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Canterbury Regional Council Navigation Safety Bylaw 2016 and Controls

As amended [date] 2023

Canterbury Regional Council Navigation Safety Bylaw 2016

I hereby certify that this is a correct copy of the Canterbury Regional Council Navigation Safety Bylaw 2016.

~~Council made this bylaw after following the special consultative procedure set out in the Local Government Act 2002.~~

This bylaw was originally made by the Canterbury Regional Council by resolution passed at a meeting of the Council held on the 22nd day of September 2016, ~~and to become~~ became operative on the 10th day of October 2016.

Amendments to the Canterbury Regional Council Navigation Safety Bylaw 2016 were publicly notified on [date] and become operative on [date], pursuant to section 157 of the Local Government Act 2002.

The Fees and Charges (Schedule 1) ~~were~~ are set by the Canterbury Regional Council ~~at a separate meeting on the 29th day of September 2016~~ as part of its Fees and Charges Policy (part of the revenue and financing policy required by section 102(2) of the Local Government Act 2002).

The common seal of the Canterbury Regional Council was affixed on the ~~30th~~ [x] day of ~~September~~ [month] ~~2023~~ 16 in the presence of:



Bill Bayfield

Chief Executive



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Commented [A1]: Table to be adjusted following final adoption of any amendments.

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1 Title and Commencement

- (1) This Bylaw is the Canterbury Regional Council Navigation Safety Bylaw 2016.
- (2) This Bylaw comes into force on 10 October 2016.

2 Application

- (1) This Bylaw applies to all navigable waters in the Canterbury Region.

Part 1 Preliminary Provisions

3 Interpretation

- (1) In this Bylaw, unless the context otherwise requires:

“**Act**” means the Maritime Transport Act 1994.

“**access lane**” means an area declared as an access lane under clause 11. An access lane may be declared for specific activities or for classes of vessel.

Explanatory note: Activities could be such as water skiing or racing. Classes of vessel could be such as Personal watercraft, jet boat, water ski boat.

“**Council**” means the Canterbury Regional Council

“**competent person**” when used in relation to the inspection and/or maintenance of swing moorings means a person or organisation who has demonstrated to the satisfaction of the Harbourmaster that they are suitably experienced and/or qualified to undertake inspections and/or maintenance of swing moorings to the standards required by the Harbourmaster.

“**Harbourmaster**” has the same meaning as in section 2 of the Act. Harbourmaster includes the Regional Harbourmaster and any person authorised by Canterbury Regional Council to act in this capacity or to exercise powers under section 33G of the Act or this Bylaw.

“**landing place**” means a wharf, jetty, dock, quay, landing, pile mooring, pier, pontoon, boat ramp, slipway or other facility, where vessels are moored or are launched or retrieved, but does not include a swing mooring.

“**large vessel**” means any vessel 40 metres or greater in length, or 500 gross register tons or greater.

“**LPC**” means Lyttelton Port Company Limited.

“**Main Navigational Channel**” means the area of Lyttelton Harbour (Whakaraupō) or Timaru Harbour defined in a regional coastal plan for Canterbury under the Resource Management Act 1991 or as temporarily reserved by the Harbourmaster.

“**Moving Prohibited Zone (MPZ)**” means the space of water extending 100 metres astern and 100 metres to each side of a vessel, and continued at such width to 500 metres ahead which is reserved around any large vessel including any attendant tugs or pilot launches, when that vessel is underway within an area defined in this Bylaw or as declared by the Harbourmaster.

“**navigable**” means suitable for navigating able to be navigated by a vessel on, through, over or under the water.

“**non-powered vessel**” means any vessel that is not a power-driven vessel.

Explanatory note: “power-driven vessel” is defined in Maritime Rules part 91 as “any vessel propelled by machinery”.

Commented [A2]: Change to clarify that intent of definition is based on a waterway being navigated rather than perceived as being pre-judged in advance of any navigation. A waterway either can or cannot be navigated, so the act of it being navigated therefore means it is navigable regardless of how anyone may view that act.

"Operational Area" in relation to a port company means the area of a port or harbour defined as such in the operative regional coastal plan for Canterbury under the Resource Management Act 1991 or as temporarily reserved by the Harbourmaster.

"paddle craft" in addition to the definition in Maritime Rules Part 91, shall include white water sledges, river bugs and any other vessels that are propelled primarily by the use of the any occupant's arms and legs without the aid of any paddle but shall not include a surfboard.

Commented [A3]: There could be more than one occupant.

"parasailing" means any flying or gliding by use of a parachute or kite or any other device used to elevate a person or object above the surface of the water or adjacent land whilst connected to either a vessel on the water or a winch or other method of connection based on shore.

"permit owner" when used in relation to any landing place means the person holding a coastal permit under the Resource Management Act 1991 for the landing place and shall include a lessee of the landing place.

"port company" has the same meaning as "port company" in the Port Companies Act 1988.

"port property" in relation to a port company means any real property of the port company such as but not limited to wharves, jetties, piles, lights, markers, plant and machinery with which a vessel does or could come into physical contact or close proximity.

"PPT" means Prime Port Timaru Limited.

"reserved area" means an area declared as being reserved for a specified maritime safety purpose under Maritime Rules Part 91 or clause 12 of this Bylaw.

Explanatory note: For the avoidance of doubt the only reserved areas in the Canterbury Region having legal status are those authorised under this Bylaw. All reserved areas authorised by previous Bylaws, rules, or regulations made under any act are revoked by this Bylaw (or a previous Bylaw) and have no effect or legal status.

"sailboard" means any type of board including a windsurfer or kiteboard that is propelled by any type of sail and intended to be navigated by a person standing upright on the board.

Commented [A4]: The person aboard may not be standing - they may, for example, be seated.

"shore" when referring to distance from shore, means distance from the water's edge.

"speed" means speed through the water or 'proper speed'.

"Speed Uplifted Zone (SUZ)" means an area of a waterway (inland waters or rivers) where the 5 knot speed limits in Maritime Rules 91.6(1)(a) and 91.6(1)(b) may be exceeded under clause 8 of this Bylaw.

Explanatory note: Maritime Rules Part 91 speed limits are 5 knots within 50 metres of another vessel or a person in the water, and within 200 metres of the shore.

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

Explanatory note: For the sake of clarity, this definition relates to recreational and sporting activities and does not include port company vessels engaged in normal port operations.

"surfboard" means any type of board that is used for surf riding on travelling waves and shall include a stand-up paddleboard (SUP) when being used for riding breaking travelling waves provided the rider is secured to the SUP by a releasable leg-ropeleash.

Explanatory note: For the sake of clarity, travelling waves are those where the peak of the wave moves through the water relative to a fixed point - such as with ocean waves – rather than the peak remaining in the same place relative to a fixed point such as standing waves on a river or tidal fall. The term "breaking waves" as has been used in some other rules and clarifications to them can create confusion hence the use of travelling waves here. Any surfboard, including any SUP, used for any other form of navigation (such as on standing waves in rivers (or anywhere else on a river or on flat water)) is considered to be a paddle craft and thus subject to rules applicable to paddle craft. Further safety information is available in published guidelines and Codes of Practice from various sporting code bodies and Maritime NZ.

Commented [A5]: Change of term to "travelling waves" instead of "breaking waves" as outlined by the new explanatory note.

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

“swing mooring area” means an area, where vessel moorings may be placed, identified by the Council as a swing mooring area in any regional coastal plan under the Resource Management Act 1991 or reserved for use as a swing mooring area under clause 12 of this Bylaw.

“Temporary Reservation” means a written approval by the Harbourmaster to use one or more reserved areas pursuant to clause 12 of this Bylaw.

“unseaworthy” means, in the opinion of the Harbourmaster either or both of the following: Not being in a fit condition or readiness to safely navigate or remain on the water; or Not being in a fit condition or readiness to safely undertake a voyage within its design capabilities not being in a fit condition or readiness to navigate safely on the water.

“vessel” shall have the same meaning as in Maritime Rules Part 91 and for the sake of clarity shall include a sledge, surfboard, sailboard or any other object intended or used to carry or support a person in or on the water.

“waters/waterways” means:

- (a) all the sea area including in estuaries, inlets or harbours and coastal waters, the outer boundary being the seaward limit of the territorial sea and the inner boundary being the water's edge; and
- (b) all inland waters of the Region.

Explanatory note: The seaward limit of the territorial sea is approximately 12 nautical miles from shore, the exact limits may be found on the Land Information New Zealand website. Inland waters include all rivers, lakes and ponds regardless of whether or not they are accessible to the general public.

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

- (2) To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations, Bylaws, and rules of law.
- (3) Unless the context requires another meaning, a term or expression that is defined in the Act or a Maritime Rule and used in this Bylaw, but not defined, has the meaning given by the Act or Maritime Rule.
- (4) Any explanatory notes are for information purposes only and do not form part of this Bylaw, and may be made, amended and revoked without formality.

Commented [A6]: Broadens the previous narrow definition to include the commonsense generally accepted concept that unseaworthiness applies not only to vessels actually being navigated, but also to those that are stored at a landing place or yet to be launched. Examples may include: Vessels stored on swing moorings or at a berth that, while they may be considered by some as ok to remain just there, aren't suitable for undertaking a voyage or may be in danger of sinking or breaking free or breaking up; vessels on land that are under consideration of being launched that aren't in a safe condition to be on the water.

Part 2 General

4 Controls and demarcations specified under this Bylaw

- (1) Any control specified by the Harbourmaster under this Bylaw may:
 - (a) prohibit, restrict or control any matter or thing generally, for any specific category of case, or in a particular case;
 - (b) apply to all activities or to any specified category of activity;
 - (c) apply to all the Canterbury Region or to a specified part of the Canterbury Region;
 - (d) apply at all times or at any specified time or period of time.
- (2) The Harbourmaster may demarcate the use of any waterway for a specified purpose pursuant to this Bylaw through the placement of buoys, posts or signs at the demarcated area.
- (3) No person shall navigate a vessel in any waterway other than in accordance with any applicable control or demarcation.

Explanatory note: The controls made under the Canterbury Navigation Safety Bylaw contain maps indicating areas of waterways regulated or reserved under those controls for specified purposes and use and demarcations for these areas should they be in place.

Part 3 General navigation safety requirements

5 Personal Flotation Devices

Requirement to wear personal flotation devices

- (1) Every person on board a recreational vessel that is 6 metres or less in length shall wear a properly secured personal flotation device of an appropriate size for that person and is of a type appropriate for the activity being undertaken when the vessel is underway.

Explanatory note: For the sake of clarity, this Rule continues the requirement for the compulsory wearing of PFDs on small vessels in the Canterbury Region. Requirements for the carriage of PFDs on all vessels and the wearing of PFDs on all vessels in certain situations, found in Maritime Rules Part 91, remain and must be complied with. It should also be noted that PFDs should be of a type appropriate to the activity being undertaken (eg: water skiing, rafting, kayaking, boating on the open sea, jet boating).

Commented [A7]: Change brings highlighted point in the explanatory note into the rule. This is something that has been discussed around the country and is viewed as a commonsense safety matter worthy of being further highlighted by incorporation into the body of rules.

Exemptions

- (2) Except when otherwise directed by the Harbourmaster, an enforcement officer or a Constable, subclause (1) shall not apply to:
- (a) persons exempted under the provisions of Maritime Rules Part 91 or by the Director of Maritime New Zealand from a requirement to carry or wear a personal flotation device; or
 - (b) persons on non-powered vessels on the Avon River/Ōtākaro between Antigua Boat Sheds and the footbridge near the Botanic Gardens Café; or
 - (c) any person, vessel or class of vessel, in relation to which the Harbourmaster has granted an exemption in writing from this clause in accordance with clause 45 of this Bylaw.

6 Person in charge of the vessel

- (1) No vessel owner shall permit the vessel to leave the shore or any anchorage or mooring unless a person in charge of the vessel has been nominated.
- (2) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons on board the vessel.

7 Minimum age for operating power-driven vessels

- (1) No person under the age of 15 years shall be in charge of, or navigate, a power-driven vessel that is capable of a speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- (2) The person in charge of a power-driven vessel that is capable of a speed exceeding 10 knots must not allow any person who is under the age of 15 years to navigate that vessel in contravention of subclause (1).
- (3) Subclause (1) does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and awareness of other relevant navigation safety matters.

8 Speed limits

Requirement for safe and considerate high speed navigation:

- (1) No person who is permitted by any provision of this Bylaw or any Maritime Rule to navigate a vessel at a speed exceeding 5 knots shall do so in any manner that is likely to endanger or unduly interfere with the reasonable enjoyment of any person who is in, on, or using the waters, or fishing adjacent to the waters, or undertaking any activity in the vicinity of the vessel.

Commented [A8]: The activity being undertaken isn't relevant to the rule's requirement to avoid, for example, placing people near a waterway at risk of being swamped by a vessel's wake.

Ability to exceed speed limits

- (2) Despite any speed limits imposed under Maritime Rules Part 91, or under this Bylaw, speed upliftings shall apply and a vessel may exceed 5 knots within -
 - (a) 50 metres of any other vessel or person in the water;
 - (b) 200 metres of the shore or any structure;provided that such navigation in excess of 5 knots is safe and authorised under:
 - (c) Maritime Rules Part 91.6(5) and (6); or
 - (d) an approval to use SUZs pursuant to clause 8(4) of this Bylaw; or
 - (e) a relevant control, or Temporary Reservation made pursuant to clause 12 of this Bylaw; or

Harbourmaster may declare SUZs

- (3) The Harbourmaster may declare any river or inland waters in the Canterbury Region to be an SUZ, if the Harbourmaster, in his or her discretion, considers it safe to do so having regard to:
 - (a) the previous use of the waters;
 - (b) the nature of the waters and any hazards, and;
 - (c) any other matters considered appropriate.

Automatic approval to use SUZs

- (4) An approval to use an SUZ identified in any controls specified by the Harbourmaster under this Bylaw, is granted to all persons from the date of commencement of the Bylaw for the period in which the Bylaw remains in force, except:
 - (a) where otherwise restricted by a Maritime Rule, or
 - (b) where approval is restricted or revoked under either subclause 8(5) or 8(6) of this Bylaw

Ability to restrict or revoke approval to use SUZs

- (5) The Harbourmaster may at any time restrict or revoke the approval granted under subclause 8(4) in relation to any person if that person is, in the opinion of the Harbourmaster:
 - (a) using the SUZs in an unsafe manner;
 - (b) in breach of the Bylaw in a manner that justifies restriction or revocation of the person's approval to use the SUZs.

Council may restrict or revoke approval to use SUZs

- (6) The Council may at any time restrict or revoke the approval granted under subclause 8(4) to any degree the Council sees fit if the Council is of the opinion that the SUZs are in any way being used in an unsafe manner to a degree that may justify such a general restriction or revocation.

Explanatory note: A person or group restricted by sub-clause 8 (4) or (5) may still apply under clause 12 of the Bylaw for the ability to use one or more SUZs as a reserved area.

9 Vessels to be seaworthy

- (1) No person shall navigate or keep or place on the water any vessel in circumstances where the vessel is unseaworthy, except to remove the vessel from the water or to move it to a safe area.
- (2) No person shall navigate or keep or place on the water any vessel in circumstances where persons on board or in charge have been advised by the Harbourmaster or an Enforcement Officer that the vessel is unseaworthy, except to comply with the directions of the Harbourmaster or Enforcement Officer to proceed to a safe area.
- (3) The person in charge of any vessel for which subclause (2) applies, shall on direction by the Harbourmaster or an Enforcement Officer, navigate the vessel immediately by the shortest and quickest route, to a safe area nominated by the Harbourmaster or Enforcement Officer.

Commented [A9]: Changes in this clause to ensure clarity of intent and that consistency is maintained with proposed amendment to the definition of "unseaworthy".

10 Notification of accidents incidents or mishaps

- (1) The person owning or having responsibility for, or in charge of, or having conduct of any vessel, Port Company property, other maritime facility, structure or object that:
 - (a) has been involved in any accident, incident, or mishap involving a vessel; or
 - (b) in any manner gives rise to an obstruction;shall, as well as complying with any accident reporting requirements of Maritime Rules and the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster, and within 24 hours, provide the Harbourmaster with full details of the occurrence in writing. The same report shall be made available on request to the owner of any vessel or property which has been damaged.
- (2) The full details provided to the Harbourmaster under subclause (1) shall:
 - (a) include a full description of how and when the incident occurred; and
 - (b) include such other details as may be required by the Harbourmaster; and
 - (c) at the discretion of the Harbourmaster, be -
 - (i) in a form and manner as required by the Harbourmaster; or
 - (ii) a copy of the appropriate Maritime New Zealand report form.
- (3) The person in charge or having conduct of any vessel, Port Company property or other maritime facility for which subclause (1) applies shall answer any written or oral questions of the Harbourmaster as to the cause of the incident and actions taken subsequently.

Part 4 Activities

11 Access Lanes

- (1) An access lane shall be any area within 200 metres of the shore specified;
 - (a) in this Bylaw; or
 - (b) by the Harbourmaster.
- (2) An access lane may be specified or declared for vessels of any description.

12 Reserved Areas

- (1) Any area of a waterway may be reserved for a specified maritime safety purpose, either:
 - (a) in a control made under this Bylaw; or
 - (b) for a specified period, by the Harbourmaster issuing a Temporary Reservation.

Explanatory note: Temporary Reservations issued under clause 12(1)(b) will be published on the Council's website.

- (2) The Harbourmaster may specify controls for the use of any reserved area(s).
- (3) Any application for a Temporary Reservation under subclause 12(1)(b) must be made in accordance with clause 32.

13 Conduct in, and use of, Reserved Areas

Exemptions for certain activities

- (1) Restrictions on the use of Reserved Areas shall not apply to any persons carrying out the following:
 - (a) for a local authority, government agency, or Fish and Game Council: enforcement services, or bird culls, or the rescue, protection, disposal of marine animals or other wildlife or animals, or scientific research.
 - (b) for a local authority or government agency: water quality sampling, the control or clean-up of contaminants, or resource investigations or monitoring;
 - (c) for a local authority, or government agency: track maintenance, pest control, or the removal of rubbish or beach cast material; or beach and beach facility maintenance;
 - (d) for a local authority, government agency, the New Zealand Police, the New Zealand Fire Service, Surf Lifesaving New Zealand or the New Zealand Coastguard: activities including training with respect to civil defence and emergency management or firefighting, or search and rescue operations;
 - (e) where contracted or otherwise appropriately authorised by the permit owner or manager of the structure or facility: navigate vessels and to dive for the purpose of management (inspection, maintenance or repair) of structures or facilities in the reserved area.
- (2) All persons undertaking activities under subclause (1) shall keep a detailed record (log) of all such activities; the log to be available, upon request, to the Harbourmaster. The prior approval of the Harbourmaster is required for all training, monitoring and management activities carried out under subclause (1) in a Reserved Area. The Harbourmaster may set any conditions on the activity considered necessary for navigation safety purposes including requirements for any vessel to be appropriately marked for identification purposes.

Commented [A10]: Surf Lifesaving NZ included for the sake of consistency as they're a safety and rescue organisation like NZCG.

- (3) Except as directed by the Harbourmaster or an Enforcement Officer, restrictions of Reserved Areas shall not apply to support vessels carrying out their function in support of persons or vessels using a Reserved Area for its specified purpose.

14 River Safety Rules

- (1) A person in charge of a vessel on a river must:
- (a) ensure that the vessel keeps as near to their starboard (right) side of the river channel as is safe and practicable; and
 - (b) when going upstream, give way to any vessel coming downstream; and
 - (c) not navigate the vessel unless river and weather conditions are considered to permit safe navigation of the vessel; and
 - (d) subject to clause 14(2), not exceed a speed of 5 knots on any river unless in an area designated as an SUZ.
- (2) Subclause (1)(d) shall not apply to any paddle craft or raft, including when towing a vessel, person, or an object.

Explanatory note for subclause (1)(c): For example, not navigate immediately downstream of dams that are spilling.

Explanatory note for subclause (1)(d): In an SUZ the 5 knot speed limit still applies for vessels which are towing a person or object except as allowed under subclause (2) or unless specifically uplifted; or in case of an emergency (e.g. towing a boat out of harm's way) constituting "reasonable excuse" under Maritime Rules Part 91.6.

15 No fishing or swimming or diving around landing places

- (1) No person shall fish, jump, dive or swim:
- (a) from, or within 50 metres from, a landing place -
 - (i) while it is in use for the berthing and/or unberthing of vessels;
 - (ii) when a vessel is approaching to berth, or ~~manoeuvring~~manoeuvring alongside or departing;
 - (b) in an area that would interfere with the berthing or departure of any vessel;
 - (c) within any marked navigational channel or any other navigational channel leading to a landing place;
 - (d) where these activities are prohibited by the Harbourmaster.
- (2) In subclause (1) "landing place" shall mean the berthing position along or at a landing place where the vessel will be or is berthed.
- (3) Subclause (1) does not apply to activities conducted by, on behalf of, or approved by a port company within their Operational Area.

Explanatory note: For the sake of clarity, subclause (2) refers to such landing places as multi-berth wharves and jetties. The activity restriction applies only to that part of a landing place (ie: a berth) where actual vessel movement is taking place, not necessarily to the entire landing place structure.

16 Restrictions applying to water beneath or alongside commercial wharves

- (1) No person shall navigate any vessel beneath any wharf in the Ports of Lyttelton or Timaru without the permission of the relevant port company.
- (2) No person shall fish, jump, dive or swim in the waters of the commercial port areas of Lyttelton or Timaru without the permission of the relevant port company.

Part 5 Operating Requirements

17 Obstructions that may constitute or become a danger to maritime safety

- (1) No person shall place, discharge, drop, or cause or allow to be placed, discharged or dropped into any waterway any cargo or any other thing from any vessel, wharf or from land that may constitute or could become a danger to maritime safety.

18 Maintenance of maritime facilities

- (1) Where any landing place has fallen into disrepair and in the opinion of the Harbourmaster is a danger or potential danger to navigation, the permit owner shall in consultation with the Harbourmaster:
 - (a) demolish and remove it; or
 - (b) make such repairs as are considered necessary; or
 - (c) take such other action as is considered necessary;to remove the danger or potential danger.

19 Navigational aids

- (1) No person shall erect, maintain or display any sign, beacon, light, mark, buoy or other device that has the characteristics of a navigational aid and/or which may be used or mistaken as a navigational aid or warning, without the prior written permission of the Harbourmaster.

Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.

20 Vessels to be identified

- (1) No person shall navigate a vessel unless it displays an identifying name or number displayed above the waterline on each side of the vessel by the owner of the vessel:
 - (a) consisting of letters of the Roman alphabet or numbers that are not the vessel's
 - (b) brand, make or model; and
 - (c) that is distinct to that vessel; and
 - (d) unless complying with the requirements of an organisation listed in subclause (2)(a), be a minimum height of 90 millimetres and be distinguishable to the naked eye by day from a distance of at least 50 metres.
- (2) The identifying name or number referred to in subclause (1) shall be:
 - (a) a registration or identification approved by and conforming to the requirements of:
 - (i) Maritime New Zealand (MNZ) or an equivalent foreign authority (eg. a MNZ number or vessel's registered name); or
 - (ii) a sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
 - (b) the vessel's radio call sign; or
 - (c) for any trailer borne vessel without a registration or identification listed in subclauses (2)(a) or (b), the registration number of its trailer; or
 - (d) for non-trailer borne vessels not exempted by subclause (3), shall be an identifying name or number otherwise complying with the requirements of subclause (1).

Explanatory note: For the sake of clarity, "trailer borne vessel" refers to a vessel transported on a road-going trailer that is, or is required to be, registered. It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the "non-trailer borne vessel" category.

- (3) Subject to subclause (4), subclauses (1) and (2) do not apply to:
- (a) non-powered vessels of six metres or less in length;
 - (b) paddle craft;
 - (c) vessels powered solely by oars;
 - (d) a vessel which is temporarily being operated on Canterbury waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.
- (4) Vessels referred to in subclause (3) must be marked with the current owner's name and contact details somewhere on the vessel.

21 Aircraft

- (1) A person in charge of a vessel must not impede an aircraft in the process of landing or taking off.
- ~~(2) Except in an emergency, a person must not take off, land or attempt to take off or land an aircraft:-~~
- ~~(3) on navigable waters; or~~
- ~~(4)(2) from the water, any vessel, wharf, quay, jetty, pontoon or structure within any waterway;~~
- ~~Without the permission of the Harbourmaster, except that permission of the Harbourmaster is not required for operation of aircraft on the following waters:~~

Lake Tekapo / Takapo

Lake Pukaki

Lake Ohau

Lake Benmore / Te Ao Marama

Lake Aviemore / Mahi Tikumu, except Loch Laird

Lake Waitaki

Lake Coleridge / Whakamatau

~~(a) The Operational Area of the Port of Lyttelton provided without permission having been granted by LPC, or the Harbourmaster in consultation with LPC; or~~

~~(b) The Operational Area of the Port of Timaru provided without permission having been granted by PPT or the Harbourmaster in consultation with PPT.~~

Commented [A11]: The 2016 rule was carried over from previous bylaws but further analysis has determined it lacks a clear safety case, given that aircraft on water are, legally, a power-driven vessels under national (and, indeed, international) rules and thus their activity is already regulated in terms of safe navigation and interaction with other vessels.

The original rule appears to have been written primarily for the purpose of controlling noise, in which case this should be removed as it's not a matter of maritime safety and so not allowed within the bylaw making powers granted to regional councils by s33 of the MTA 1994.

The exception, as retained adjacent, would be retaining a control on the activity in the port areas, to enable a higher level of risk reduction in terms of possible conflict with large, less manoeuvrable vessels within the confines of the ports' approaches.

Matters of noise may be better addressed via an RMA plan properly addressed through an RMA plan,

22 Vessels to be adequately secured

- (1) The person in charge of a vessel shall ensure that it is properly and effectively secured when at any landing place or at any swing mooring or at anchor.
- (2) No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not intended for that purpose.
- (3) No person shall abandon or secure any vessel or property in an area where it may re-float and create a navigation hazard or where it may interfere with the normal use of the waters by other persons.
- ~~(4) No person shall leave any vessel unattended:~~
 - ~~(a) at any landing place without permission of the permit owner; or~~
 - ~~(b) on the beach or foreshore unless secured in an area specified for this purpose by the Harbourmaster.~~
- ~~(5) Subject to the requirements of subclause (3), subclause (4)(b) shall not apply to small vessels that are left on any beach or foreshore for a period of 48 hours or less.~~

Explanatory note: For the purposes of subclauses (4) and (5) "foreshore" has the same meaning as in the Resource Management Act 1991, and therefore means "any land covered and uncovered by the flow and ebb of the tide at mean spring tides 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". Subclauses (4) and (5) do not apply to vessels left landward of the foreshore.

Explanatory notes: For the purpose of subclause (5), "small vessel" includes the likes of kayaks, dingies and runabouts that would in the ordinary course of their active use be at times temporarily hauled up on to the beach or foreshore.

- ~~(6)~~~~(4)~~ No person shall, without the permission of the Harbourmaster, cut, break, or destroy:
 - (a) the mooring of any vessel; or
 - (b) the fastening securing any vessel lying in a dock or at or near a wharf or landing place.

Commented [A12]: Shifted to clause 24 as the intent of these rules is more about placing a limitation on the placement of vessels than how they are to be secured.

23 Prohibited and restricted anchorages

Anchoring a vessel within or adjacent to a Swing Mooring Area or close to an occupied Swing Mooring

- (1) No person shall anchor a vessel within a swing mooring area.
- (2) No person shall anchor a vessel outside a swing mooring area within 50 metres of any buoy that marks the location of a swing mooring within a swing mooring area or within 50 metres of a vessel on a swing mooring.

LPG pipeline – Cass and Corsair Bays

- (3) No person shall anchor or moor any vessel within 30 metres north or 30 metres south of the Liquid Petroleum Gas pipeline running approximately east-west across Cass and Corsair Bays in Lyttelton Harbour/Whakaraupō marked on Land Information New Zealand Nautical Chart NZ 6321, and also marked by white triangles on posts at either end where the pipeline enters the water.

24 Limitation on anchoring or mooring

- ~~(1) No vessel shall remain anchored or moored within the same or proximate location for longer than 14 consecutive days without the prior approval of the Harbourmaster.~~
- ~~(1) No person shall leave any vessel unattended:~~
 - ~~(a) at any landing place without permission of the permit owner; or~~
 - ~~(b) on the beach or foreshore unless secured in an area specified for this purpose by the Harbourmaster.~~
- ~~(2) Subject to the requirements of subclause 22(3), subclause (421)(b) shall not apply to~~

Commented [A13]: Delete (1) as Regional Coastal Plan rule has the same thing, albeit for a different reason, so that can be enforced against instead. Any vessel may still be directed to be removed should it pose a safety issue, regardless of any time period of it's being in a place, further rendering this subclause unnecessary.

small vessels that are left on any beach or foreshore for a period of 48 hours or less.

Commented [A14]: Shifted from clause 22 as the intent of these rules is more about placing a limitation on the placement of vessels than how they are to be secured.

~~(2)~~(3) If so directed by the Harbourmaster the person in charge or owner of a vessel shall:

- (a) not leave that vessel unattended; and
- (b) crew that vessel according to the Harbourmaster's directions.

Explanatory note: For the purposes of subclauses (2) and (3), "beach or foreshore" refers, in relation to the sea, to the area below MHWs (average highest spring tide) or a reasonably foreseeable storm event; and, in relation to any inland waterway (such as a river, stream, or lake) the area within the range of a reasonably foreseeable rise of river or lake level such as through fresh, flood, storm-driven waves or surge, or raising of controlled lake level (as may occur with hydro-lakes). These subclauses do not apply to vessels left above these limits. Explanatory note: For the purposes of subclauses (4) and (5) "foreshore" has the same meaning as in the Resource Management Act 1991, and therefore means "any land covered and uncovered by the flow and ebb of the tide at mean spring tides; 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". Subclauses (4) and (5) do not apply to vessels left landward of the foreshore.

Explanatory notes: For the purpose of subclause (53), "small vessel" includes the likes of kayaks, dingies/dinghies and runabouts that would in the ordinary course of their active use be at times temporarily hauled up on to the beach or foreshore.

Commented [A15]: Change of explanatory note for greater consistency with maritime terms and to clarify the intent of application is that "beach or foreshore" is any land adjacent to water where that land may be subject to changing water levels.

Part 6 Swing moorings

25 General conditions to lay and use a swing mooring

- (1) No person shall lay, or move, a swing mooring unless they hold a swing mooring authorisation for that swing mooring issued by the Harbourmaster.
- (2) The Harbourmaster may allocate or require the change of any swing mooring position in a swing mooring area as may be required for the effective management of a swing mooring area or for maritime safety.
- (3) No person shall secure a vessel to a swing mooring unless the Harbourmaster has authorised the use of that swing mooring for mooring that vessel or size of vessel or type of vessel.
- (4) Subclause (3) shall not apply to pleasure craft 4 metres or under used with the approval of the swing mooring owner to gain access to a vessel on the swing mooring.
- (5) A holder of a swing mooring authorisation must not leave a swing mooring vacant or unattended for greater than 180 days in any 365 day period without the prior written approval of the Harbourmaster.
- (6) The Harbourmaster may set a specification for a swing mooring and its fittings and may review and change this specification from time to time. Any specifications resulting from such review and change shall supersede all previous specifications and shall become the specifications to which a swing mooring shall be maintained.
- (7) A swing mooring authorisation is to be held by the authorisation holder subject to the following additional terms and conditions:
 - (a) the authorisation may be renewed annually upon full payment of the annual swing mooring authorisation fee; and
 - (b) the authorisation period shall be from 1 July to 30 June of the following year; and
 - (c) a swing mooring authorisation shall be personal to the holder and shall not be transferable.

Explanatory note: The intent of this clause is to ensure the safety of moorings and mooring areas for the storage and passage of vessels (by ensuring moorings are used for their intended purpose and are regularly monitored) and that all moorings are constructed, installed and maintained to a safe standard. In particular it should be noted that the intent of subclause (6) is not that any new specification will require immediate compliance, but rather that any component renewed or replaced shall meet any update to those specifications at the time of that component's replacement. The specification itself will include a condition to this effect. Also, subclause (6) allows different specifications to be set for different mooring areas, or even individual moorings, according to the prevailing conditions at the mooring location. Subclause (6) does not mean a "one size fits all" policy for mooring construction specifications.

26 Application for a swing mooring authorisation and waiting list for swing mooring authorisation

- (1) An application for a swing mooring authorisation shall be made in a form and manner prescribed by the Harbourmaster.
- (2) An application for a swing mooring authorisation shall be declined if the Harbourmaster considers that for any reason the swing mooring being applied for:
 - (a) presents or creates a risk to maritime safety;
 - (b) is not in the best interests of the management of a swing mooring area.
- (3) The Harbourmaster shall maintain a list of person(s) awaiting a swing mooring space in any designated swing mooring area.

- (4) A person wishing to be placed on a swing mooring authorisation waiting list shall apply to the Harbourmaster to be listed on the swing mooring authorisation waiting list for a swing mooring authorisation for a stated vessel size.
- (5) Except as provided for by clause 29(10), where a swing mooring space becomes available, whether by a swing mooring being sold, surrendered or cancelled, the space shall be offered to the person nearest the top of the waiting list awaiting a swing mooring authorisation of that size or for a vessel appropriate for the swing area available.
- (6) Where a person on a swing mooring waiting list declines a swing mooring authorisation suitable for their vessel they shall be placed at the bottom of the waiting list.

27 Maintenance of swing moorings

- (1) The owner of a swing mooring shall at all times maintain the swing mooring in a safe working condition and in accordance with the specification set for that swing mooring under clause 25(6).
- (2) To establish that a swing mooring is in a safe working condition the owner of a swing mooring shall ensure that all their swing mooring equipment is inspected by a competent person at a period not exceeding 12 months except where allowed a longer period under subclause (3) or (5).
- (3) The Harbourmaster may allow a period of up to 24 months between the inspections of a swing mooring if satisfied the swing mooring equipment will remain in a safe working condition throughout such a period.
- (4) The owner of a swing mooring shall ensure confirmation is provided to the Council of any inspection, replacement, or repair:
 - (a) within 10 working days of the inspection, replacement or repair;
 - (b) in a form and manner prescribed by the Harbourmaster.
- (5) The inspection of a swing mooring under subclause (2) shall demonstrate to the Harbourmaster that the block and block ring are in good condition and meet the specifications required under clause 25(6) at a period not exceeding 10 years.

Explanatory note: This may include any or all of the following methods, or others satisfactory to the Harbourmaster: Block lift, load test, dive inspection.
- (6) Where a swing mooring inspection is not provided within the timeframe as required by subclauses (2) or (4), the inspection shall not be considered received by the Harbourmaster without payment of the appropriate fee for late submission of a swing mooring inspection.
- (7) If at any time in the opinion of the Harbourmaster any swing mooring is or may be in an insufficient state of repair the Harbourmaster may require the swing mooring to be:
 - (a) inspected by a competent person selected by the Harbourmaster; and
 - (b) repaired to the specification under clause 25(6); within a period specified by the Harbourmaster.

28 Removal and movement of vessels and swing moorings

- (1) The Harbourmaster shall remove a swing mooring where:
 - (a) the swing mooring authorisation has been cancelled and the swing mooring owner has not removed the swing mooring equipment or sold the swing mooring equipment to a new swing mooring authorisation holder or surrendered the swing mooring to the Harbourmaster; or
 - (b) in the opinion of the Harbourmaster the swing mooring is causing or may cause -
 - (i) an obstruction; or
 - (ii) a risk to another vessel; or
 - (iii) any other risk to maritime safety; or
 - (c) the swing mooring has not been inspected and shown to meet the required specification for a period of 3 months or greater since the inspection was due; or
 - (d) the swing mooring has not been repaired as required by the Harbourmaster; or
 - (e) in the case of a new swing mooring the swing mooring has not been installed in the position allocated by the Harbourmaster and the swing mooring authorisation holder has not moved the swing mooring to the required position as directed by the Harbourmaster; or
 - (f) the swing mooring has no authorisation under this Bylaw.
- (2) The Harbourmaster may remove or move or require the removal or movement of a swing mooring where the swing mooring has for whatever reason shifted from its allocated position.
- (3) The Harbourmaster may remove or move or require the removal or movement of a swing mooring where in the opinion of the Harbourmaster the position of the swing mooring may not be in the best interests of the management of a swing mooring area.
- (4) Any removal or movement of a swing mooring under subclause (3) shall be undertaken at the Council's expense and clause 35 shall not apply.
- (5) The Harbourmaster may remove a vessel at the owner's risk where it does, may, has, or appears to:
 - (a) break free from or drag its mooring;
 - (b) cause an obstruction;
 - (c) cause or result in a maritime safety issue;
 - (d) become unseaworthy;
 - (e) sink or become swamped or fill with water;
 - (f) not have authorisation from the Harbourmaster to secure to a mooring.

29 Sale of swing mooring equipment, cancellation of swing mooring authorisations and issue of swing mooring authorisation to a new owner

- (1) Where a swing mooring authorisation holder wishes to remove, sell, surrender, no longer use or otherwise dispose of their swing mooring equipment they shall:
 - (a) notify the Harbourmaster on the appropriate form;
 - (b) relinquish their swing mooring authorisation.
- (2) Where a swing mooring authorisation has been cancelled under subclause (6) a new swing mooring authorisation may be offered to:

- (a) in the case of the sale of a vessel and swing mooring as under subclause (11), the purchaser of the vessel and swing mooring; or
 - (b) in any other case, those persons on the waiting list as required by clause 26(5).
- (3) Where a person on the waiting list accepts the swing mooring position they may be issued with a swing mooring authorisation as provided for in this Bylaw.
- (4) Where a swing mooring is surrendered to the Harbourmaster:
 - (a) the owner relinquishes all rights to the swing mooring equipment and fittings;
 - (b) the Harbourmaster may sell any or all of that equipment and fittings to recover costs; and
 - (c) any surplus received above costs recovered shall be paid to the owner.
- (5) The owner of a swing mooring shall remove the swing mooring equipment where that equipment is not sold to a mooring authorisation holder or surrendered to the Harbourmaster.
- (6) Except where exempted by clause 40(1) the Harbourmaster shall cancel a swing mooring authorisation where:
 - (a) a person has not paid any fee required by this Bylaw within 3 months of an invoice being issued; or
 - (b) the mooring has not been inspected and shown to meet the required specification for a period of 6 months or greater since the inspection was due; or
 - (c) a person fails to install a swing mooring system within 6 months or a timeframe specified by their Resource Consent; or
 - (d) a person has not repaired or moved their swing mooring within the timeframe specified by the Harbourmaster; or
 - (e) the swing mooring has been left vacant or unattended in breach of clause 25(5); or
 - (f) a swing mooring authorisation has been relinquished under subclause (1)(b).
- (7) The Harbourmaster may cancel a swing mooring authorisation where a person has not complied with one or more conditions of the authorisation.
- (8) To cancel a swing mooring authorisation the Harbourmaster shall write to the authorisation holder notifying them the authorisation is cancelled.
- (9) Where a swing mooring authorisation holder is deceased the authorisation may be re-issued to the beneficiary of the estate.
- (10) Clause 26(5) does not apply to a person holding a resource consent for a swing mooring wishing to transfer or re-assign the ownership of the mooring and the person shall not be required to do so only to a person on a swing mooring waiting list and may transfer or reassign the ownership of the mooring to any person.

Explanatory note: Any consent transfer will still be subject to any conditions of the consent and the requirements of the Resource Management Act 1991.
- (11) The person to whom the swing mooring is transferred or reassigned in subclause (10) shall be required to apply to the Harbourmaster for a swing mooring authorisation for that mooring.
- (12) An authorised swing mooring owner selling their vessel attached to their swing mooring may also sell that swing mooring to the person purchasing the vessel.

Part 7 Administrative matters

30 Liability of the Council

- (1) The Council shall not be liable for:
 - (a) any damage to vessels which have not been securely moored; or
 - (b) any damage to a vessel(s) which results from any actions taken by the Harbourmaster to secure a vessel, in the event of a storm or other adverse event; or
 - (c) any damage to a vessel which results from compliance with any directions or instructions given by the Harbourmaster in accordance with his powers under the Act or this Bylaw.
- (2) The Council shall not be liable for any damage to a vessel tied to a mooring, whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause.
- (3) The Council shall not be liable for any damage to a vessel or mooring caused by any action while enforcing this Bylaw.
- (4) The Council shall not be liable for any damage to a vessel that the Harbourmaster secures or removes under this Bylaw.

31 Commercial vessel and hire operations

- (1) No person shall operate any commercial vessel for hire or reward or any vessel involved in a commercial operation or any vessel hire operation if, in the opinion of the Harbourmaster, such operation may be deficient in terms of safety or compliance with good practice for such an operation, and the Harbourmaster instructs-directs them to cease operating.

Commented [A16]: Change to clarify intent is to ensure all commercial operations using any vessel, including freedom hire and events using volunteer vessels, have acceptable fit-for-purpose, appropriately scaled, safe systems of work.

32 Application for a Temporary Reservation or an Exemption

- (1) Any application to the Harbourmaster for a Temporary Reservation as allowed for under clause 12(1)(b), or an exemption as allowed for under clauses 45(1):
 - (a) may be made by any person; and
 - (b) shall be made in a form and manner prescribed by the Harbourmaster; and
 - (c) shall be accompanied by any required fee.

Commented [A17]: Change of term for consistency with s33F MTA 1994.

33 Display of documents

- (1) Any licence, authorisation, written approval, permission, exemption, or Temporary Reservation required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster, an Enforcement Officer or a Constable.

34 Documents not to take effect without payment of fees

- (1) No licence, authorisation, written approval, permission or exemption required by this Bylaw shall have effect until any fee required for it has been paid.

35 Recovery of costs where not otherwise specified

- (1) Except as required by clause 28(4) any costs incurred by the Harbourmaster in connection with the removal, movement, inspection, securing, storage or disposal of any vessel, swing mooring, material, thing, cargo or matter, shall, as the circumstances of the case require, be recoverable from any one or more of the following persons:
 - (a) the person who committed the breach of this Bylaw;
 - (b) the owner of the cargo or any other matter discharged into any waterway;
 - (c) the owner of the vessel; or
 - (d) the swing mooring authorisation holder.
- (2) If a person from whom costs are to be recovered under subclause 35(1) cannot be located, or fails to pay for any costs incurred in taking action authorised by this Bylaw, the Harbourmaster may recover costs from the person:
 - (a) from the sale of the vessel, its swing mooring, its fittings, equipment and cargo, or of the removed or moved material, thing or matter; or
 - (b) in any court of competent jurisdiction as a debt due to the Council.

36 Correspondence and notification of current contact and vessel details

- (1) The holder of any swing mooring authorisation, permit, licence, exemption or other document issued under this Bylaw shall immediately notify the Harbourmaster in writing of any:
 - (a) change of address or any other contact details;
 - (b) change of details of any vessel to which the document relates;
 - (c) change of details of any equipment or structure to which the document relates.
- (2) Any written notice from the Harbourmaster under or pursuant to this Bylaw shall be considered served if sent to the postal address and/or email address last provided by the addressee.

Part 8 Large vessels

37 No obstruction of vessels in a Moving Prohibited Zone (MPZ) or a Main Navigational Channel

- (1) No person shall navigate a vessel so as to be within the MPZ for any vessel within:
 - (a) the pilotage area of Lyttelton; or
 - (b) the pilotage area of Timaru; or
 - (c) the Akaroa Harbour area of restricted access; or
 - (d) the Kaikōura Peninsula Area of Restricted Access; or
 - (e) any other area as may be declared by the Harbourmaster; without the approval of the Harbourmaster.

- (2) The Master of a vessel carrying liquid or gas hydrocarbons in bulk, or any vessel of over 150 metres in length shall not navigate the vessel so as to pass any vessel carrying liquid or gas hydrocarbons in bulk, or any other vessel of over 150 metres in length while both vessels are in a Main Navigational Channel.

Explanatory note: A "vessel carrying liquid or gas hydrocarbons in bulk" refers to a fuel/oil, tanker or a gas carrier (e.g. LPG or LNG)

- (3) The Master of any vessel shall not anchor in a Main Navigational Channel without permission from the Harbourmaster and the relevant port company.
- (4) Subclause (1) shall not apply to Masters of tugs or pilot vessels while they are carrying out towage or pilotage duties with those tugs or pilot vessels in relation to a vessel for which a MPZ applies.
- (5) Subclauses (1) and (2) shall not apply where the permission of the Harbourmaster has been obtained for a vessel to be within a MPZ or to pass another vessel in the channel.
- (6) A specified MPZ may be declared by the Harbourmaster to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

Commented [A18]: Akaroa Harbour is not a designated pilotage area.

38 Akaroa Harbour Area of Restricted Passenger Vessel Passenger Handling Capability

- (1) For the purpose of ensuring maritime safety the Council may, upon recommendation of the Harbourmaster, restrict the number of passengers transiting to and from passenger vessels in Akaroa Harbour.
- (2) Such restrictions may apply for any period of time.
- (3) Such restrictions shall not apply when the Harbourmaster requires immediate actions to embark or disembark passengers for the purposes of maritime safety.

Part 9 Enforcement Powers, Offences, Penalties, Exceptions, Exemptions

39 Compliance with the Bylaws and Maritime Rules

- (1) It is an offence under section 33N of the Act to contravene this Bylaw which, for the sake of clarity, includes any rules or regulations deemed to form part of this Bylaw under subclause (3).
- (2) It is an offence under the Act to, without reasonable excuse, fail to comply with a direction or requirement given or imposed under subsection (1) of section 33F of the Act.
- (3) The provisions of any rules or regulations made under the Act:
 - (a) are deemed to form part of this Bylaw; and
 - (b) shall be enforceable under this Bylaw unless the rules or regulations specify otherwise; and
 - (c) shall not be contravened by any person.
- (4) Subject to section 451(7) of the Act, this Bylaw and the requirements imposed by it must be complied with despite any matter being permitted in, or otherwise in compliance with, any rules or regulations.

40 Inability to comply in extenuating circumstances

- (1) If in the opinion of the Harbourmaster any person is not able to comply with any requirements of this Bylaw through bereavement, ill health or other extenuating circumstances the Harbourmaster may take any necessary action to ensure compliance with the Bylaw until such time as the person or their estate is able to comply with any requirements on their own behalf.
- (2) Any costs incurred by the Harbourmaster in acting on behalf of any person under subclause (1) shall be recoverable from that person or their estate.

41 Intervention by the Harbourmaster

- (1) In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure, wharf or the environment, the Harbourmaster may prohibit or restrict the activity until the Harbourmaster is satisfied adequate precautions have been taken.

42 Removal of vessel, material, thing, cargo or matter

- (1) In addition to the powers conferred on the Harbourmaster under the Act or any other legislation, rules, or regulations, the Harbourmaster may:
 - (a) remove or cause to be removed from any public place or any waterway, any vessel, material, thing, cargo or matter used or discharged in breach of this Bylaw; and
 - (b) dispose of any vessel, material, thing, cargo or matter, if not claimed within a reasonable time; and
 - (c) recover any costs associated with actions taken under subclauses (1)(a) or (b) of this Bylaw.

43 Removal of construction

- (1) The Council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

44 Exception to compliance with Bylaw

- (1) A person is not in breach of this Bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an Enforcement Officer or Constable.

45 Temporary Exemptions from Bylaw

- (1) Except for those requirements in clauses 26(2), 28(1), 29(6) and 29(8) the Harbourmaster may exempt, by written approval ~~for an exemption~~, any person, vessel or class of vessels from any requirements of this Bylaw.
- (2) In granting any written approval for an exemption to any clause of this Bylaw the Harbourmaster must consider the effects of the exemption on public safety.
- (3) The Harbourmaster may revoke any exemption at any time the Harbourmaster has reason to believe public safety has been, is being, or may be, adversely affected, or any terms of the exemption may have been, are being, or may be, breached.

Commented [A19]: Removing superfluous words.

Part 10 Transitional Provisions and Revocation

46 Savings and transitional provisions

- (1) Any resolution or other decision made under the Environment Canterbury Navigation Safety Bylaws 2010—remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this Bylaw.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval made under the Environment Canterbury Navigation Safety Bylaws 2010 continues in force but:
 - (a) expires on the date specified in that licence, consent, permit, dispensation, permission or other form of approval; or
 - (b) if no expiry date is specified, expires on 10 October 2017; and
 - (c) can be renewed only by application made and determined under this Bylaw.
- (3) Any application for a licence, consent, dispensation, permission or other form of approval made under the Environment Canterbury Navigation Safety Bylaws 2010 that was filed but not approved before the day on which this Bylaw commences must be dealt with by the Harbourmaster as if it had been made under this Bylaw.

47 Revocation

- (1) This Bylaw revokes the Environment Canterbury Navigation Safety Bylaws 2010.
- (2) Despite subclause (1):
 - (a) Any enforcement decisions made under the Environment Canterbury Navigation Safety Bylaws 2010 shall continue and must be complied with as though the Environment Canterbury Navigation Safety Bylaws 2010 had continued; and
 - (b) Any enforcement decision may continue to be made under the Environment Canterbury Navigation Safety Bylaws 2010 as if such bylaws had not been revoked, where at the time this Bylaw came into effect, there was a continuing failure to comply with the Environment Canterbury Navigation Safety Bylaws 2010, and any required time period or notice period necessary to take further enforcement action had not elapsed.