Schedule 4 of these Bylaws.

7.7 Use of pilotage exemption certificates

Where the Master of a ship holds a pilotage exemption certificate in respect of the Harbour issued in accordance with Maritime Rules Part 90, the Master shall not attempt to enter or leave the Harbour until:

- (a) Direct communication between the Master and Harbour Master has been established; and
- (b) The Master has obtained the advice of the Harbour Master on the Bar, river and other relevant conditions and matters; and
- (c) The Harbour Master has indicated that the vessel may proceed into or out of the Harbour.

7.8 Validity of pilotage exemption certificates

7.8.1 Under Part 90 of the Maritime Rules, the Director must specify exercise-of-privilege conditions that must be fulfilled for a pilotage exemption certificate to remain valid. In determining these conditions, the Director must take into account the recommendations of the port company.

7.8.2 In relation to Westport Harbour, Westport Harbour Limited will recommend to the Director that the exercise-of-privilege conditions listed at 7.8.3 to 7.8.6 below should apply.

7.8.3 Every pilotage exemption certificate shall cease to be valid if the holder has not:

- (a) On at least 3 voyages inwards and 3 voyages outwards at the Harbour within the previous 12 months, exercised his/her authority to pilot a ship pursuant to the certificate; and
- (b) Produced evidence of his/her health and eyesight to the satisfaction of the Harbour Master within the previous 24 months.
- (c) Paid the annual fee for a pilotage exemption certificate as specified at Schedule 4 of these Bylaws.

7.8.4 Where any certificate has ceased to be valid by virtue only of subclause 7.8.3(b) of this Bylaw, that certificate shall become valid on the production of satisfactory evidence to the Harbour Master of the holder's health and eyesight.

7.8.5 Where any certificate is ceased to be valid by virtue only of subclause 7.8.3(c) of this Bylaw, that certificate shall become valid on the production of satisfactory evidence to the Harbour Master confirming payment of the required exemption certificate fee to the Council or its authorised agent.

7.8.6 At the discretion of the Harbour Master, the Harbour Master may supervise the exercise of any pilotage exemption certificate on no more than 3 voyages inwards and 3 voyages outwards at the Harbour in any 12 month period.

7.9 Pilot's Licence to be carried

Every pilot shall carry his/her licence or evidence of his/her appointment, and shall produce it on demand to the Master of any vessel boarded by the pilot.

7.10 Expenses of Pilots detailed on board

If a pilot is detained on board a vessel, whether by stress of weather, quarantine, or otherwise, there shall be payable (in addition to the charges payable under Bylaw 7.3 of these Bylaws) by the Master or the owner to the Council the charge specified in Schedule 4 of these Bylaws for every day during which the pilot is absent from his/her station; and, if the pilot has been carried to another place, the Master and the owner of the vessel shall be liable to pay to the Council reasonable travelling expenses incurred in returning him/her to his/her station.

7.11 Complaints against Pilots

Any complaint against a pilot by the Master of any vessel shall be made in writing to the Harbour Master, or where the Harbour Master is the pilot, then a complaint shall be made in writing to the Council.

7.12 Accidents occurring to vessel in charge of Pilot

Any accident occurring to a vessel that is in the charge of a pilot shall be reported immediately in writing to the Harbour Master by the pilot.

8. FEES AND CHARGES PAYABLE

8.1 Fees and charges payable in respect of any ships

The following persons shall be liable to pay the fees and charges detailed at Clause 5.6.1 payable by or in respect of any ship:

- (a) the owner and Master of the ship; and
- (b) any consignee or agent thereof who has paid or made himself liable to pay any other charge on account of the ship in the port of her arrival or discharge or in the port from which she clears outwards.

8.2 Fees and charges payable in respect of any goods carried in any ship

8.2.1 The following persons shall be liable to pay the fees and charges payable to the Council or its authorised agent in respect of any goods carried in any ship, that is to say:

- (a) The owner of the goods; and
- (b) Any consignor, consignee, shipper, or agent for the sale or custody of the goods; and
- (c) Any person entitled to the possession of the goods either as owner or agent for the owner; and
- (d) In the case of goods landed from a ship upon any wharf, and not claimed within 7 days thereafter, the persons mentioned in the last preceding section; and
- (e) In the case of goods carried in a ship within but not beyond the limits of a harbour, the owner and the Master of the ship.

8.2.2 The consignor and consignee of any goods carried in a ship shall, until the contrary is shown, be deemed to be the persons so named in the ship's manifest.

8.3 Fees and charges payable recoverable as a debt

All fees and charges payable to the Council or its authorised agent may be recovered by the Council as a debt in any Court of competent jurisdiction.

Schedule 1 – Areas within which these Bylaws Apply

Westport Harbour

The limits of Westport Harbour are as follows:

All that area of water bounded by a line commencing at the waters edge at high water ordinary spring tide, three nautical miles north-east of the true left bank of the Ngakawau River, thence on a bearing 310 degrees true distant 3 nautical miles, thence by a line to Cape Foulwind Lighthouse and having an inner limit being the seaward side of the State Highway 67 Bridge. (The limits of Westport Harbour are marked on the current NZ Chart No. 7132.)

Westport Bar

The location of the Westport Bar is defined as follows:

The Bar seawards located within a 1 nautical mile radius centred on the signal station light on the West Breakwater of the Harbour.

Schedule 2 – Location Specific Information

Pilotage District

All that area within the Buller River and a circle centred on the signal station light on the west breakwater with a radius of 1.5 nautical miles extending from Carters Beach at mean high water springs around to North Beach at mean high water springs (The Pilotage District is marked in the current NZ Chart # 7132).

Prohibited Anchorages

Any area within 500 metres of the Pilotage District.

Bulk Oil Discharges

Bulk oil discharges are permitted at Cement Silo Berth or other berths as approved by the Harbour Master.

Schedule 3 – Access Lanes, Reserved Areas and Marrs Beach Children's Area

Part A – Water-ski Access Lanes

Marrs Beach

All that area of water as indicated on the chart detailed below between orange and black horizontally banded poles located on the beach.

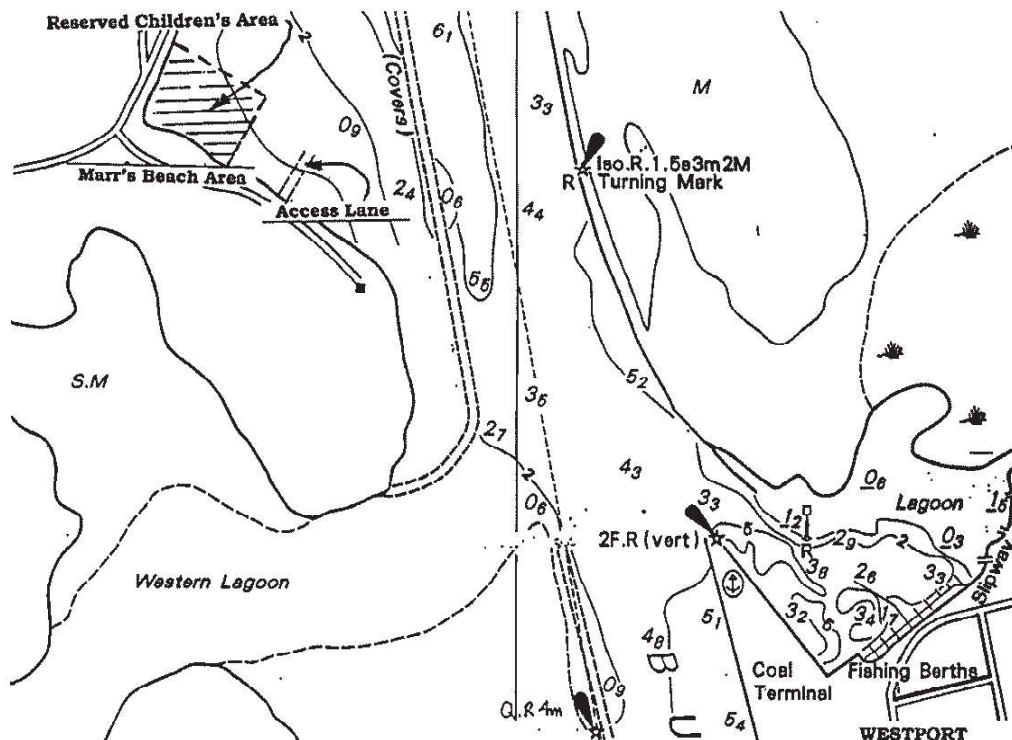
Part B – Reserved Areas

Areas reserved for use for specified purpose

Areas reserved for use for specified purposes as advertised by Public Notice by the Harbour Master pursuant to Bylaw 3.8.1 may be marked by red and blue or yellow and white horizontally banded poles.

Part C - Marrs Beach Children's Area

All the area of water contained within the area marked by yellow and white horizontally banded poles as indicated in the chart detailed below.



Schedule 4 – Fees and Charges

All fees are exclusive of GST:

1. Pilotage

Charge: Greater of \$1,250 or 31 cents per gross registered tonnage ("GRT").

2. Tug (up to 3 metric ton bollard pull)

Monday-Friday (0700 hrs - 1800 hrs): \$400 per hour or part thereof

All other times:

(a) \$580 per hour for the first hour; and

(b) \$350 per hour for the second and subsequent hours or part thereof.

3. Pilotage Exemption Examination

Charge: \$770

4. Pilotage Exemption Certificate

Charge: \$220 per annum per certificate held.

5. Pilot Detained Onboard

Charge: \$375 per day.

6. Special Soundings (at request of ship's Master or agent)

Monday – Friday (0700 hrs – 1800 hrs): \$400 per hour or part thereof

All other times:

(a) \$580 per hour for the first hour; and

(b) \$350 per hour for the second and subsequent hours or part thereof.

7. Public Notices

Actual cost of advertisements

Explanatory note

Other fees and charges including but not limited to fees and charges in respect of berthage, mooring, crantage, and wharfage may be specified by the authorised agent of the Council responsible for the management of Westport Harbour.

The Port Manager shall have the right to reduce or waive a fee or charge where they consider this to be appropriate.

It is hereby certified that these Buller District Council Navigation and Safety Bylaws 2008 were adopted by the Buller District Council under the provisions of the Bylaws Act 1910, Bylaw Regulations 1968 and the Local Government Act 2002 Sections 83 and 147.


The COMMON SEAL of the BULLER DISTRICT COUNCIL was originally affixed pursuant to a resolution of the Council on the 24th day of September 2008, in the presence of the Mayor and Chief Executive.

The COMMON SEAL of the BULLER DISTRICT COUNCIL was hereto affixed pursuant to a resolution of the Council this 22nd day of August 2012, which amended Schedule 5 of these Bylaws under the provisions of Clause 5.6.2, in the presence of the Mayor and Chief Executive.

The COMMON SEAL of the BULLER DISTRICT COUNCIL was hereto affixed pursuant to a resolution of the Council this 26th day of June 2013, which amended Schedule 4 of these Bylaws under the provisions of Clause 5.6.2 and made minor changes under s156(2)(a) Local Government Act 2002, in the presence of the Mayor and Chief Executive.




.....
MAYOR


.....
CHIEF EXECUTIVE