Annex 1

MINISTRY OF TRANSPORT
TE MANATŪ WAKA

27 January 2026 OC260030

Hon James Meager **Action required by:**

Associate Minister of Transport Tuesday, 10 February 2026

cc Hon Chris Bishop

Minister of Transport

TASMAN DISTRICT COUNCIL - INFRINGEMENT FEES FOR OFFENCES REGULATIONS

Purpose

Seek your authority for the Ministry of Transport (Ministry) to:

1. issue drafting instructions to the Parliamentary Counsel Office (PCO) for infringement regulations relating to the Tasman District Navigation Safety Bylaw 2024 (2024 Bylaw).
2. share drafts of the infringement regulations with the Tasman District Council (the Council), and Maritime New Zealand (Maritime NZ) to ensure these regulations are fit for purpose.

Key points

- Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws.
- Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws.
- The Council has requested infringement fees for offences regulations to be made to correspond to the 2024 Bylaw which came into force on 1 December 2024.
- Your authority is needed for the Ministry to issue drafting instructions to PCO to enable regulations to be drafted. Your authority is also needed to allow the Ministry to share drafts of the regulations with the Council and Maritime NZ to ensure the regulations are fit for purpose as the drafts are legally privileged to the Crown, and the Council and Maritime NZ sits outside the core Crown.

Recommendations

We recommend you:

1 authorise the Ministry of Transport to issue drafting instructions to the Parliamentary Counsel Office for the Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026 — Yes / ~~No~~

2 authorise the Ministry of Transport to share the drafts of the Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026) Regulations 2026 with the Tasman District Council and Maritime New Zealand — Yes / ~~No~~

3 refer this briefing to Hon Chris Bishop, Minister of Transport for his information. — Yes / ~~No~~

Matthew Green
Chief Legal Adviser and Procurement Manager
27 /01 /26

Hon James Meager
Associate Minister of Transport
12 / 02 / 26

Minister's office to complete:

☐ Approved ☐ Declined

☐ Seen by Minister ☐ Not seen by Minister

☐ Overtaken by events

Comments

Contacts

Name	Telephone	First contact
Matthew Green, Chief Legal Advisor and Procurement Manager	s 9(2)(a)	
Annelies McClure, Principal Solicitor		✓

TASMAN DISTRICT COUNCIL - INFRINGEMENT FEES FOR OFFENCES REGULATIONS

Tasman District Council has requested infringement fees for offences regulations

1 The Ministry has received a request from the Council to progress infringement fees for offences regulations relating to the 2024 Bylaw. The 2024 Bylaw is made under section 33M of the Maritime Transport Act (the Act) and is attached at Annex One. The 2024 Bylaw came into force on 1 December 2024.

2 Infringement offences are a subset of criminal offences that do not result in criminal convictions. In the case of navigation safety bylaws, these involve low-level infringement fees (capped by the Act at $1,000) and are imposed by the issuing of an infringement notice. The purpose of infringement offences is to deter conduct that is of relatively low seriousness and that does not justify the full imposition of the criminal law. Infringement offences prevent the courts from being overburdened with a high volume of relatively straightforward and low-level offences. Without them, the law may otherwise not be enforced because it is unlikely a prosecution would be in the public interest.

3 Infringement fees for offences regulations support the effective enforcement of these bylaws by dissuading breaches. Under section 33Q of the Act, a regional council is entitled to retain any infringement fee it receives in respect of an infringement offence.

4 The Ministry's role is to instruct PCO to draft the offences regulations and support the legislative process. The Ministry also ensures that the offences described in the regulations are correctly framed and are compliant with the empowering provisions.

The Tasman District Council has produced proposed infringement offences and fees

5 The Council has produced proposed infringement offences and associated infringement fees. These are attached at Annex Two. The current infringement offences and infringement fees were set in 2016, under the 2016 Regulations, and the key changes are:

5.1 25 offences remain the same, with the following changes to infringement fees:

5.1.1 2 offences have been increased from $100 to $150

5.1.2 5 offences have been increased from $100 to $300

5.1.3 3 offences have been increased from $100 to $500

5.1.4 11 offences have been increased from $200 to $300

5.1.5 3 offences have increased from $200 to $500

5.1.6 1 offence has been reduced from $200 to $150.

5.2 37 offences have been removed; and

5.3 46 new offences are proposed. Of those 46 offences:

5.3.1 11have fees assigned at $150;

5.3.2 24 have fees assigned at $300; and

5.3.3 11 have fees assigned at $500.

6 In assigning proposed infringement fees to an offence, the Council has considered the severity of the offence in terms of potential impacts and risk to life and has also taken in account infringement fees charged by other neighbouring regional councils for similar acts and omissions.

7 These proposed infringement offences and fees are in draft and are subject to change as the Council works with the Ministry and PCO. The Ministry has reviewed the proposed new offences and has identified that there are a small number of proposed offences that may not be intra vires the empowering provision, some other proposed offences where the Bylaw does not appear to create the basis for an offence, and one instance of a provision that appears to conflict with a Rule. We will raise these issues in our instructions to PCO.

8 We are also required to consult on proposed penalties with the Ministry of Justice[1]. The Ministry has reviewed the proposed penalties and considers that they appear generally consistent with Ministry of Justice policy framework for new infringement schemes. We will take into account the comments of the Ministry of Justice on the proposed offences and penalties and also provide the Ministry of Justice with a copy of the new regulations once drafted to ensure the new regulations are consistent with expectations.

The new Regulations will replace the existing 2016 Regulations

9 The previous navigation Safety Bylaw for the Tasman region was the Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) (2015 Bylaw).

10 The Maritime Transport (Infringement Fees for Offences—Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) Regulations 2016 (2016 Regulations) were made in respect of the 2015 Bylaw. We will need to repeal these regulations as part of the process of creating infringement fees for offences regulations for the 2024 Bylaw.

Risks and impacts

11 The creation of regulations that prescribe fees for infringements of the 2024 Bylaw will impact individuals in the Tasman region who have been issued with an infringement fee notice for a breach of the 2024 Bylaw. However, it should be noted that:

11.1 there was extensive public consultation carried out by the Council before the 2024 Bylaw was adopted. Pre-engagement commenced in September and October 2022. Submissions on the draft Bylaw were invited between 20 April 2024 and 17 May 2024.

11.2 the creation of infringement offences is suitable for the type of low-level breaches described in the 2024 Bylaw and does not result in criminal convictions.

[1] Paragraph 7.36 Cabinet Manual 2023

11.3 the penalties are largely consistent with infringement fee for offences regulations applying in neighbouring regions.

11.4 under the Act, the prescribed infringement fee is capped at $1,000.

11.5 the proposed new regulations will provide the Council with a straightforward and efficient way of enforcing maritime safety in its region.

11.6 the infringement fees will provide an important deterrent effect to those who may be minded to breach the 2024 Bylaw.

12 If the regulations are not made, the risk is that the Council's only recourse for breach of the 2024 Bylaw is to take District Court proceedings.

Your authority is required to issue drafting instructions to the Parliamentary Counsel Office

13 Cabinet approval is not required to issue drafting instructions to PCO because the infringement regulations are routine and do not require new policy decisions[2]. You can therefore authorise the Ministry to issue drafting instructions for the infringement regulations to PCO without reference to Cabinet.

Your authority is required to share PCO drafts outside of the Crown

14 Your authority is needed to share drafts of the regulations with the Council and Maritime NZ as draft regulations are legally privileged to the Crown, and the Council and Maritime NZ are not part of the core Crown. Sharing these drafts is necessary to make sure the regulations are fit for purpose. In making the 2024 Bylaws, the Council was required to consult with the Director of Maritime NZ under section 33M(1) of the Act.

15 Sharing drafts is done in accordance with CO (19) 2: Attorney-General's Protocol for Release of Draft Government Legislation outside the Crown. Sharing will occur on the basis that the drafts are:

15.1 subject to legal professional privilege;

15.2 released on an in-confidence basis;

15.3 a work in progress; and

15.4 subject to PCO's quality assurance methods.

Next steps

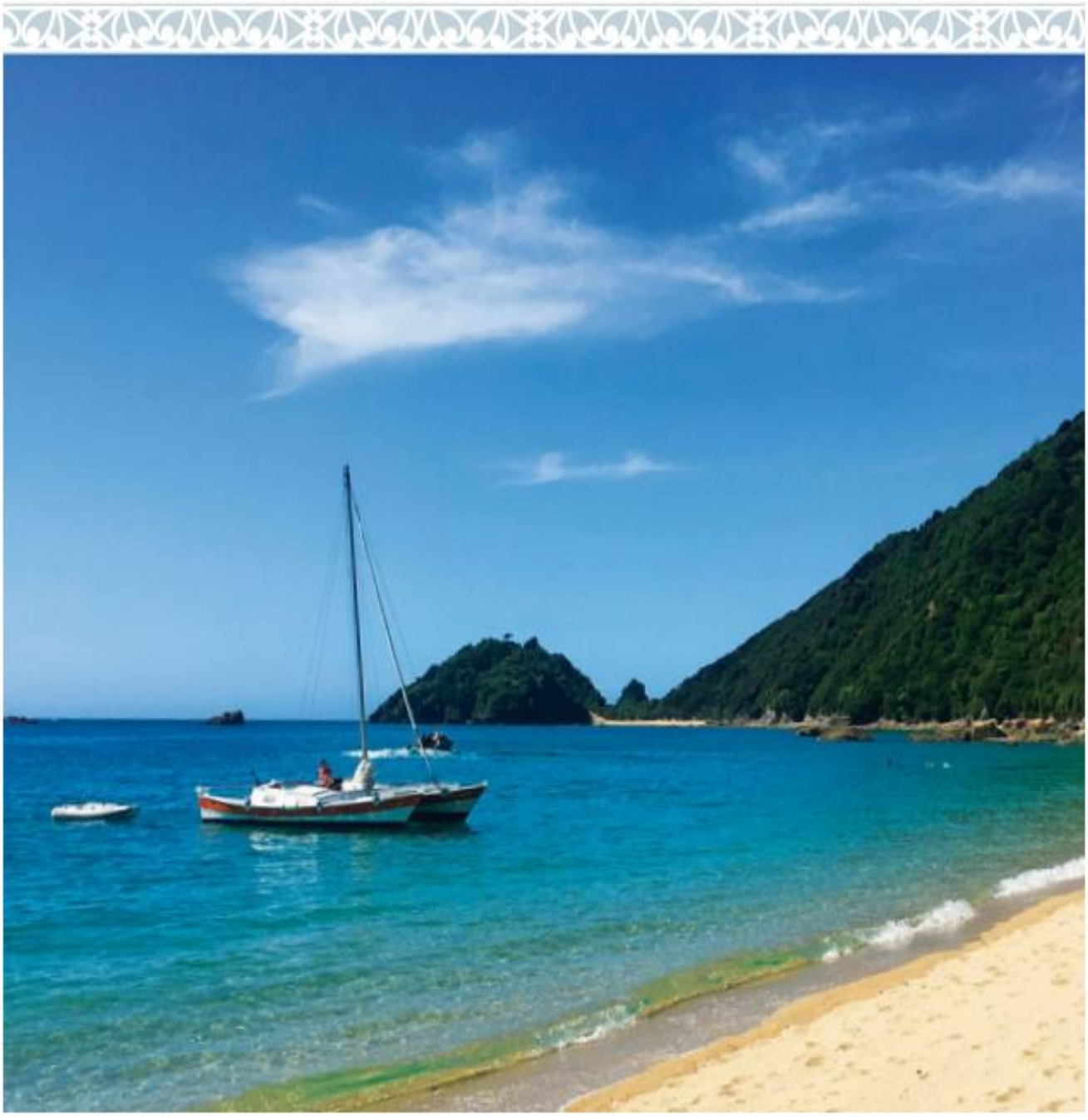
16 Once drafts of the infringement fees for offences regulations have been finalised, we will provide you with the necessary papers for the Cabinet Legislation Committee and Executive

[2] Para 7.95(d) Cabinet Manual 2023

Council, to enable the infringement fees for offences regulations to be made. Indicative timing for providing you with the draft LEG paper and draft Regulations is 16 March 2026.

Tasman District Council

Navigation Safety Bylaw 2024



Council resolution

This bylaw was made by Tasman District Council at a meeting of the Council on 24 October 2024.

The common seal of the Tasman District Council is attached in the presence of:

Mayor



Chief Executive

Minor amendment	**13/02/2025**	**RCN25-02-7**	**31/03/2025**

Bylaw record

Action	Approved	Reference	In force
Bylaw made	24/10/2024	RCN24-10-10	1/12/2024
Minor amendment	13/02/2025	RCN25-02-7	13/02/2025
Next review completed by	24/11/2029		

Contents

Part 1	**Preliminary Provisions**	**5**
1.	Title and commencement	5
2.	Purpose	5
3.	Application	5
4.	Interpretation	6
Part 2	**General Matters**	**9**
5.	Maritime rules to form part of this Bylaw	9
6.	Controls and demarcations specified under this Bylaw	9
7.	Personal flotation devices	9
8.	Person in charge of the vessel	10
9.	Vessels to be seaworthy	10
10.	Aircraft	10
11.	Vessel must have appropriate navigational and communication equipment	10
12.	Swimming or diving around landing places	11
13.	Navigation around commercial wharves	11
14.	Use of vessel engine around wharves and ramps	11
15.	Sound and light signals	12
16.	Overloading and stability	12
17.	Obstructions	12
18.	Maintenance of maritime facilities	12
19.	Structures	12
20.	Aids to navigation	13
21.	Damage to submarine cables or pipes	13
Part 4	**Reserved Areas and Restrictions**	**13**
22.	Reserved areas	13
23.	Access lanes.	14
24.	Prohibited Areas	14
25.	Prohibited anchorages	15
26.	Speed uplifted areas	15
27.	River safety rules	16
Part 5	**Operating Requirements for all Vessels**	**17**
28.	Minimum age for operating powered vessels	17
29.	Speed of vessels	17

30. Vessels to be identified 18
31. Vessels to be adequately secured 19
32. Limitation on anchoring or mooring 19
33. No obstruction of vessels in a Moving Prohibited Zone (MPZ) 20

Part 6 Operating Requirements for Commercial and Large Vessels 21

34. Anchoring 21
35. Navigation aid levy 21
36. Fuel changeover 21
37. Hot work operations 22
38. Transmitting of Automatic Identification System (AIS) signal 22
39. Trans-shipping of goods within regional waters 23
40. Commercial vessel and hire operations 23

Part 7 Mooring Areas 24

41. Application 24
42. General requirements 24
43. Mooring Licence application 24
44. Mooring area management 27
45. Allocation of mooring licences 29

Part 8 Administrative Matters 31

47. Liability of the Council 31
48. Notification of accidents, incidents or mishaps 31
49. Exemptions 31
50. Applications for written approvals or exemptions 32
51. Documentation 32
52. Correspondence and notification of current contact and vessel details 32
53. Offences and penalties 32
54. Inability to comply in extenuating circumstances 33
55. Intervention by the Harbourmaster 33
56. Removal of vessel, material, thing, cargo or matter 33
57. Recovery of costs where not otherwise specified 33
58. Fees and charges 33

Schedule 1: Coastal waters – reserved and restricted use areas 34

Schedule 2: Inland waters – reserved and restricted use areas 62

Schedule 3: Maritime fees and charges 77

Part 1 Preliminary Provisions

1. Title and commencement

1.1. This Bylaw is the Tasman District Council Navigation Safety Bylaw 2024.

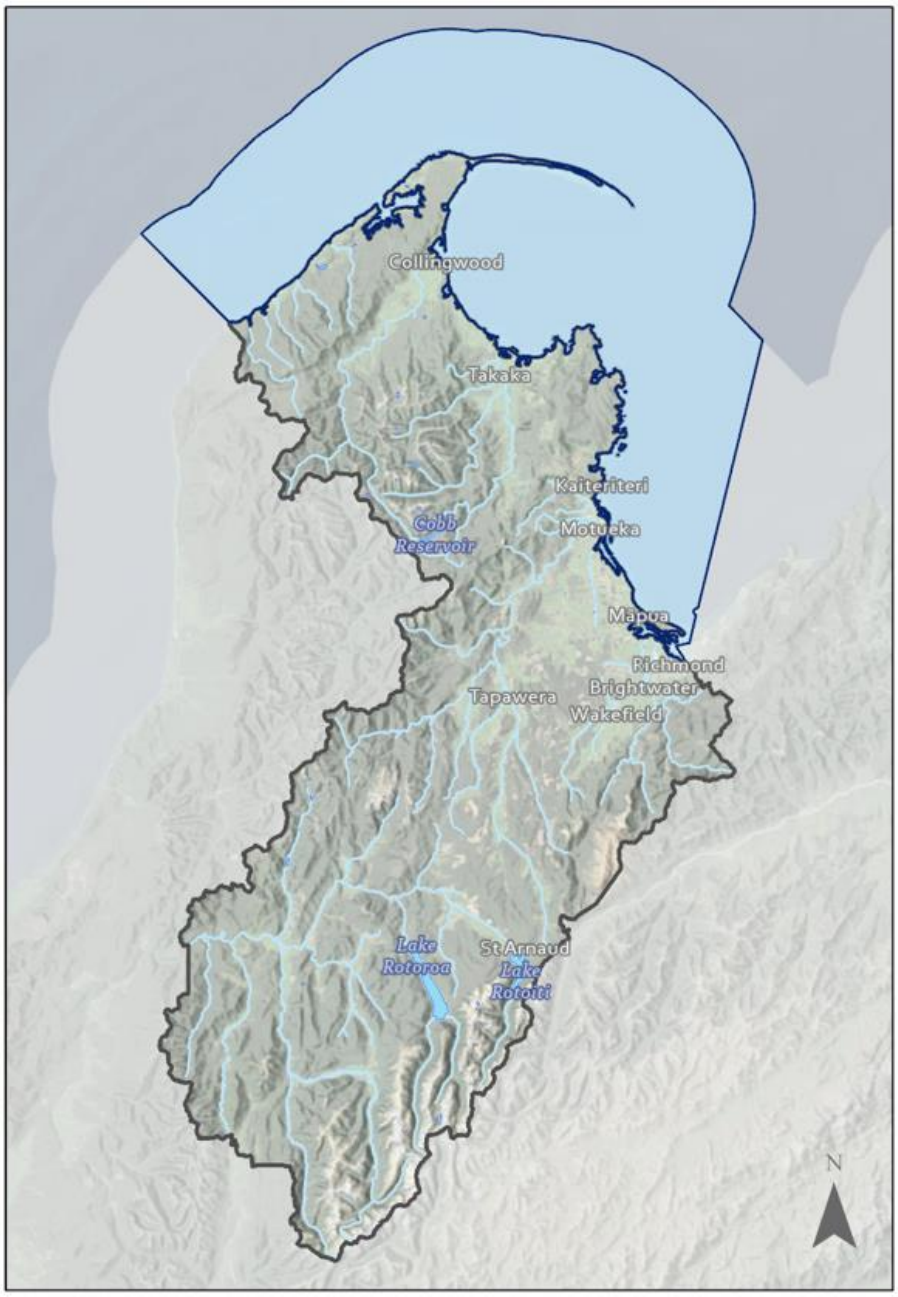
1.2. This Bylaw comes into force on 1 December 2024.

2. Purpose

2.1. This Bylaw is made for the purpose of regulating navigation safety in the Tasman District and is to be read in conjunction with the Maritime Rules made by the Minister of Transport pursuant to the Maritime Transport Act 1994.

3. Application

3.1. This Bylaw is made pursuant to Part 3A (Section 33M) of the Maritime Transport Act 1994 (the Act) and applies to all Tasman District waters.



Map of the Tasman District regional and coastal boundary

4. Interpretation

4.1. 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 23. 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.

AIS means Automatic Identification System.

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

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

Bylaw means the Tasman District Council Navigation Safety Bylaw 2024 (and for the avoidance of doubt includes the most recent version of the Maritime Rules Part 91 Navigation Safety Rules and Part 22 Collision Prevention, with all necessary modifications and exceptions).

Council means the Tasman District Council as constituted under Part 2 of the Local Government Amendment Act 1992 and the Local Government Act 2002.

Enforcement Officer means a person appointed by the Tasman District Council under section 33G of the Maritime Transport Act 1994.

Gross tonnage means total internal volumetric capacity of all the vessel's enclosed spaces, including non-cargo spaces as further defined in Annex 1 of the Tonnage Convention 1969.

Harbourmaster has the same meaning as in section 2 of the Act. Harbourmaster includes any person authorised by the Council to act in this capacity or to exercise powers under section 33F of the Act or this Bylaw.

Kaiteriteri Mooring Area 1 means the area identified by the Council as Kaiteriteri Mooring Area 1 in the Tasman Resource Management Plan, refer planning map 181.

Kaiteriteri Mooring Area 2 means the area identified by the Council as Kaiteriteri Mooring Area 2 in the Tasman Resource Management Plan, refer planning map 181.

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.

Large vessel means any vessel 40 metres or greater in length, or 500 gross tonnage or greater. A tug and tow is considered a composite unit.

Moor means:

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

Mooring means

a. any weight or article placed in or on the foreshore, seabed or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure; and

b. includes any wire, rope, chain, buoy, or other device attached or connected to the weight; A mooring may include a system of weights and attachments for the same purpose; but
c. does not include an anchor that is normally removed with a vessel, raft, aircraft, or floating structure when it leaves the site or anchorage.

Mooring Agreement means a written agreement between persons (including the Council) agreeing to fund, establish, use and maintain Moorings in accordance with the conditions contained within the written agreement. The Mooring Agreement may pertain to a communal Mooring system or any other method of Mooring within a Mooring Area that is approved by the Harbourmaster.

Mooring Area means the area identified as a Mooring Area in the Tasman Resource Management Plan planning maps.

Mooring Area User Group is a group consisting of some or all of the Mooring Licence holders in a Mooring Area, established and approved by the Harbourmaster for the purpose of collaborative management of the area with the Harbourmaster.

Mooring Licence is a licence within a Mooring Area issued under this Bylaw.

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 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.

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.

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 any occupant's arms and legs without the aid of any paddle but shall not include a surfboard.

Personal watercraft means a power-driven vessel with a fully enclosed hull.

Person in charge of a vessel means:

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

Pleasure craft means a pleasure craft as defined in Part 1 of the Maritime Transport Act 1994.

Powered vessel means a power-driven vessel and is any vessel propelled by machinery.

Ramp means a sloping entrance to a body of water, designed for launching and retrieving a vessel.

Reserved area means an area reserved by the Council for a specified navigation safety purpose as set out in this Bylaw and identified as such in Part 4 and Schedules 1 (Coastal waters) and 2 (Inland waters).

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 Area means an area of a waterway where the national speed limits have been uplifted under clause 26. A speed uplifted area may be declared for specific activities, persons, or for classes of vessel.

Explanatory note: National speed limits are 5 knots within 200m of shore or a structure, and within 50m of a person in the water. Activities could be such as navigation in general, water skiing or racing. Classes of vessel could be such as Personal Watercraft, jet boat, sailing vessels.

Structure means:

a. any building, equipment, device or other facility made by people and which is fixed to land or seabed; and
b. includes slipways, jetties, pile moorings, swing moorings, wharves, marine farms, and other objects, whether or not these are above or below the waterline of the foreshore; but
c. does not include aids to navigation.

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

Unseaworthy means, in the opinion of the Harbourmaster either or both of the following:

a. not being in a fit condition or readiness to safely navigate or remain on the water;
b. not being in a fit condition or readiness to safely undertake a voyage within its design capabilities.

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 Tasman District.

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 (LINZ) website. Inland waters includes 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.

4.2. 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.

4.3. 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.

4.4. 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.

Part 2 General Matters

5. Maritime rules to form part of this Bylaw

5.1. The version of the Maritime Rules, in effect at present in particular Part 91 Navigation Safety and Part 22 Collision Prevention apply as if those requirements were requirements under this Bylaw. For the avoidance of doubt, in the event of a conflict between these Bylaws and the Maritime Transport Act 1994 and any Rules promulgated by the Minister of Transport under the Maritime Transport Act 1994, the Act and Rules shall prevail.

6. Controls and demarcations specified under this Bylaw

6.1. Any control exercised by the Harbourmaster in accordance with Sections 33M and Section 33F – Navigation Bylaws under this Bylaw may:

(a) prohibit, restrict or control those matters specified in Sections 33M and F;

(b) apply to all activities specified in Sections 33M and F;

(c) apply to all the Tasman District or to a specified part of the Tasman District;

(d) apply at all times or at any specified time or period of time.

6.2. 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 Tasman 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.

7. Personal flotation devices

Requirement to wear personal flotation devices

7.1. Every person in charge of a pleasure craft that is 6 metres or less in length shall ensure that:

(a) while the vessel is underway, each person on board wears a properly secured personal flotation device of an appropriate size that securely fits each person; or

(b) while the vessel is not underway, sufficient personal flotation devices of an appropriate size to securely fit each person on board must remain in a readily accessible location.

7.2. If instructed to do so by the person in charge, every person on board a vessel greater than 6 metres in length shall wear a properly secured personal floatation device, of an appropriate size to securely fit each person.

Exceptions

7.3. Except when otherwise directed by the Harbourmaster or an Enforcement Officer, clauses 7.1 and 7.2 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) any sporting event, training activity, authorised customary 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 and carries on board the

support vessel sufficient personal flotation devices or buoyancy aids of an appropriate size to fit each person involved in the activity.

8. Person in charge of the vessel

8.1. A person in charge of the vessel must be nominated prior to the commencement of a voyage.

8.2. The person in charge of a vessel is responsible for the safety and wellbeing of every person onboard and for the safe operation of the vessel, including the carriage and wearing of personal flotation devices by persons onboard the vessel, and anyone being towed.

8.3. The person in charge of the vessel must not cause or permit any act to be done in a manner which causes any unnecessary danger or risk to any other vessel or person in the water, irrespective of whether or not any injury or damage occurs.

8.4. No person shall operate a vessel while impaired; this could include (but not limited to) impairment by fatigue.

9. Vessels to be seaworthy

9.1. 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.

9.2. 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.

9.3. The person in charge of any vessel for which subclause 9.2 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.

10. Aircraft

10.1. No person navigating a vessel may impede a seaplane in the process of landing or taking off.

10.2. Except in an emergency, no person shall take off, land, or attempt to take off or land any seaplane or other aircraft in any prohibited area identified in Schedules 1 (Coastal waters) and 2 (Inland waters) or in any other area, without the prior written permission of the Harbourmaster. Written notification must be received by the Harbourmaster not less than 48 hours before the proposed landing or taking off.

Explanatory note: seaplanes are subject to the same rules as any other vessel when on the water.

11. Vessel must have appropriate navigational and communication equipment

11.1. The person in charge of a vessel must ensure appropriate equipment (including fuel where applicable) is on board for the duration of any intended voyage to:

(a) navigate safely; and

(b) communicate using two independent forms of communication at any time with a land-based person from any area where the vessel is intended to be operated; and

(c) in the case of a vessel under 6 metres in length, is able to be operated following submersion in sea water; and

(d) is adequate to provide communications for the duration of the voyage.

11.2. The equipment referred to in clause 11.1 must be in good working condition.

11.3. However, subclause 11.1 does not apply to a person participating in a sporting event or training activity if there is a support vessel present that complies with subclause 11.1.

11.4. Despite subclause 11.1, a person in charge of a non-powered vessel being operated within 200m from shore, must ensure that one waterproof means of communication is carried on board the vessel.

Explanatory note: Examples include:

- *A kayaker paddling near the shore may use their voice, whistle and a mobile phone in a floating dry case.*
- *Two people on a dinghy may each use a cell phone, so long as there is good mobile coverage.*

12. Swimming or diving around landing places

12.1. No person shall jump, dive, swim or undertake related activities:

(a) from, or within 50 metres of a landing place –

(i) while it is in use for berthing and/or unberthing of vessels;

(ii) when a vessel is approaching to berth, or manoeuvring alongside, or departing; or

(b) within any designated large ship anchorage; or

(c) within any marked navigation channel or any other navigational channel leading to a landing place; or

(d) within the commercial port areas of Tarakohe or Motueka, without the prior written permission of the Council; or

12.2. In subclause 12.1 “landing place” shall mean the berthing position along or at a landing place where the vessel will be or is berthed.

Explanatory note: For the sake of clarity, subclause 12.2 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.

13. Navigation around commercial wharves

13.1. No person shall navigate any vessel underneath any wharf in the commercial port areas of Tarakohe or Motueka without the prior written permission of the Council.

14. Use of vessel engine around wharves and ramps

14.1. No person shall operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading to or from a boat trailer at any launching ramp, in such a way that it may injure any person or cause damage to the launching ramp or adjacent area. This clause does not preclude the use of the propulsion system for the safe berthing or un-berthing of any vessel at a wharf.

14.2. In addition to the requirements of subclause 14.1, the person in charge of a commercial vessel shall ensure that a crew member shall:

(a) be stationed forward and aft on any vessel while that vessel is lying at any wharf and about to test, or testing the main engine system; and

(b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested.

15. Sound and light signals

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

16. Overloading and stability

16.1. No person shall operate any recreational vessel that is fitted with a CPC compliance placard, or any equivalent alternative, in contravention of any specified or recommended maximum occupancy number, maximum weight or maximum engine power rating shown on that plate.

16.2. No person shall continue to operate a recreational vessel after being advised by a Harbourmaster that in that officer's opinion the vessel is overloaded or any load is distributed to the detriment of stability, unless that officer is satisfied with actions taken to correct the situation.

Explanatory note: The CPC plate programme has been in place since 2004 and covers about 70% of power trailer boats 3.5m to 8.0m in length that are built in New Zealand in either fibreglass or aluminium. Each CPC plate is specific to an individual boat. Boats fitted with a CPC plate on or near the transom are also fitted with a safety sticker near the dashboard (helm) detailing recommended minimum safety requirements.

17. Obstructions

17.1. 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

18.1. The owner of any maritime facility or landing place, must at all times keep the maritime facility in good repair, such that it does not pose a danger to maritime safety.

18.2. Where any landing place has fallen into disrepair and in the opinion of the Harbourmaster is a danger or potential danger to navigation, the owner shall in consultation with the Harbourmaster close it either generally or for specific purposes and:

(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. Structures

19.1. In addition to the requirements of section 200 of the Maritime Transport Act 1994 and any conditions of a resource consent for a marine farm or other structure situated to seaward of mean high water spring tide, every marine farm or other structure situated to seaward of mean high water spring tide shall:

(a) display such lights, radar reflectors and AIS Aid to Navigation (AtoN) as may be required by the Harbourmaster; and

(b) ensure that any lights fitted as required by subclause 19.1(a) are operational at all times during the hours of darkness.

20. Aids to navigation

20.1. No person may tie a vessel to any beacon, navigation marker, navigation buoy, light or other navigation structure, without the prior written permission of the Harbourmaster.

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

20.2. No person may damage, remove, deface, or otherwise interfere with any aid to navigation erected by, or duly authorised by, the Harbourmaster as an aid to navigation or warning.

20.3. 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.

21. Damage to submarine cables or pipes

21.1. Any person who causes damage to any submarine cable or pipe by acting in contravention of clause 25 (Prohibited anchorages) shall be liable for any repair and incidental costs incurred by the owner of the cable or pipe.

21.2. Every person who believes they may have fouled a submarine cable or pipeline shall take all practicable steps to minimise damage, including slipping and buoying the anchor and notifying the Harbourmaster without delay.

Part 4 Reserved Areas and Restrictions

22. Reserved areas

22.1. 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.

22.2. The Harbourmaster may specify controls for the use of any reserved area(s). Specific conditions may be listed in Schedules 1 (Coastal waters) and 2 (Inland waters), in addition to the purpose or purposes of any reserved area.

Explanatory note: Temporary Reservations issued under subclause 22(1)(b) will be published on the Council's website

Exemptions for certain activities

22.3. 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 owner or manager of the structure: navigate vessels and to dive for the purpose of management (inspection, maintenance or repair) of structures in the reserved area.

22.4. All persons undertaking activities under clause 22.3 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 clause 22.3 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.

22.5. 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.

Reserved Areas for special events

22.6. Any person intending to conduct a special event such as race, speed trial, competition, or other organised water activity in any area to which this Bylaw applies and where it is desirable to have exclusive use of that area to run the event, must apply to the Harbourmaster to:

(a) temporarily suspend the application of clause 22.1 in part or in total in that area for the purposes for facilitating the event; and

(b) temporarily reserve the area for the purpose of that activity.

Explanatory note: The special event application can be submitted to the Harbourmaster using the form on the Council's website: ***Maritime events application form***

22.7. Where the Harbourmaster is satisfied that the application may be granted without endangering the public, the Harbourmaster may grant the application accordingly, for a period not exceeding 10 days and on such conditions as the Harbourmaster may specify.

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

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

23. Access lanes.

23.1. An access lane shall be any area within 200 metres of the shore specified in this Bylaw; or by the Harbourmaster.

23.2. An access lane may be specified or declared for vessels of any description.

24. Prohibited Areas

24.1. No person may undertake any specified prohibited activity within any prohibited zone, except in an emergency. A prohibited area is a reserved area and will be marked in the same manner as specified for a reserved area by Rule 91.12(2).

24.2. The prohibited activities and areas to which clause 24.1 applies are those prescribed in schedules 1 (Coastal waters) and 2 (Inland waters).

24.3. A prohibited area may be marked in the same manner as specified for a reserved area by Rule 91.12 (2).

25. Prohibited anchorages

25.1. No person may anchor or moor any vessel in such a manner that the vessel or associated equipment are within any prohibited anchorage area as prescribed in Schedule 1 (Coastal waters).

25.2. No person may anchor or moor a vessel within 25 metres of the nominal line between any pair of Type 5 submarine crossing signs, or where such crossings are shown on a nautical chart for that area, except in mooring areas.

25.3. Anchoring is prohibited in all areas reserved for any other purpose by these Bylaws at all times, unless the vessel remains in a state of readiness for immediate departure should the authorised priority activity commence.

Explanatory note: in areas reserved for waterskiing, anchoring overnight (between sunset and sunrise) is permitted because waterskiing is prohibited during darkness.

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

25.4. No person shall anchor a vessel within a mooring area.

25.5. No person shall anchor a vessel outside a mooring area within 50 metres of any mooring buoy or within 50 metres of a vessel on a mooring.

26. Speed uplifted areas

26.1. Speed uplifted areas refer to areas designated as such in Schedules 1 (Coastal waters) and 2 (Inland waters), where the Council has uplifted the 5 knot speed restrictions set out in clause 29 (Speed of vessels).

26.2. Tasman District waters may also be subject to temporary speed limit upliftings, pursuant to clause 22.6 (Special events)

26.3. A person who is permitted to propel or navigate a vessel at a proper speed exceeding 5 knots as a result of a speed uplifting must do so in a manner that does not endanger or unduly interfere with any other person who is:

(a) on, in or using the water; or

(b) fishing or undertaking recreational activity in the vicinity of the vessel.

Explanatory note: The expectation is that all vessels slow to the minimum speed that allows for safe navigation when passing other vessels or persons in a river, or pass at a distance in excess of 50m where channel width allows. River flow may mean that even a dead slow apparent speed results in a technical breach of the 5 knots proper speed limit; a clear reduction of speed to the minimum required for effective steerage is compliant with the intent of clause 29.

Speed limit uplifts for access lanes and reserved areas

26.4. The access lanes within which the speed limit is uplifted within 200 metres of shore are those shown in Schedules 1 (Coastal waters) and 2 (Inland waters).

26.5. The reserved areas within which the speed limit is uplifted within either or both of:

(a) 50 metres from any vessel, raft or person in the water;

(b) 200 metres of shore or a structure;

are those allowed for in clauses 22.2 or 22.6 and within which a speed limit uplifting is specified in the associated schedule or temporary authorisation.

27. River safety rules

27.1. A person in charge of a vessel on a river must not exceed a speed of 5 knots on any river unless in an area designated as a Speed Uplifted Area.

Explanatory note: In a Speed Uplifted Area the 5 knot speed limit still applies for vessels which are towing a person or object except as allowed under subclause 27.1; or unless specifically uplifted; or in case of an emergency constituting "reasonable excuse" under Maritime Rules Part 91.6. No river is Tasman District is suitable for waterskiing.

27.2. Clause 27.1 shall not apply to any paddle craft or raft, including when towing a vessel, person, or an object.

Explanatory note: A number of lengths of river across Tasman District are subject to permanent speed limit upliftings (subject to certain conditions), as set out in Schedule 2 (Inland waters).

Part 5 Operating Requirements for all Vessels

28. Minimum age for operating powered vessels

28.1. 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 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.

28.2. The owner of a power-driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is within immediate reach of the controls.

Exemptions

28.3. Clauses 28.1 and 28.2 do not apply in respect of any person who has a has a written exemption from the Harbourmaster issued in accordance with this Bylaw or by the Director under section 40AA of the Act.

28.4. The Harbourmaster may issue an exemption that is valid for any specified place(s) to a person under the age of 15 for transport, training, competitions or other sporting events, if the Harbourmaster considers that the person:

(a) is competent to propel or navigate a power-driven vessel at a proper speed exceeding 10 knots; and

(b) is aware of the relevant navigation safety rules and navigation Bylaws; and

(c) will be under adequate supervision during the proposed activity or activities.

29. Speed of vessels

29.1. A person must not, without reasonable excuse, operate a vessel (including allowing themselves to be towed by the vessel) at a proper speed exceeding 5 knots within:

(a) 50 metres of any other vessel, raft or person in the water; or

(b) either 200 metres of the shore or any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or

(c) 200 metres of any vessel or structure that is displaying Flag A (diver's flag); or

(d) any reserved area made under clause 22 (Reserved areas) that has a 5-knot speed limit; or

(e) any mooring area.

29.2. No person may operate a power-driven vessel at a speed or in a manner that any wake or draw-off endangers persons or property.

29.3. No person may propel or navigate a vessel (including a tender and including a vessel towing someone or some object) at a proper speed exceeding 3 knots in the anchorages or areas specified and during the periods specified for those anchorages or areas in Schedules 1 (Coastal waters) and 2 (Inland waters).

Explanatory note: the intention of subclause 29.3 is to create a 'no wake' zone. Vessels approaching these zones may need to come to a dead stop to dissipate following wake then increase speed to 3 knots (or whatever lesser speed results in the least possible wake) to achieve compliance with clause 29

29.4. The person in charge of a vessel may navigate a vessel at any speed required to enable the safe crossing of a river mouth bar.

29.5. These areas shall be referred to in the Schedules to this Bylaw as “go slow” zones.

Exceptions from speed limits

29.6. Despite any speed limits imposed under Maritime Rules Part 91, or under this Bylaw, speed uplifts 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 conducted in a safe manner and is authorised under:

(c) Maritime Rules Part 91.6(5) and (6); or

(d) a relevant control made pursuant to clause 22 (Reserved areas) of this Bylaw; or

(e) a temporary reservation or exemption approved by the Harbourmaster.

30. Vessels to be identified

30.1. 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; and

(b) that are not the vessel’s 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 30.2(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.

30.2. The identifying name or number referred to in subclause 30.1 shall be:

(a) a registration or identification approved by and conforming to the requirements of:

- Maritime New Zealand (MNZ) or an equivalent foreign authority (for example, a MNZ number or vessel’s registered name); or
- 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 30.2(a) or (b), the registration number of its trailer; or

(d) for non-trailer borne vessels not exempted by subclause 30.3, an identifying name or number otherwise complying with the requirements of subclause 30.1.

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. This includes personal watercraft (for example, a jet ski). It does not include vessels stored on/launched from haul-out trailers – such vessels fall into the “non-trailer borne vessel” category.

A tender vessel may display the name and identifying number of its parent vessel.

30.3. Subject to subclause 30.4, subclauses 30.1 and 30.2 do not apply to:

(a) non-powered vessels of 6 metres or less in length;

(b) paddle craft;

(c) vessels powered solely by oars;

(d) a vessel which is temporarily being operated on Tasman regional waters and which displays markings which meet an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

30.4. Vessels referred to in subclause 30.3 must be marked with the current owner's name and contact details somewhere on the vessel.

Visibility of paddle craft beyond sheltered waters

30.5. A person or persons using a paddle craft (for example, kayak, stand up paddle board or waka) beyond 200 metres from the shore, must ensure the craft is clearly visible to any other water user (for example, by using high visibility personal flotation devices or equipment, or lights).

31. Vessels to be adequately secured

31.1. 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.

31.2. No person shall secure a vessel to any post, wharf, ring, fender, buoy or any other structure not intended for that purpose.

31.3. No person shall leave any vessel or property on the banks or shore or in an intertidal 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.

31.4. 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

(c) at or near a wharf or landing place.

32. Limitation on anchoring or mooring

32.1. No person shall leave any vessel unattended at:

(a) any landing place without permission of the owner; or

(b) secured to or on the beach or foreshore except in an area specified for this purpose by the Harbourmaster.

32.2. Subject to the requirements of subclause 31.3, subclause 32.1 shall not apply to small vessels that are left on any beach or foreshore for a period of 48 hours or less.

32.3. If directed by the Harbourmaster the person in charge or the 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 32.2 and 32.3, "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. These subclauses do not apply to vessels left above these limits.

Explanatory note: For the purpose of subclause 32.2 "small vessel" includes the likes of kayaks, 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.

33. No obstruction of vessels in a Moving Prohibited Zone (MPZ)

33.1. No person shall navigate a vessel so as to be within the MPZ for any vessel within three nautical miles of the coast between the Ports of Tarakohe and Motueka.

33.2. Subclause 33.1 shall not apply to any person in charge 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.

33.3. Subclauses 33.1 and 33.2 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.

33.4. A specified MPZ may be declared by the Harbourmaster to apply to any vessel for such times and duration as the Harbourmaster considers necessary.

Part 6 Operating Requirements for Commercial and Large Vessels

34. Anchoring

34.1. The person in charge of any vessel 500 gross tonnage or greater or 40 metres LOA or greater (large vessel) shall not anchor in Tasman regional waters without permission from the Harbourmaster.

34.2. The Harbourmaster may, within the Harbourmaster's sole discretion require a passage plan to be submitted before a large vessel is directed to an anchorage site or port within the Bylaw area.

34.3. Anchoring sites will be put on the nautical charts in due time. Fees and charges apply to these sites as set out in Schedule 3 (Maritime fees and charges).

34.4. In the event of an emergency when it is not practicable to make a designated anchorage, any vessel may anchor in Tasman regional waters. The Harbourmaster must be made aware of the emergency as soon as practicable.

Commercial vessels over 500 gross tonnage within Tasman regional waters

34.5. The owner, operator and/or the person in charge of any commercial vessel 500 gross tonnage or greater or 40m LOA or greater within the Bylaw area that wishes to immobilise and/or test engines must seek permission from the Harbourmaster and comply with any conditions reasonably determined by the Harbourmaster. This includes maintenance on one or more of the main propulsion units and/or steering systems.

34.6. The person in charge of any commercial vessel 500 gross tonnage or greater or 40m LOA or greater within the Bylaw area that wishes to conduct safety drills or exercises, including, but not limited to, lowering of lifeboats, shall, prior to commencing the drill or exercise inform the Harbourmaster of their intention and take heed of any advice given relating to the safe conclusion of the drill or exercise.

35. Navigation aid levy

35.1. All commercial vessel operators who through the course of normal operations operate along the coastline withing 1NM of the coast from Motueka to Tarakohe inclusive and on Lake Rotoiti are required to pay a navigation aid levy as set out in Schedule 3 (Maritime fees and charges).

35.2. This levy is to be paid annually from 1 November or at commencement of this Bylaw.

Explanatory note: For clarity this levy replaces the old COV licensing and associated fee, the Council will only use these funds for the replacement and maintenance of navigation aids in this high-density traffic area.

Vessels that only transit in to and out of Tarakohe via the leads are exempt from the levy as they do not operate along the coast. The annual fee applies for each multiple of either one power-driven vessel or up to a total of 15 kayaks, rafts, waka or similar vessels that are not power-driven with greater than 10hpw. Normal operation would not include vessels visiting less than 3 times a year regardless of if they are scheduled or not.

36. Fuel changeover

36.1. Any vessel which is to change between fuel types used for its propulsion shall:

(a) if entering Tasman regional waters, have completed the fuel changeover and been running on the new fuel for at least four hours prior to entering the region's waters.

(b) if departing from Tasman regional waters, only undertake the fuel changeover after having departed from the region's waters.

36.2. Fuel changeovers within regional waters is strictly prohibited.

36.3. Ship to ship transfers of oil within regional waters are strictly prohibited, unless evidence of an MNZ audited SOP has been provided to the Harbourmaster.

Explanatory note: The SOP should include a Spill Response Plan with an available equipment list and be of a similar standard to a Tier 1 Site Response Plan.

37. Hot work operations

37.1. The person in charge of any vessel at any maritime facility or at anchor within Tasman regional waters, 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 notify the Harbourmaster, not less than two hours before commencing work in a form and manner approved by the Harbourmaster.

Explanatory note: The hot work notification can be submitted to the Harbourmaster using the form on the Councils website: ***Hot Work Notification Form***

38. Transmitting of Automatic Identification System (AIS) signal

38.1. The following categories of vessels operating within Tasman regional waters shall be required to transmit an accurate AIS signal;

(a) All commercial vessels of 300 gross tons or more;

(b) Tugs and barges together measuring 40 metres length overall (LOA) or greater;

(c) Commercial vessels of over 18 metres LOA;

(d) Commercial vessels licenced to carry 12 or more passengers;

(e) Commercial vessels operating with passengers during the hours of darkness or in restricted visibility; and

(f) Commercial vessels licenced as a commercial charter vessel to carry up to 12 passengers.

38.2. The owner or person in charge of every vessel required to transmit an AIS signal under this Bylaw must ensure that:

(a) The AIS transmits such information in accordance with the standards and requirements specified by the Harbourmaster and in accordance with the manufacturer's specifications; and

(b) The AIS operates continuously when the vessel is navigating within Tasman regional waters.

Timeframe for compliance with clause 38.1

38.3. Commercial vessel operators shall have the following timeframe for compliance with clause 38.1:

(a) No less than 50% of their vessels shall be compliant with the requirements of clause 38.1 by 1 September 2025; and

(b) all their vessels shall be compliant with the requirements of clause 38.1 by 1 September 2026.

39. Trans-shipping of goods within regional waters

39.1. Where cargo, goods, fuel, merchandise or other material is trans-shipped in any location within the Tasman District other than alongside a wharf such trans-shipping shall be declared within 24 hours, or such other period that may be agreed between parties, to the Harbourmaster. A manifest of such cargo and documentation of safe operating procedures shall be provided upon request.

39.2. The approval of the Harbourmaster may be required before trans-shipping can commence.

39.3. Where cargo, goods, merchandise or other material is trans-shipped in any location within the district other than alongside a wharf, a trans-shipping charge shall be paid to the Council (Harbourmaster) on demand, by the person in charge of the vessel, agent or owner of the vessel discharging the cargo.

40. Commercial vessel and hire operations

40.1. 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 directs them to cease operating.

Part 7 Mooring Areas

41. Application

41.1. This Part applies to all Mooring Areas identified on the planning maps of the Tasman Resource Management Plan.

42. General requirements

Requirement for authorisation

42.1. No person may place or use a Mooring in a Mooring Area unless the Mooring is a permitted activity in the Tasman Resource Management Plan or they hold a coastal permit for that Mooring.

Requirement for a Mooring Licence

42.2. No person shall place a Mooring in a Mooring Area without holding a Mooring Licence issued by Council, unless the Mooring is authorised by a coastal permit.

42.3. Where an application for the renewal of a Mooring Licence has been accepted by Council for processing prior to the expiry of a Mooring Licence, the holder of the Mooring Licence can continue to use the Mooring until the renewal application has been determined.

42.4. Any person holding a Mooring Licence must comply with conditions imposed on that Mooring Licence.

Explanatory note: Within the identified Mooring Areas, Moorings are a permitted activity (subject to meeting the conditions 25.1.2.1 of the Tasman Resource Management Plan) and can be established without the coastal permit ordinarily required. The most important condition enabling a Mooring to be permitted is the requirement to hold a Mooring Licence issued by the Harbourmaster.

In some Mooring Areas there are pre-existing Moorings which have coastal permits issued under the Resource Management Act 1991 and these Moorings can remain in the Mooring Area until expiry of the coastal permit. Following expiry of the coastal permit or earlier, the Mooring owner will need to apply for a Mooring Licence from the Harbourmaster to continue Mooring at that location.

43. Mooring Licence application

Information to be provided with an application

43.1. The following information must be provided with any application for a Mooring Licence, unless advised by the Harbourmaster. The application may be placed on hold or returned if the required information is not provided.

(a) Details of the vessel(s) intended to be moored, including overall length, draft, general description, any commercial registration number(s) and, where possible, a photograph of the vessel(s) for identification purposes.

(b) The proposed position as latitude and longitude in WGS84 DDM or as easting and northing in NZTM format.

(c) Depth reduced to chart datum.

(d) Composition of the seabed.

(e) Details of the proposed Mooring design, construction and installation, including specifications of components and a detailed sketch plan of the proposed Mooring.

Explanatory note: The Council's current mooring guidance can be accessed on the Councils website: Moorings

(f) Calculated swing radius to the stern of the longest vessel proposed for the proposed Mooring specifications and location at chart datum.

(g) Information on how the Mooring is intended to be used, including whether for a commercial or recreational vessel, use by the applicant, use by another party and use for overnight occupation (also known as 'liveaboard').

(h) In Torrent/Rākauroa or Boundary Bay Mooring Areas, proof of an interest in a land title in those Bays.

Granting of Mooring Licences

43.2. Applications for a Mooring Licence will be granted, subject to any conditions the Harbourmaster considers appropriate, except in the following circumstances:

43.2.1. The Harbourmaster has determined that the Mooring or its use is likely to:

(a) reduce safety for other maritime activities in the vicinity;

(b) give rise to congestion or undue difficulty for manoeuvring vessels with respect to access to existing authorised Moorings or any wharf, jetty, boat ramp or beach, or for transiting a narrow channel;

(c) occupy an excessive proportion of the overall space of that Mooring Area, with regard to vessel size, or to swing radius, or to number of Mooring Licences already held (or applied for) by applicant where in the opinion of the Harbourmaster there is an issue of maritime safety;

(d) not be fit for purpose

(e) have any other adverse effects on maritime safety;

43.2.2. The Mooring or use of the Mooring will occupy a position at or within the swing circle of:

(a) a Mooring authorised by a Mooring Licence; or

(b) a Mooring authorised by coastal permit; or

(c) a Mooring Licence that has expired within the last six months, unless the applicant holds the Mooring Licence or coastal permit for the Mooring occupying that site or the Harbourmaster has determined that any overlap in swing circles will not diminish maritime safety, including the safe use of other Moorings.

43.2.3. The Mooring site is within Kaiteriteri Mooring Area 2, unless:

(a) the application is for a Mooring to be used by a commercial vessel with a commercial landing concession, which needs to be located in the Bay; or

(b) the applicant is the owner of a Mooring within Kaiteriteri Mooring Area 2 and that Mooring was previously authorised by Schedule 25A(iv) of the Tasman Resource Management Plan; or

(c) the application meets the terms of a Mooring Agreement approved by the Harbourmaster.

43.2.4. The Mooring site is within Kaiteriteri Mooring Area 1, unless the application is for a Mooring for public use.

43.2.5. There is a waitlist for the Mooring Area and the applicant is not the first person listed on that waitlist.

43.2.6. Notwithstanding the provisions in 43.2.1 to 43.2.4, at the discretion of the Harbourmaster a Mooring Licence may be granted within the same Mooring Area, but for a location and size different than applied for.

Explanatory note: The holders of Mooring Licences can generally expect their Licences to be renewed (with or without a change in conditions) at the end of the term. Licence holders have up to six months after the expiry of their Licence to reapply before the space is offered to the first person on the waitlist for that Mooring Area.

The situation is slightly different at Kaiteriteri were recreational and commercial demand for Moorings is very high. As part of the overall management of the Bay two areas have been set aside for Moorings. The first area is Kaiteriteri Mooring Area 1, which provides high-density public Moorings and Kaiteriteri Mooring Area 2, which provides Mooring space for commercial boats. It is acknowledged that there is unlikely to be sufficient space to meet commercial demands in Kaiteriteri Mooring Area 2 using traditional swing Moorings and so this Bylaw enables a collaborative approach to be taken. A collaborative approach may be undertaken by the commercial operators or in conjunction with Council.

Land access continues to be provided by the boat ramp and anchoring space is available anywhere within the Bay in accordance with this Bylaw.

Applications for a Mooring Licence in the Torrent/Rākauroa or Boundary Bay Mooring Area can only be granted if the applicant has provided proof of an interest in a land title in that area. Under the provisions of the Tasman Resource Management Plan any other person wishing to own a Mooring in those areas is prevented by policy which restricts structures adjoining the Able Tasman National Park.

If a land title within Torrent/Rākauroa or Boundary Bay is sold, then any Mooring Licence associated with that title will need to be transferred to the new owner or to another person meeting the criteria.

Conditions of Mooring Licence

43.3. Any Mooring Licence granted under clause 43.2 may be subject to any conditions the Harbourmaster considers appropriate, including but not limited to:

(a) duration (with a Mooring Licence able to be granted for up to five years, and include a common expiry date for the Mooring Area);

(b) seasonal Mooring commencement and cessation dates, if applicable;

(c) location of Mooring;

(d) design of Mooring system and specifications of Mooring components;

(e) the characteristics of the type of vessel, including maximum vessel length, tonnage and draft;

(f) lighting;

(g) inspection and inspection report requirements;

(h) markings and identification;

(i) maintenance requirements;

(j) nature of public use, if any;

(k) fees payable;

(l) terms of use for public moorings.

43.4. Failure to comply with any condition of a Mooring Licence is a breach of this Bylaw.

43.5. Neither the Council, nor the Harbourmaster shall be liable for any loss or damage (including consequential loss) suffered by the holder of a Mooring Licence, or the user of the Mooring, arising from any act or neglect on the part of the Council or the Harbourmaster in the issue of the Mooring Licence, or any consequent action or inaction by the Harbourmaster in regard to the Mooring.

43.6. Neither the Council, nor the Harbourmaster shall be liable for any loss or damage (including consequential loss) suffered by the user of a Council owned Mooring.

43.7. If a holder of a Mooring Licence fails to comply with any condition of a Mooring Licence the Harbourmaster may take one or more of the following actions:

(a) Give a written warning;

(b) Amend, suspend or cancel the Mooring Licence;

(c) Take enforcement action or any other action in accordance with this Bylaw and/or the Maritime Transport Act 1994, regulations made under the Maritime Transport Act 1994 or Local Government Act 2002.

Costs

43.8. Any costs incurred by a Mooring Licence holder in complying with the conditions of the Mooring Licence will be met by the Mooring Licence holder.

44. Mooring area management

Review and variation of Mooring Licence by Harbourmaster

44.1. The Harbourmaster may review and vary any condition on a Mooring Licence at any time, at the Harbourmaster's discretion.

44.2. Prior to undertaking a review of any condition, the Harbourmaster shall give notice in writing to the holder(s) of the Mooring Licence of the intention to review, the reasons for the review, and then undertake consultation with the Mooring Licence holder(s) prior to varying any condition on a Mooring Licence.

Application for variation of conditions of Mooring Licence

44.3. The holder of a Mooring Licence may apply to the Harbourmaster to vary any condition(s) on that Mooring Licence.

44.4. When determining an application to vary the conditions of a Mooring Licence the Harbourmaster shall consider those matters set out at subclauses 43.2 and 43.3 of this Bylaw.

44.5. The Harbourmaster may grant or decline an application to vary conditions of a Mooring Licence on any terms he or she sees fit.

Renewal of a Mooring Licence

44.6. Prior to expiry of a Mooring Licence the holder of the Mooring Licence may apply for a new Mooring Licence under subclauses 43.1 and 43.2.

44.7. If an application from a Mooring Licence holder under subclause 44.6 has not been received and accepted by the Harbourmaster within six months of the expiry of the Mooring Licence, the first person on the waitlist for that Mooring Area shall be invited to apply for a Mooring Licence to occupy that space.

Mooring Area User Groups

44.8. A Mooring Area User Group may establish itself at any time and may request the Harbourmaster to consider a collaborative approach to the management of that Mooring Area at any time.

44.9. The Harbourmaster may accept or decline any such request prior to a licence being issues or, if accepted, will treat it as a request to vary conditions under subclause 44.3 of this Bylaw. The Harbourmaster may impose or change any conditions of the relevant mooring licences, to provide for the operation of the Mooring Area User Group.

44.10. Despite subclause 43.8, where a Mooring Area User Group is established and approved by the Harbourmaster, the costs of meeting the Mooring Licence conditions may be shared or be apportioned by agreement of the Mooring Licence holders affected by the change in conditions.

Right to reconsideration

44.11. Any Mooring Licence holder that is dissatisfied with any condition(s) imposed by the Harbourmaster under subclause 43.3 or subclause 44.3 of this Bylaw may request a reconsideration of that decision, by submitting a request in writing to the Council within 15 working days of the decision. The reconsideration will be considered by a Review Panel, with a decision to be given in writing within 20 working days of receiving the request.

Transfer of Mooring Licence

44.12. Any Mooring Licence may be transferred to another person, on the same terms and conditions, after the Mooring Licence holder or the Licence holder's estate provides written notice to the Harbourmaster. Any such transfer becomes effective 10 working days after the receipt by the Mooring Licence holder or the Licence holder's estate of such notice, or earlier if agreed to in writing by the Harbourmaster.

44.13. No fees shall be refunded by Council upon transfer of a Mooring Licence.

44.14. Any notice to the Harbourmaster under subclause 44.12 must be accompanied by details of the type of vessel(s) to be used on the Mooring from time to time and a photo of the vessel(s) sufficient for identification purposes.

Removal of Moorings

44.15. The Harbourmaster may cancel any Mooring Licence, and may remove or cause to be removed any Mooring and any vessel attached to such Mooring in the following circumstances:

(a) The conditions of the Mooring Licence are breached including non or late payment of fees.

(b) The Mooring has not been physically established or has not been used within a 12-month period without the written approval of the Harbourmaster.

(c) The current holder of the Mooring Licence cannot be contacted after reasonable effort or has failed to keep contact details up to date with Council.

(d) The Mooring is not maintained to a good condition or is not fit for purpose.

Explanatory note: Over time vessels are bought and sold and the needs of Mooring owners change. To enable the continued efficient and safe management of Mooring Areas, the conditions on Mooring Licences need to be reviewed at the time of Licence renewal, particularly those conditions relating to the size, type and location of the vessel. The review of conditions may occur individually, or in some Mooring Areas the conditions of all Licences may be reviewed at the same time through a common expiry date.

The Bylaw also provides for Mooring Licence conditions to be reviewed, varied, and transferred and for Moorings to be removed in certain conditions. Where boats on Moorings have been abandoned or left to become derelict then the Harbourmaster under other legislation may direct the repair of the boat or removal.

45. Allocation of mooring licences

Initial allocation of space

45.1. The Council will not accept any application for a Mooring Licence before a date that is Publicly Notified for the Mooring Area.

45.2. Applications for Licences in Mooring Areas (excluding Kaiteriteri Mooring Area 2) will be received, considered and decided using the following preferential system of allocation:

45.2.1. Firstly, to the current owners of Moorings, the locations of which were previously identified in Schedule 25A(iii) Tasman Resource Management Plan as at 21 July 2022, or by coastal permit currently held, or in effect at 21 July 2022.

45.2.2. Secondly, for a Mooring for public use.

45.2.3. Thirdly, any other applicant whose application has been accepted for processing by the Harbourmaster on a first-in, first-served basis.

Explanatory note: Applications are subject to 43.2 and 43.3

45.3. Kaiteriteri Mooring Area 2

45.3.1. Any application for a Mooring Licence in Kaiteriteri Mooring Area 2 will only be accepted from:

(a) an applicant that is the current owner of a Mooring within Kaiteriteri Mooring Area 2 and that Mooring was previously authorised in Schedule 25A(iv) of the Tasman Resource Management Plan; or

(b) a commercial vessel operator, who needs to be located in the Mooring Area for commercial reasons and has in the opinion of the Harbourmaster, had a persistent history of anchoring or Mooring in the Bay for a number of years; or

(c) Council or an applicant that meets the conditions of (a) or (b) and is permitted to apply in accordance with the terms of a Mooring Agreement that has been approved by the Harbourmaster.

45.3.2. Any application for a Mooring Licence will be received, considered and decided using the following preferential system of allocation:

(a) Firstly, to current owner(s) of a Mooring in Kaiteriteri Mooring Area 2 previously authorised by Schedule 25A (iv) of the Tasman Resource Management Plan and secondly to applicants meeting the requirements of 45.3.1(b); or

(b) In accordance with the terms of a Mooring Agreement that has been approved by the Harbourmaster.

Waitlist

45.4. The Harbourmaster shall maintain a waitlist.

45.5. Any person may contact the Harbourmaster and request in writing to be placed on the waitlist for any Mooring Area. The waitlist will be maintained and administered on a first-in, first-served basis.

45.6. When sufficient space for a new Mooring is either identified or becomes available then the first person on the waitlist for that Mooring Area will be offered the opportunity to apply for a Mooring Licence under this Bylaw. The offer may contain restrictions on the location,

vessel type or size that can be applied for and a timeframe within which to submit a complete application.

45.7. Where a person offered the opportunity to apply for a Mooring Licence declines that opportunity; fails to do so within the timeframe available; or to submit a complete application within the timeframe; or the application is unsuccessful: then the space will be offered to the next person on the waitlist.

45.8. Waitlisted applicants are required to advise the Harbourmaster of any changes to their contact details. Persons unable to be contacted may be removed from the waitlist.

Explanatory note: The locations within the Tasman District which provide for safe Mooring are limited. Consequently, Moorings tend to be clustered in distinct locations around the District. In the past, illegal, poorly located and maintained Moorings and overcrowding have affected safety and navigation in these areas. This Bylaw enables the type of boat, number and location of Moorings within a Mooring Area to be controlled to maximise use while maintaining maritime safety. As part of the transition to this new management system, the Council will initially need to allocate Mooring Licences where there are pre-existing authorised Moorings or demand is high.

The opportunity to apply for a Mooring Licence will be offered to existing Mooring owners first (authorised by the Tasman Resource Management Plan or by coastal permit), then public use groups, then individuals. This preferential system will enable the current (lawful) Mooring owners to remain in the Mooring Area and will encourage the establishment of public Moorings which enable the greatest number of people to safely moor within the area. All other individual applications will be processed once accepted on a first come, first-served basis, subject to the provisions in 43.2 and any limitations on available space.

Following the initial allocation of Mooring Licences in the Mooring Areas (except for Kaiteriteri 1&2), any person can apply for a Mooring Licence on a first-in, first-served basis (subject to there being sufficient space available) or can ask for their name to be added to the Mooring Area waitlist.

In Torrent/Rākauroa or Boundary Bay Mooring Areas Mooring Licences can only be held or transferred to a person with a proven interest in a land title for those Bays. Under the provisions of the Tasman Resource Management Plan any other person wishing to own a Mooring in those areas is prevented by policy which restricts ownership of structures in areas adjoining the Able Tasman National Park

Part 8 Administrative Matters

47. Liability of the Council

47.1. 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.

47.2. The Council shall not be liable for any damage to a vessel secured to a mooring, whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause.

47.3. The Council shall not be liable for any damage to a vessel or mooring caused by any action while enforcing this Bylaw.

47.4. The Council shall not be liable for any damage to a vessel that the Harbourmaster secures or removes under this Bylaw.

48. Notification of accidents, incidents or mishaps

48.1. The person owning or having responsibility for, or in charge of, or having conduct of any vessel, 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 and the Health and Safety at Work Act 2015, as soon as practicable report the occurrence to the Harbourmaster and provide the Harbourmaster with full details of the occurrence in writing.

Explanatory note: this includes for example damage to another vessel, a navigation aid or any structure; a vessel to capsize, be sunk or grounded; a vessel to become unseaworthy; or; or injury to any person.

48.2. The full details provided to the Harbourmaster under clause 48.1 shall include a full description of how and when the incident occurred; and in a form and in a manner as required by the Harbourmaster.

Explanatory note: An incident, accident or mishap can be reported to the Harbourmaster using the form on the Council's website: ***Report a maritime incident***

49. Exemptions

Exception to compliance with Bylaw

49.1. 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 or an Enforcement Officer.

49.2. The master of a vessel is not in breach of this Bylaw if that person proves that the act or omission was done in the context of any of the reasons listed within section 19(2) Maritime Transport Act 1994.

Temporary exemptions from Bylaw

49.3. In the exercise of its power to regulate maritime activity the Council may exempt, by written approval, a person, vessel or class of vessels from specific requirements of this Bylaw.

49.4. In recommending to the Council that an exemption be granting any exemption to any clause of this Bylaw the Harbourmaster must consider the effects of the exemption on public safety.

49.5. 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.

50. Applications for written approvals or exemptions

50.1. Any person may make an application to the Harbourmaster for written approval or an exemption as allowed for under this Bylaw. Applications must be in a form and manner prescribed by the Harbourmaster and accompanied by any required fee.

51. Documentation

51.1. Any licence, authorisation, written approval, permission or exemption required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster or an Enforcement Officer.

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

52. Correspondence and notification of current contact and vessel details

52.1. The holder of any 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.

52.2. 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.

53. Offences and penalties

53.1. Every person commits an offence against this Bylaw who contravenes or permits a contravention of this Bylaw.

53.2. Every person who:

(a) commits an offence against this Bylaw will be liable under the Act;

(b) commits an infringement offence, set out in any applicable regulations created under the Act is liable to an infringement fee prescribed in the regulations made under the Act.

53.3. If a person or vessel is observed committing an infringement offence by the Harbourmaster or an Enforcement Officer, or if the Harbourmaster or Enforcement Officer has reasonable cause to believe an infringement offence has been committed by that person or vessel, an infringement notice in respect of that offence may be served on that person, or the owner, or the operator, or the person in charge of that vessel.

54. Inability to comply in extenuating circumstances

54.1. 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.

54.2. Any costs incurred by the Harbourmaster in acting on behalf of any person under this clause shall be recoverable from that person or their estate.

55. Intervention by the Harbourmaster

55.1. 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.

56. Removal of vessel, material, thing, cargo or matter

56.1. 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 clauses 56.1(a) or (b) of this Bylaw.

57. Recovery of costs where not otherwise specified

57.1. Except as required elsewhere in these Bylaws, 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 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;

57.2. If a person from whom costs are to be recovered under subclause 57.1 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.

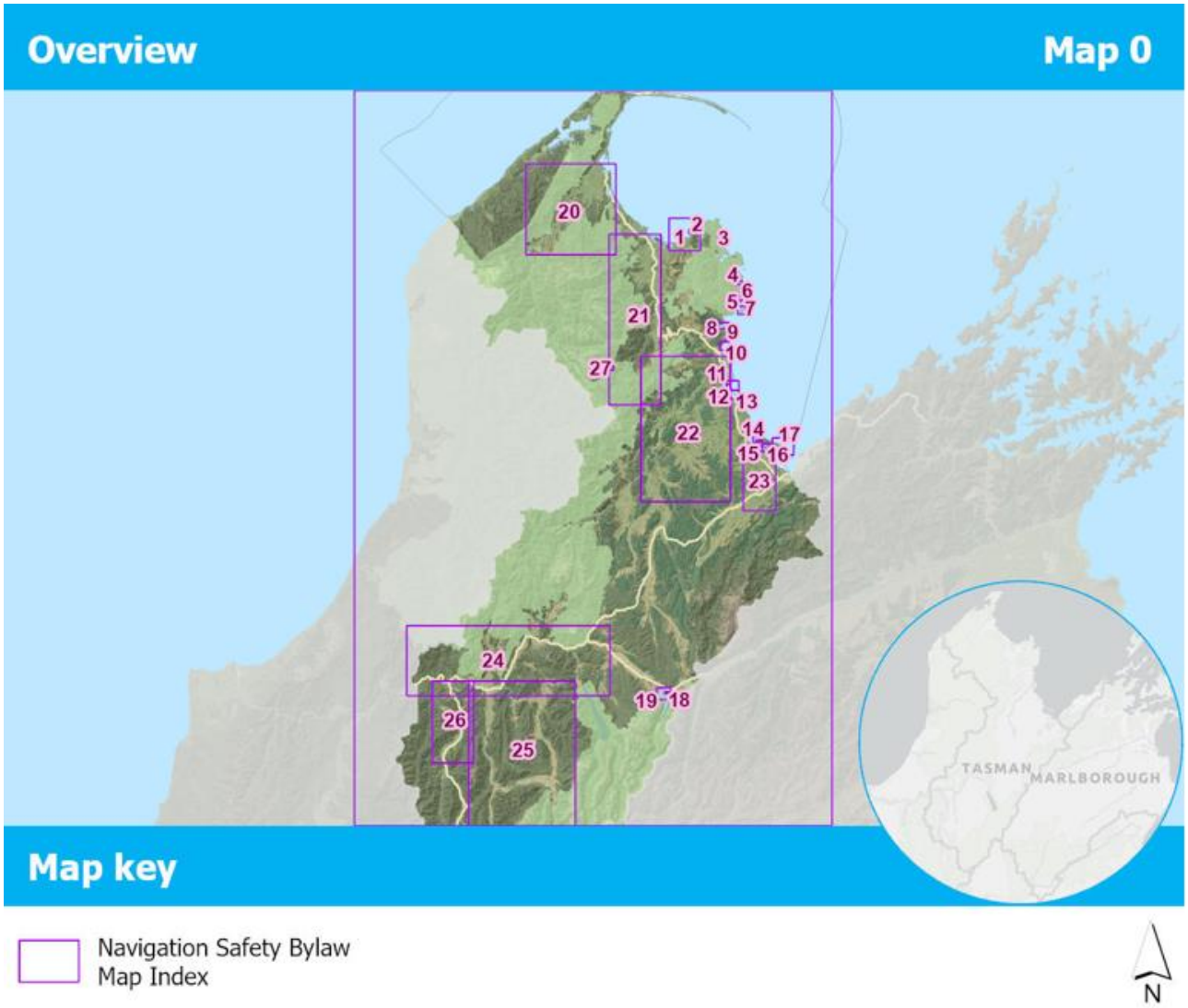
58. Fees and charges

58.1. The current maritime fees and charges payable for activities within Tasman waters are set out in Schedule 3 (Maritime fees and charges) and may be changed from time to time. Any changes to these fees will be made through the Council's Annual Plan process.

Explanatory note: Review of fees and charges will occur through the Annual Plan process and will be included in the Schedule of Fees and Charges in the Annual Plan. The charges listed in Schedule 3 are correct at the time of publication.

Schedule 1:

Coastal waters – reserved and restricted areas



Readers' guide for schedule 1

Map 0 above shows the locations of area maps referred to in this Schedule.

Table 1 below identifies those coastal areas, or parts thereof (from North to South) that the Council has reserved pursuant to clauses 22, 23, 24, 25 and 26 or where water users are advised to exercise caution when operating in their vicinity.

Schedule 1 contains two distinct area usage types:

- Access lanes, reserved areas and prohibited areas – relevant schedules include conditions of use, which are regulatory provisions pursuant to this Bylaw. Breaches of these conditions could result in enforcement action.

- Cautionary areas – relevant schedules do not contain regulatory provisions but instead includes an advisory note. An advisory note is provided for information purposes only, offering best-practice advice and guidance to water users.

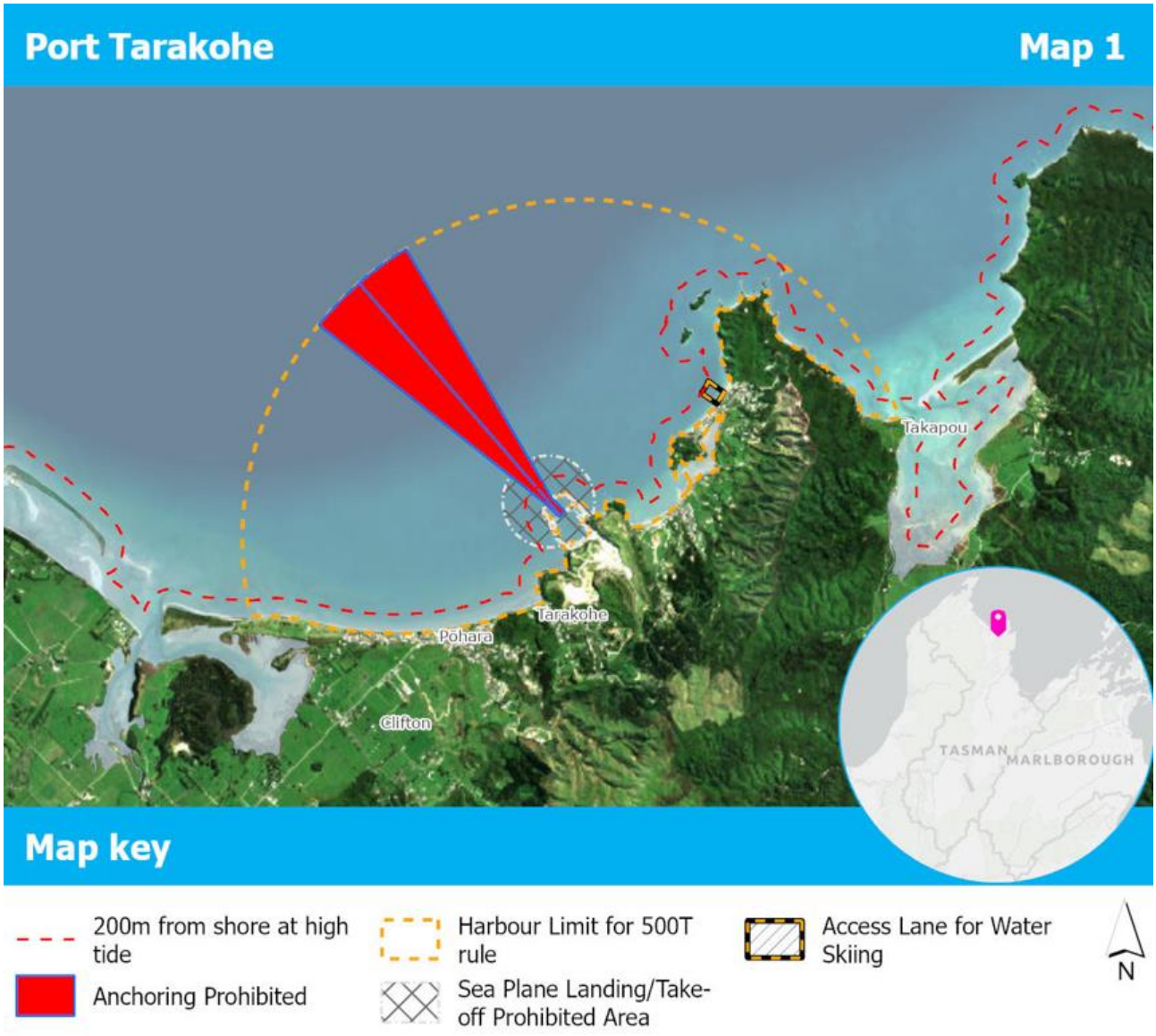
Note: the maps contained in this schedule are indicative only. Access lanes and reserved areas may be demarcated through the placement of markers. If there is any inconsistency between the markers and maps identifying areas, the location demarcated by markers prevail.

Table 1: Coastal areas reserved for navigation safety purposes

Type (purpose) of area	**Location**	**Schedule**
Access lane for water skiing Prohibited areas for anchoring and sea planes	Port Tarakohe	1.1
Access lane for water skiing	Tata Beach	1.2
Access lane for water skiing	Totaranui	1.3
Access lane for coastal access points	Bark Bay	1.4
Reserved area for water skiing Go slow zone	Torrent Bay	1.5
Access lane for coastal access points Reserved area for water skiing Go slow zone Cautionary area	The Anchorage (Browns Bay)	1.6
Access lane for water skiing Reserved area for water skiing Go slow zone	Adele Island	1.7
Prohibited area for certain power craft and kite boarding Prohibited area in infrastructure corridor for anchoring	Marahau	1.8
Reserved areas for waterskiing, swimmers, paddlecraft and similar passive activities Prohibited areas in Kaiteriteri lagoon for vessels and in Kaiteriteri Bay for anchoring Cautionary area	Kaiteriteri	1.9
Prohibited area in infrastructure corridor for anchoring	Stephens and Tapu Bays	1.10

Access lane Prohibited areas for anchoring and seaplanes Go slow zone	Port Motueka	1.11
Access lane Prohibited areas for anchoring and seaplanes Reserved area for water skiing Go slow zone	Jackett Island (Motueka approaches)	1.12
Reserved area for water skiing	Kina Peninsula	1.13
Access lane Prohibited areas for anchoring and seaplanes	Mapua Channel	1.14
Access lane Reserved areas for water skiing and shared use Prohibited area for seaplanes Cautionary area	Hunter Brown	1.15
Reserved area for shared use Prohibited area for seaplanes Cautionary area	Traverse	1.16
Reserved areas for waterskiing, shared use and other activities as specified Prohibited areas for anchoring Speed uplifted area Cautionary areas	Rabbit Island	1.17

Port Tarakohe Schedule 1.1



Conditions of use

The Tarakohe Harbour limit, relating to Maritime Rule 91.16 regarding the 500T rule, is within an arc of 2NM radius from the front of Tarakohe Harbour leading light structure, K4198, at 40˚49.6'S 172˚53.9É.

Access Lane

The area designated as an Access Lane on Map 1 at Tata Beach is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

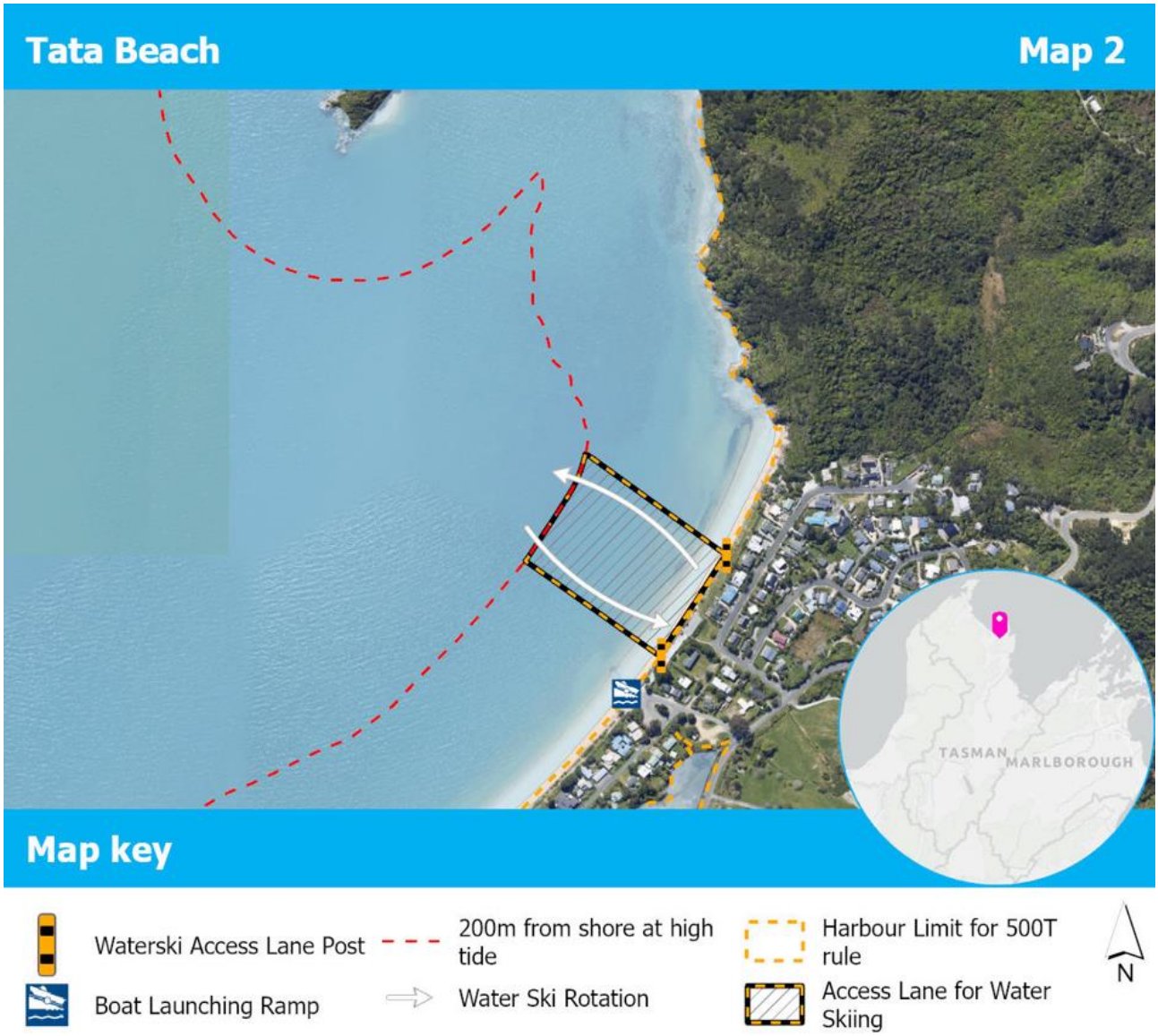
- Transit posts mark year-round use.
- Buoys may be provided between about Labour Weekend through to about the end of daylight savings the following year.

Prohibited Areas

Anchoring is prohibited in the area marked on Map 1 pursuant to clause 25.1.

Seaplane landing or take off is prohibited pursuant to clause 10.2 within a 500m radius of the centre point of the nominal line formed between the outer breakwater mole tips at Tarakohe Harbour.

Tata Beach Schedule 1.2



Conditions of use

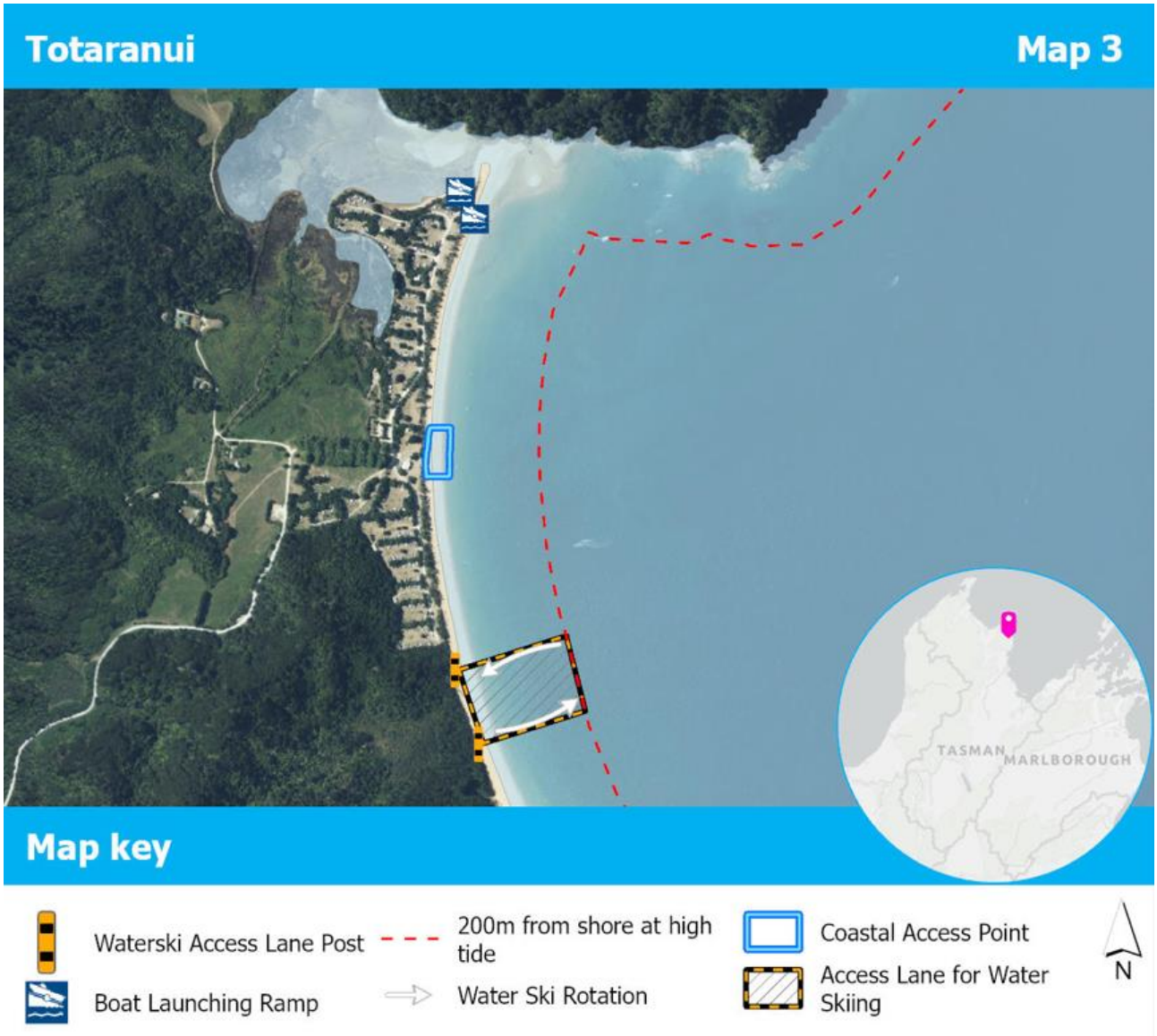
Access Lane

The area designated as an Access Lane on Map 2 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

- Transit posts mark year-round use.
- Buoys may be provided between Labour Weekend through to the end of daylight savings the following year.

Totaranui Schedule 1.3



Conditions of use

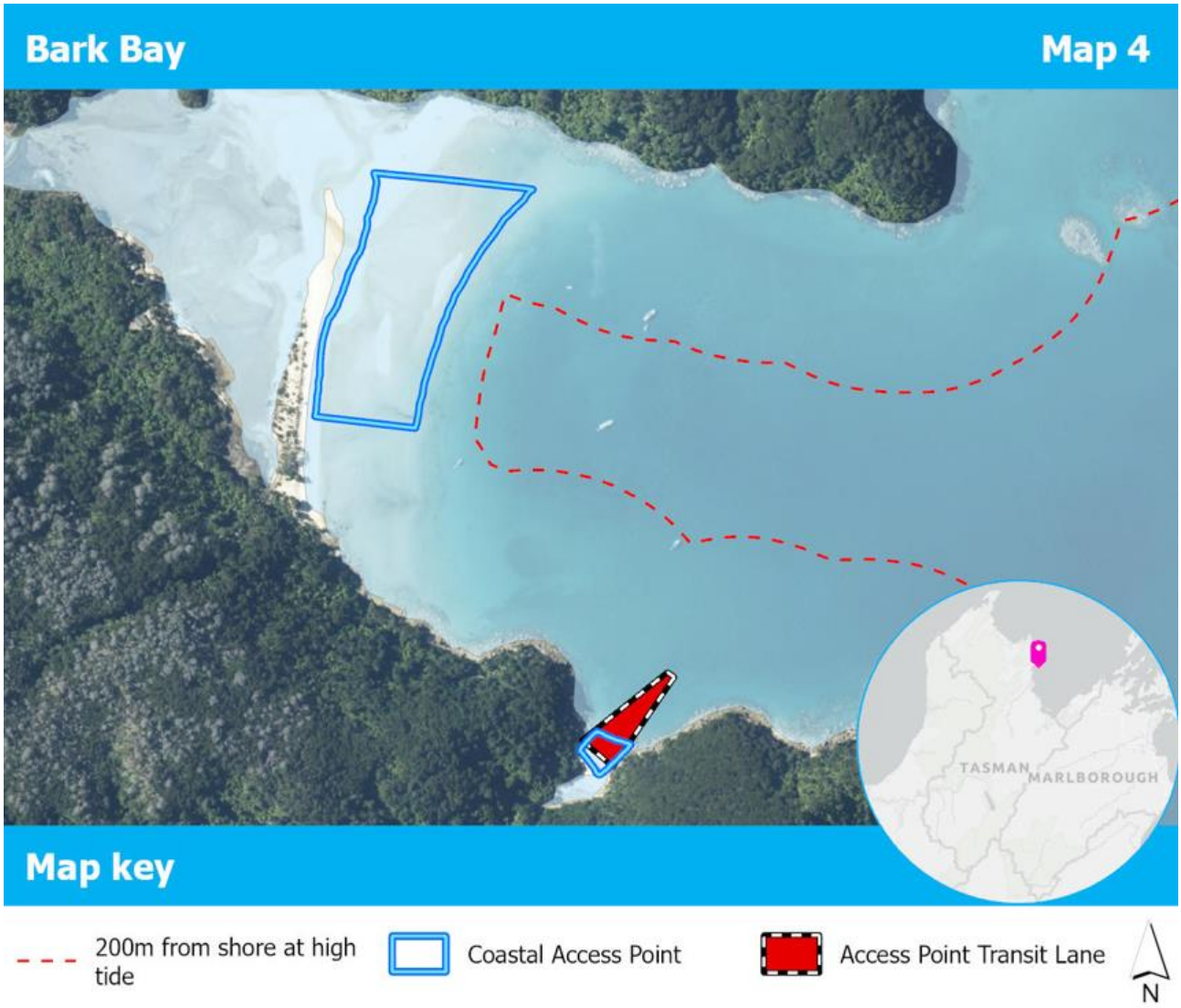
Access Lane

The area designated as an Access Lane in Map 3 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

- Transit posts mark year-round use.
- Buoys may be provided between Labour Weekend through to the end of daylight savings the following year.

Bark Bay Schedule 1.4



Conditions of use

Access Lane

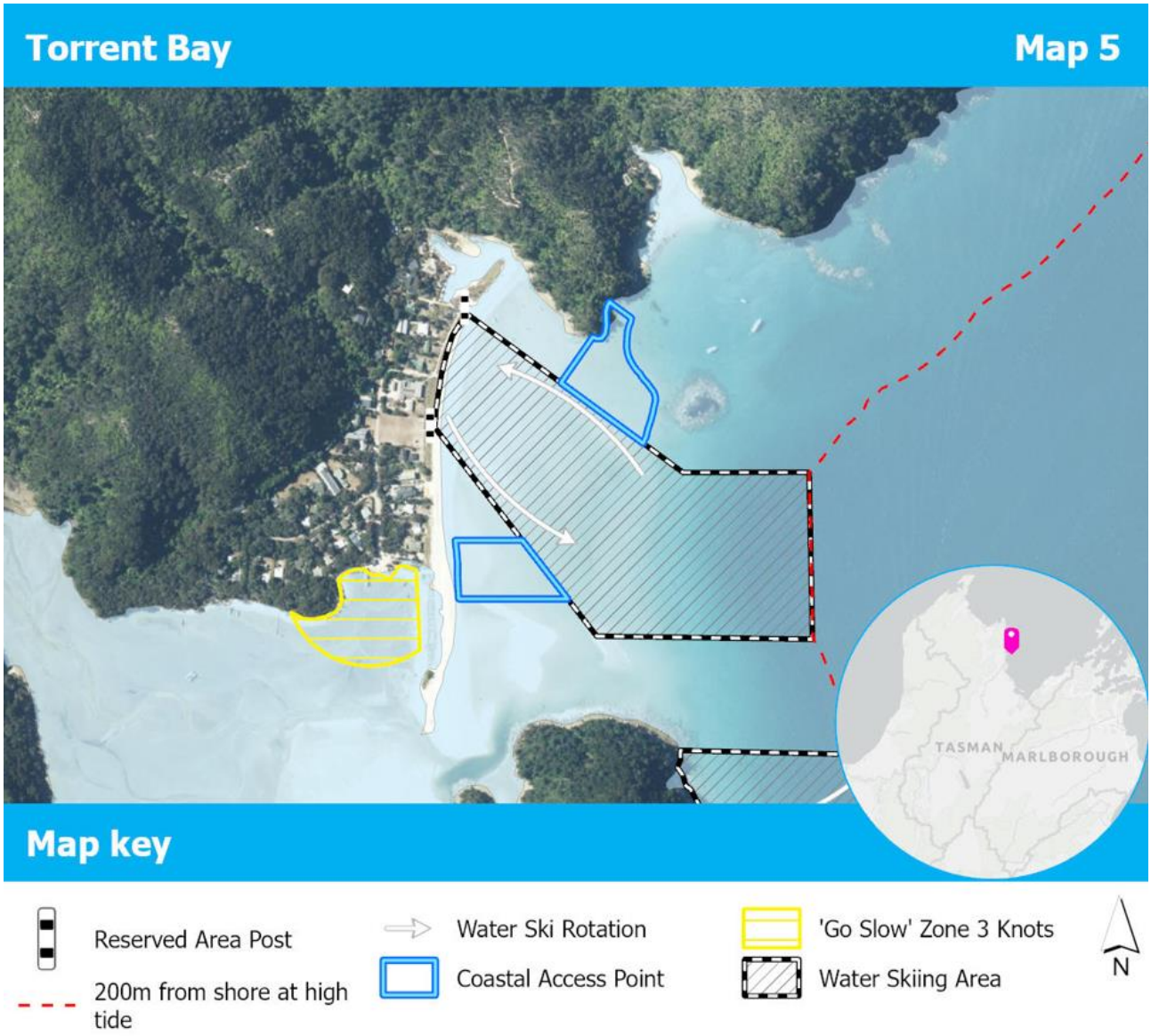
The area reserved at Medlands Bay as an Access Lane on Map 4 pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

This is available for year-round use and applies between 0700 hours and 1800 hours local daily time. It is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

Coastal Access Point

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

Torrent Bay Schedule 1.5



Conditions of use

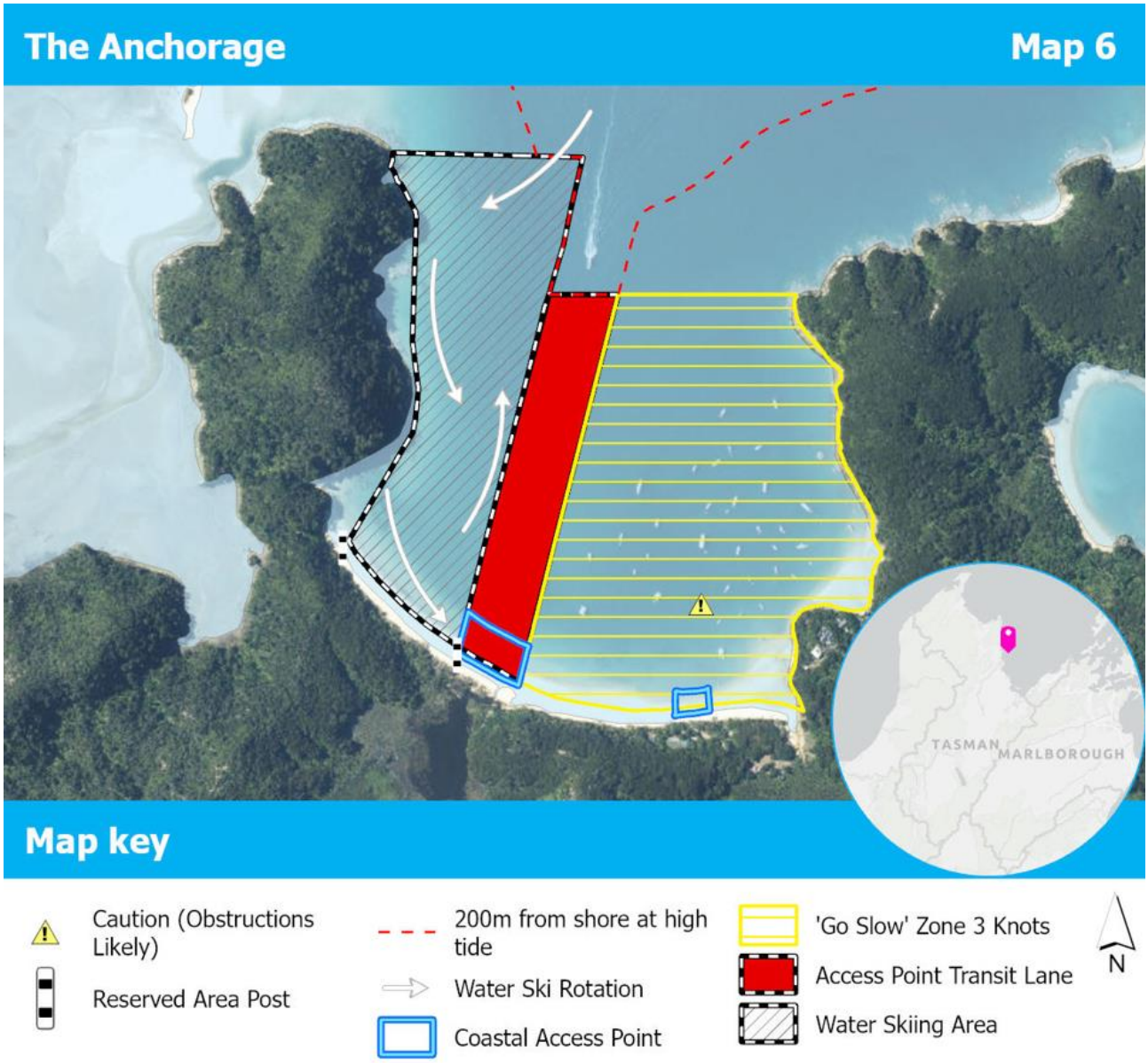
Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 5 is reserved for priority use by waterskiers during the two hour period between one hour before high tide until one hour after high tide (as published in the NZ Nautical Almanac for Port Nelson) and only when marked with black posts with white bands.The period of marking may extend from about Labour Weekend through to the end of daylight savings the following year. Buoys may also be provided.

Other conditions

The ‘Go Slow’ Zone pursuant to clause 29.3 and shown on Map 5 is a 3 knot zone within a 100 metre radius arc of the centre point of the outer edge of the public jetty and applies at all times.

The Anchorage (Browns Bay) Schedule 1.6



Conditions of use

Water Skiing Area

The area reserved for water skiing pursuant to clause 22 and shown in Map 6 is reserved for priority use by waterskiers and is available for use when marked with black posts with white bands and buoys for a period which may extend from Labour Weekend through to the end of daylight savings the following year.

Access Lane

The area reserved as an Access Lane on Map 4 pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

This is available for year-round use and applies between 0700 hours and 1800 hours local daily time. It is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

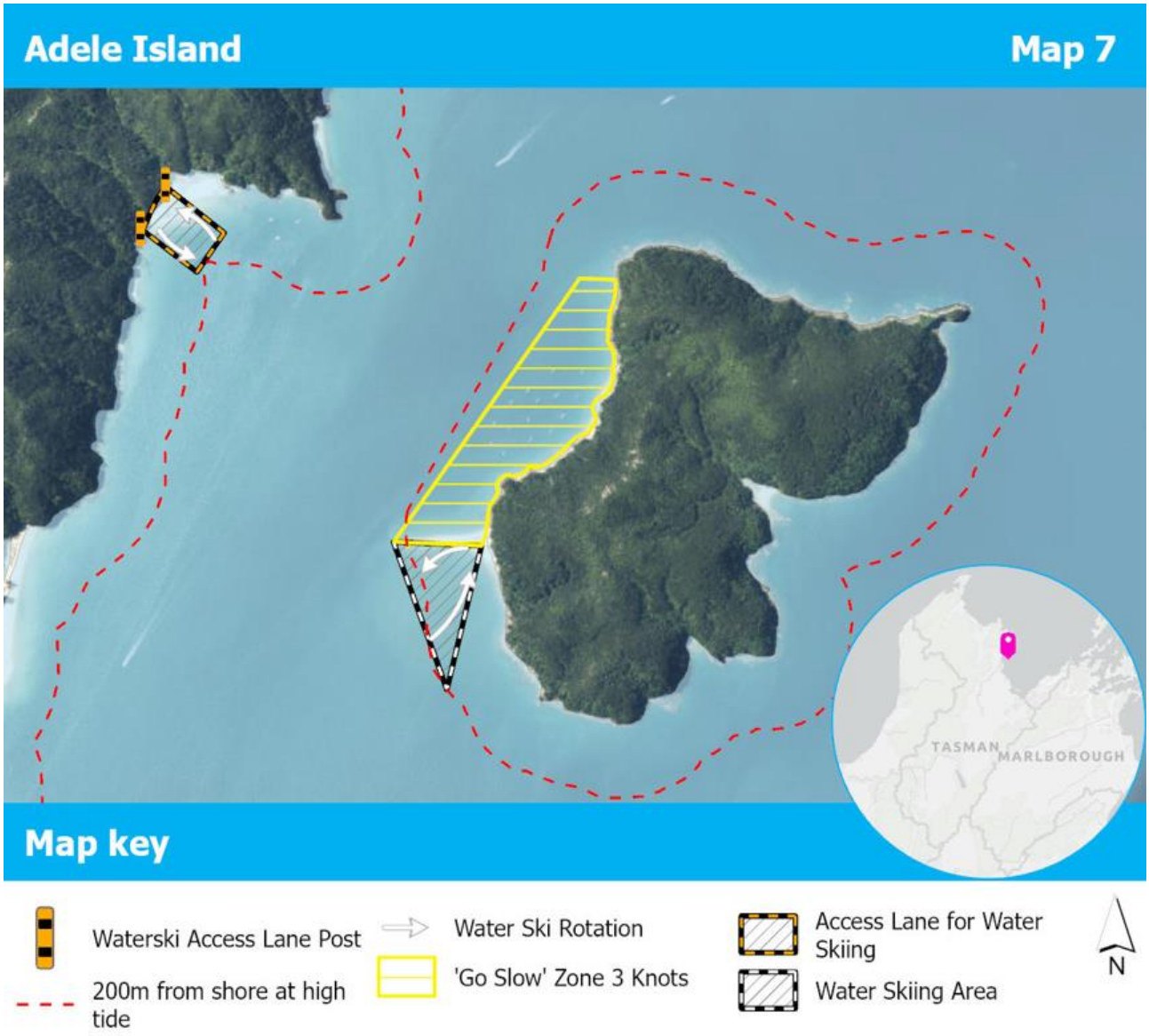
Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, at all times.

The ‘Go Slow’ Zone pursuant to clause 29.3 and shown on Map 6 is a 3 knot zone and may be marked with yellow buoys from a period which may extend from about Labour Weekend through to the end of daylight savings the following year. This 3 knot slow speed limit applies at all times whether or not it is marked by buoys, except during any peroid when the buoys described above are not in place and if no vessel is anchored or moored within the zone.

In the Cautionary Area there is a charted rock within the Access Lane. It is seasonally marked with a north cardinal buoy.

Adele Island Schedule 1.7



Conditions of use

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 7 is reserved for priority use by waterskiers and is available for use when marked with a black post or posts with white bands for a period which may extend from Labour Weekend through to the end of daylight savings the following year. Buoys may also be provided.

Access Lane

The area designated as an Access Lane in Map 7 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

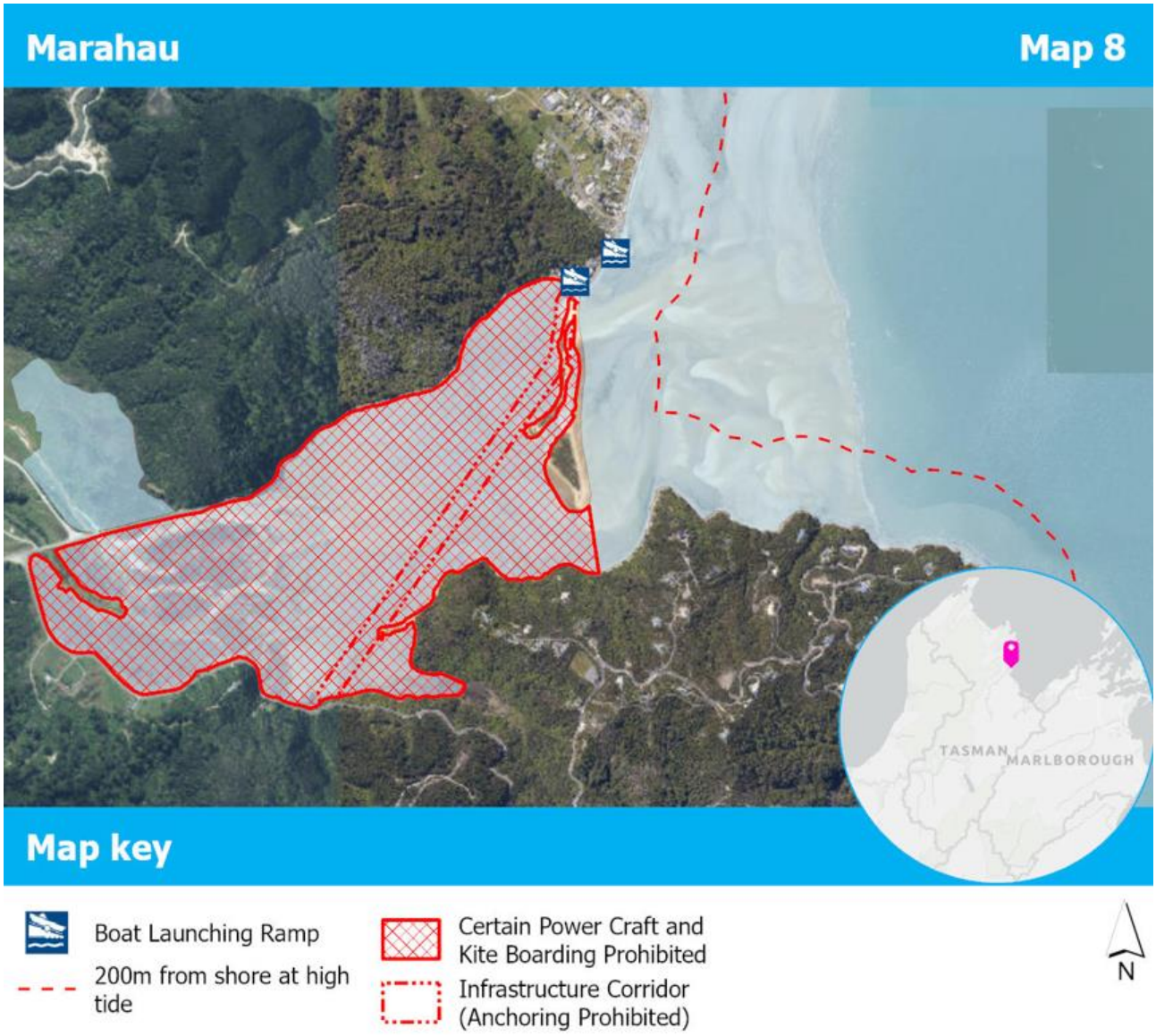
The Access Lane can be identified by transit posts and buoys and is marked for a period which may extend from Labour Weekend through to the end of daylight savings the following year.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, at all times.

The ‘Go Slow’ Zone pursuant to clause 29.3 and shown on Map 7 is a 3 knot zone and may be marked with yellow buoys from a period which may extend from about Labour Weekend through to the end of daylight savings the following year. This 3 knot slow speed limit applies at all times whether or not it is marked by buoys, except during any peroid when the buoys described above are not in place and if no vessel is anchored or moored within the zone.

Marahau Schedule 1.8



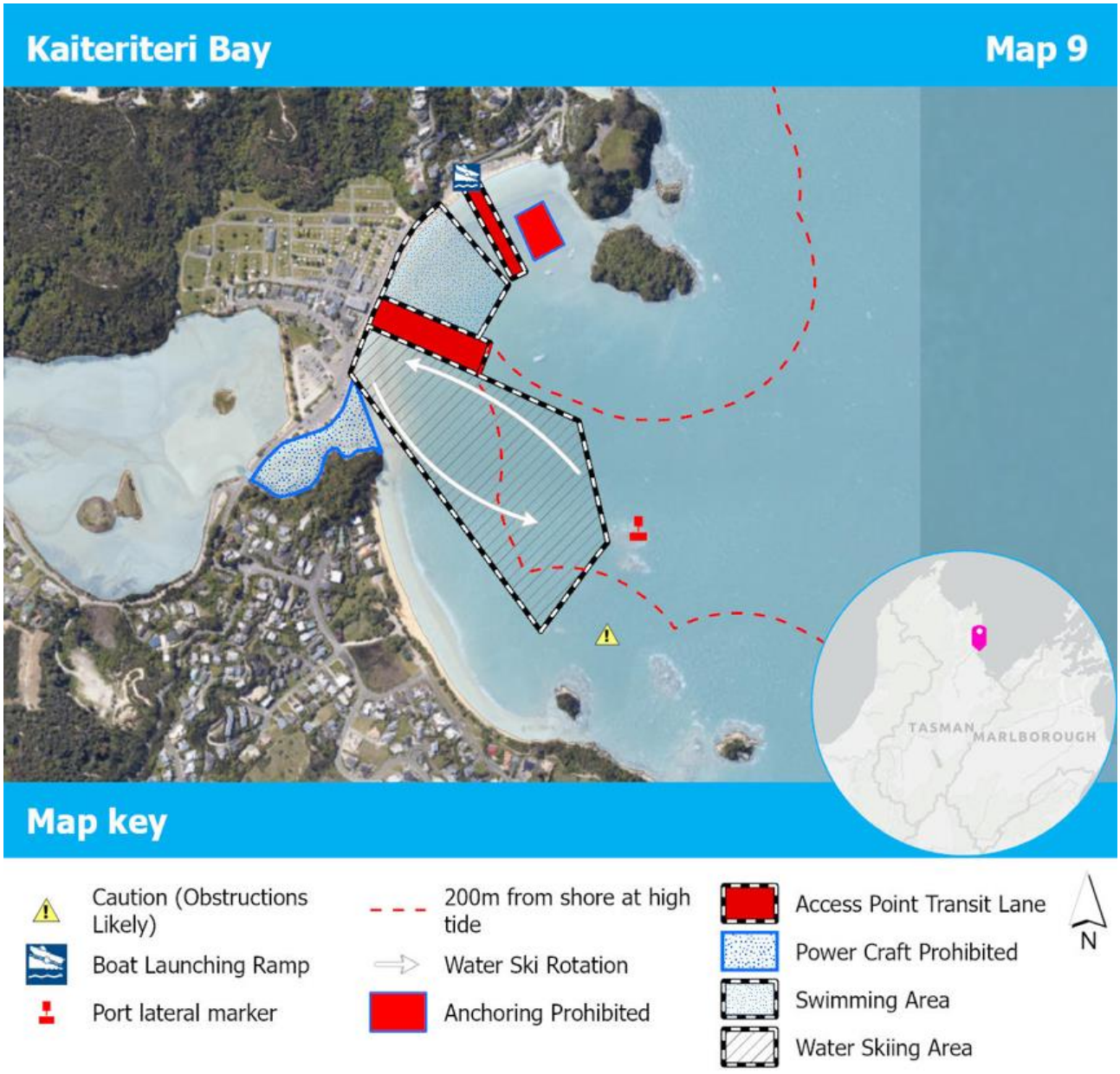
Conditions of use

Prohibited Areas

In the Prohibited Areas at Marahau shown on Map 8 the following conditions apply:

- anchoring is prohibited purusant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on the above map.
- specified activities are prohibited pursuant to clause 24 as follows:
    - Personal watercraft, WIG craft, hovercraft and kite-propelled vessels are prohibited at all times.
    - Other power-driven vessels are prohibited except when transiting at a maximum speed of 5 knots between the open sea and the launching ramp, or a mooring, or an anchoring position.

Kaiteriteri Schedule 1.9



Conditions of use

Swimming Area

The reserved area for swimming and other passive activities pursuant to clause 23 and shown on Map 9 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots. Power-driven vessels are prohibited at all times from this area.

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 9 is reserved for priority use by waterskiers during the four hour period between two hours before high tide until two hour after high tide (as published in the NZ Nautical Almanac for Port Nelson) and only when marked with black posts with white bands,

The period of marking may extend from about Labour Weekend through to about the end of daylight savings the following year. Buoys may also be provided.

Access Lane

The area reserved as an Access Lane shown on Map 9 and pursuant to clause 25.1, is to allow unobstructed access to and from the beach, ramp or jetty for loading/embarkation and unloading/disembarkation of vessels, and a maximum speed of 5 knots.

This is available for year-round use and applies as follows:

- At the ramp, at all times; and
- At the main beach, the maximum occupation time per vessel per occasion is 30 minutes (from arrival) when daylight savings time is in force and two or more vessels are using the reserved area at any given time.

The area is marked with signage onshore and may also be marked with white posts with black bands and/or black buoys with a white stripe.

In this area, swing anchoring, and leaving an anchored vessel unattended for in excess of ten minutes, is prohibited. Temporary anchoring of an attended vessel at beach is permitted for the purpose of loading or unloading, and embarking or disembarking.

Prohibited Areas

In the prohibited areas at Kaiteriteri shown on Map 9 and pursuant to clause 24, specific activities are prohibited as follows:

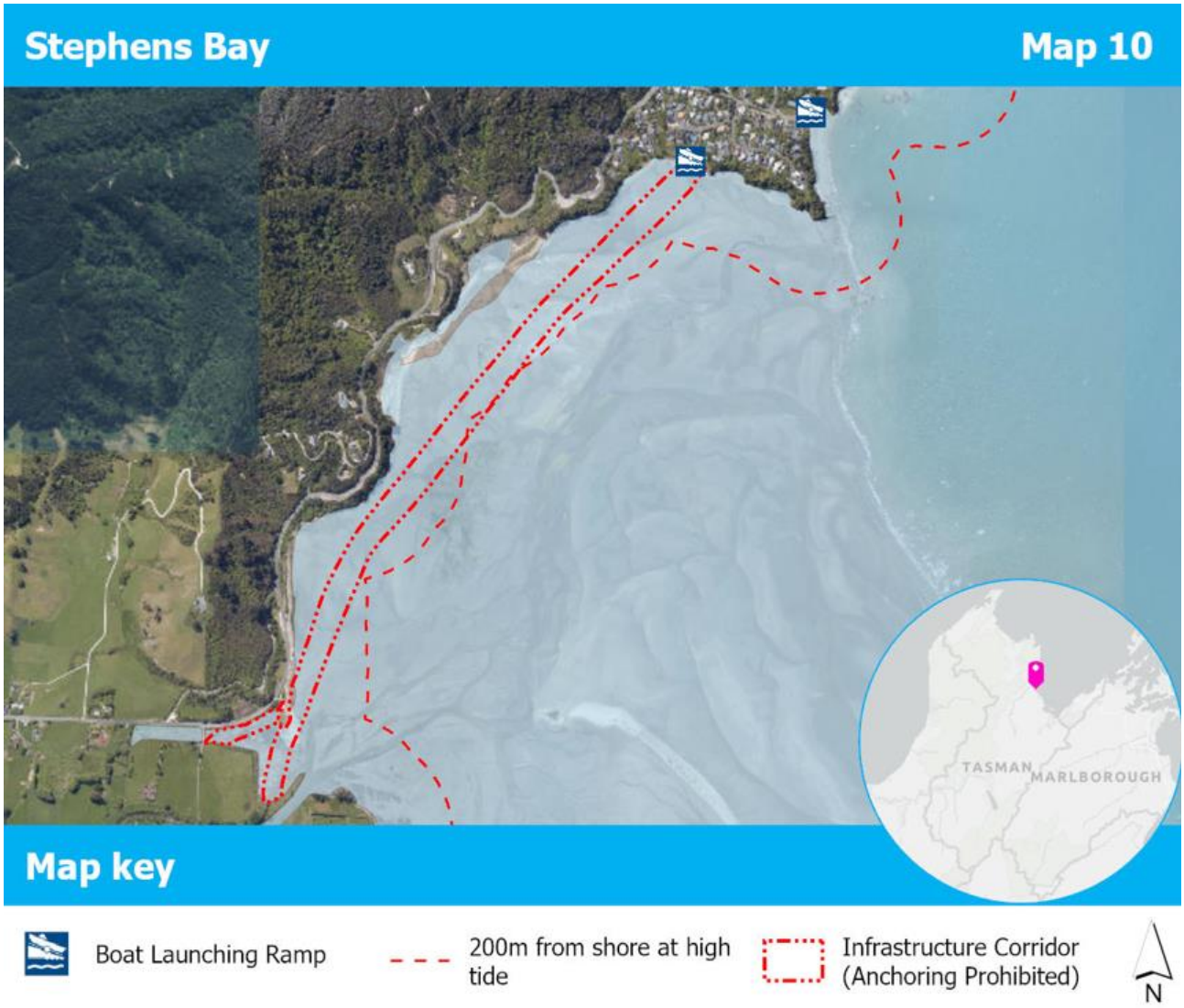
- All power-driven vessels are prohibited from operating at all times except in an emergency, in the following locations:
    - Kaiteriteri lagoon outlet; and
    - Kaiteriteri swimming areas, while the area is marked with buoys.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels, for swimming or in which powered vessels are prohibited, at all times.

In the Cautionary Area there are mulitple submerged rocks both inshore and offshore in this general area.

Stephens and Tapu Bays Schedule 1.10

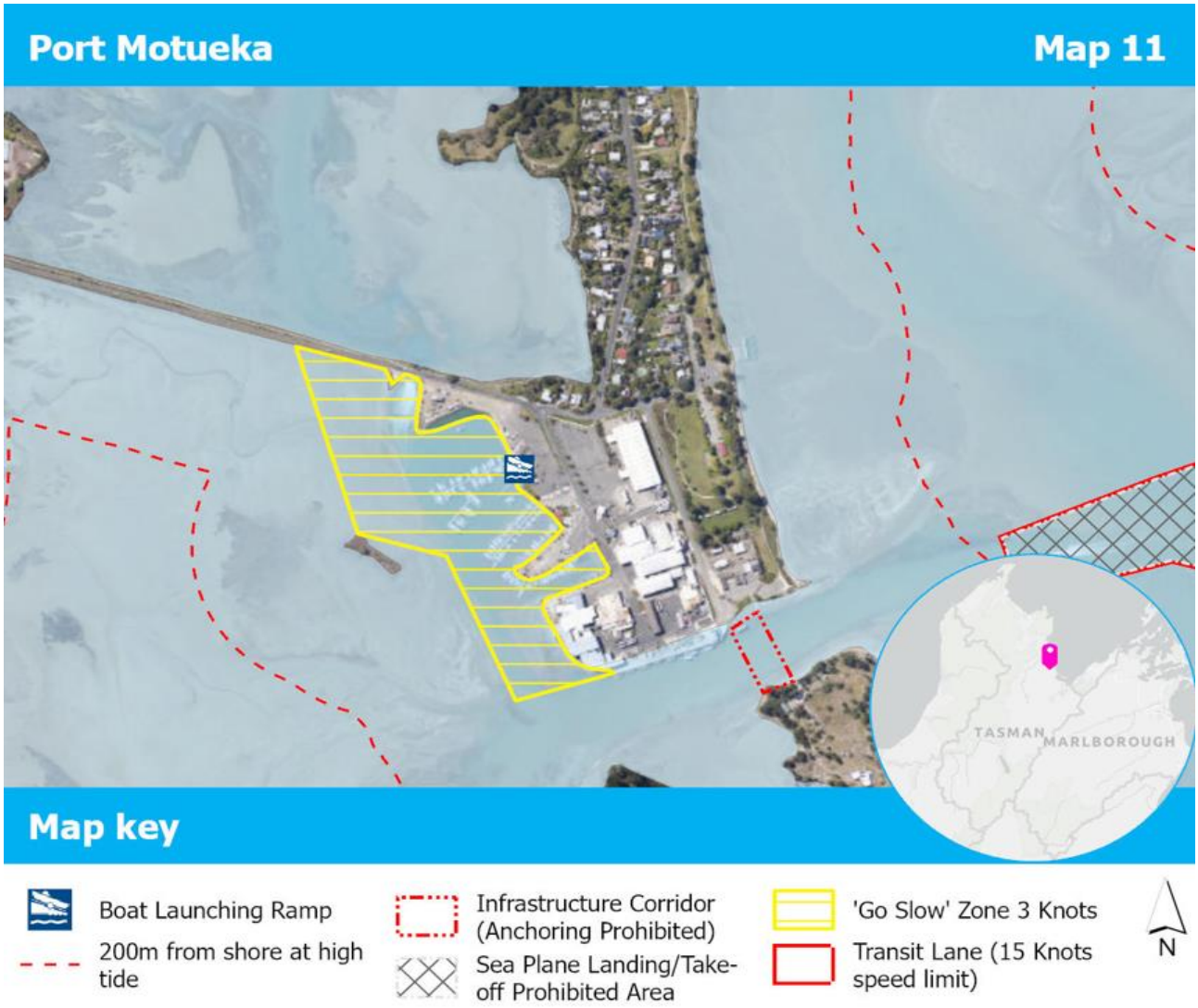


Conditions of use

Prohibited Area

Anchoring is prohibited pursuant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 10.

Port Motueka Schedule 1.11



Conditions of use

Prohibited Areas

Anchoring is prohibited purusant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 11.

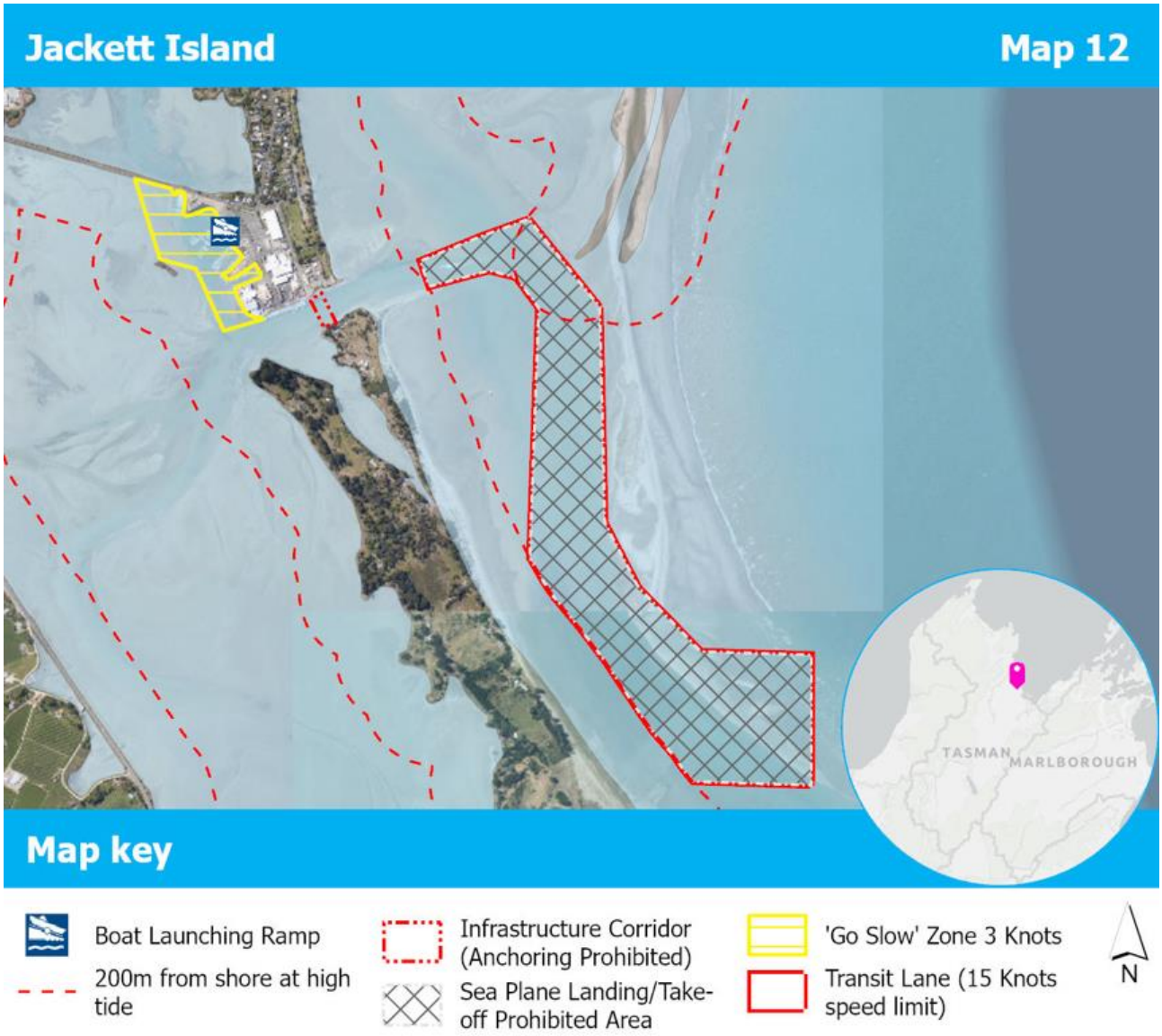
Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels and in the marina or channel, at all times.

Other Conditions

The ‘Go Slow’ Zone pursuant to clause 29.3 and shown on Map 11 is a 3 knot zone that applies at all times in the marked area adjacent to and including the Motueka marina precint.

The area reserved as a Access Lane at the Motueka approaches shown on Map 11 and pursuant to clause 22 provides a reserved area for vessels travelling between the Motueka bar crossing, wherever that may be at any given time. Conditions of use are detailed in Schedule 1.12 (Jackett Island).

Jackett Island (Motueka approaches) Schedule 1.12



Conditions of use

Access Lane

The area reserved as a Access Lane at the Motueka approaches shown on Map 12 and pursuant to clause 22 provides a reserved area for vessels travelling between the Motueka bar crossing (wherever that may be at any given time) and is bounded by the inside of the Motueka sandspit and not less than 200m from the shore of Jackets Is at MHWS and the starboard lateral pile closest to Motueka wharf.

While in this Access Lane, vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Motueka approaches.

Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as an Access Lane. The speed limit within 50m of any other vessel underway or a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed.

Provisions relating to the control of nuisance from a vessel's wake apply. Beware of shifting shallow banks.

PLEASE NOTE THAT CHANNEL MARKER BUOYS PLACED IN THE MOTUEKA APPROACHES ARE PRONE TO SHIFTING OR BEING DISPLACED BY TIDE AND WEATHER EVENTS. ALL NAVIGATION IN AND OUT OF MOTUEKA IS THE RESPONSIBILY OF THE MASTER OR PERSON IN CHARGE OF THE VESSEL. NAVIGATION IN AND OUT OF MOTUEKA HARBOUR IS UNDERTAKEN STRICTLY AT OWN RISK AND NEITHER THE COUNCIL NOR THE HARBOURMASTER SHALL BE LIABLE FOR ANY LOSS OR DAMAGE OF WHATEVER NATURE, THAT MAY ARISE SHOULD VESSELS COME TO HARM AS A CONSEQUENCE OF THE MOVEMENT OF CHANNEL MARKER BUOYS.

Prohibited Areas

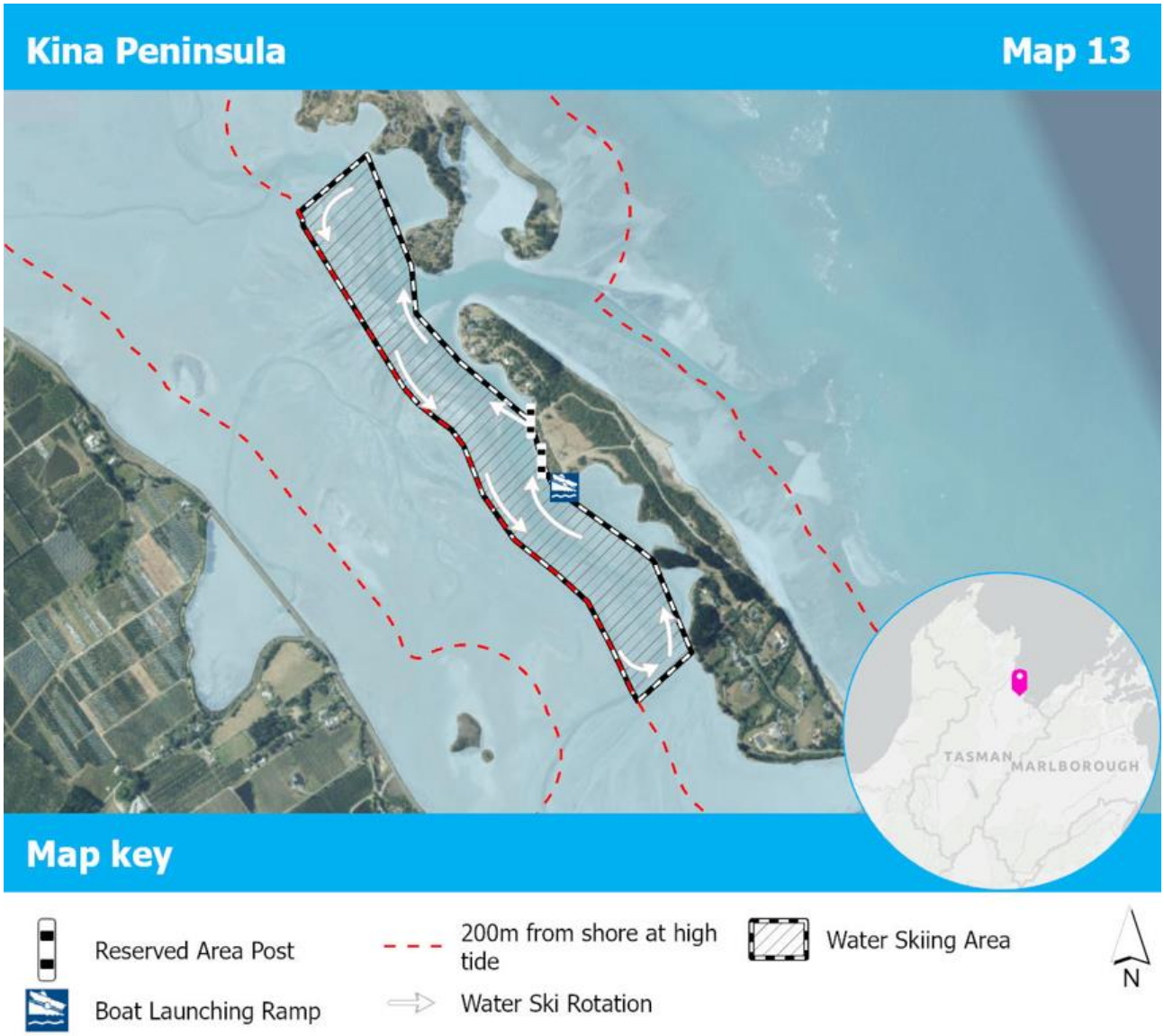
Anchoring is prohibited purusant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 12.

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved or identified in these Bylaws for anchoring or mooring vessels and in the Motueka approaches and channel, at all times.

Other conditions

The 'Go Slow' Zone pursuant to clause 29.3 and shown on Map 12 is a 3 knot zone that applies at all times in the marked area adjacent to and including the Motueka marina precint.

Kina Peninsula Schedule 1.13



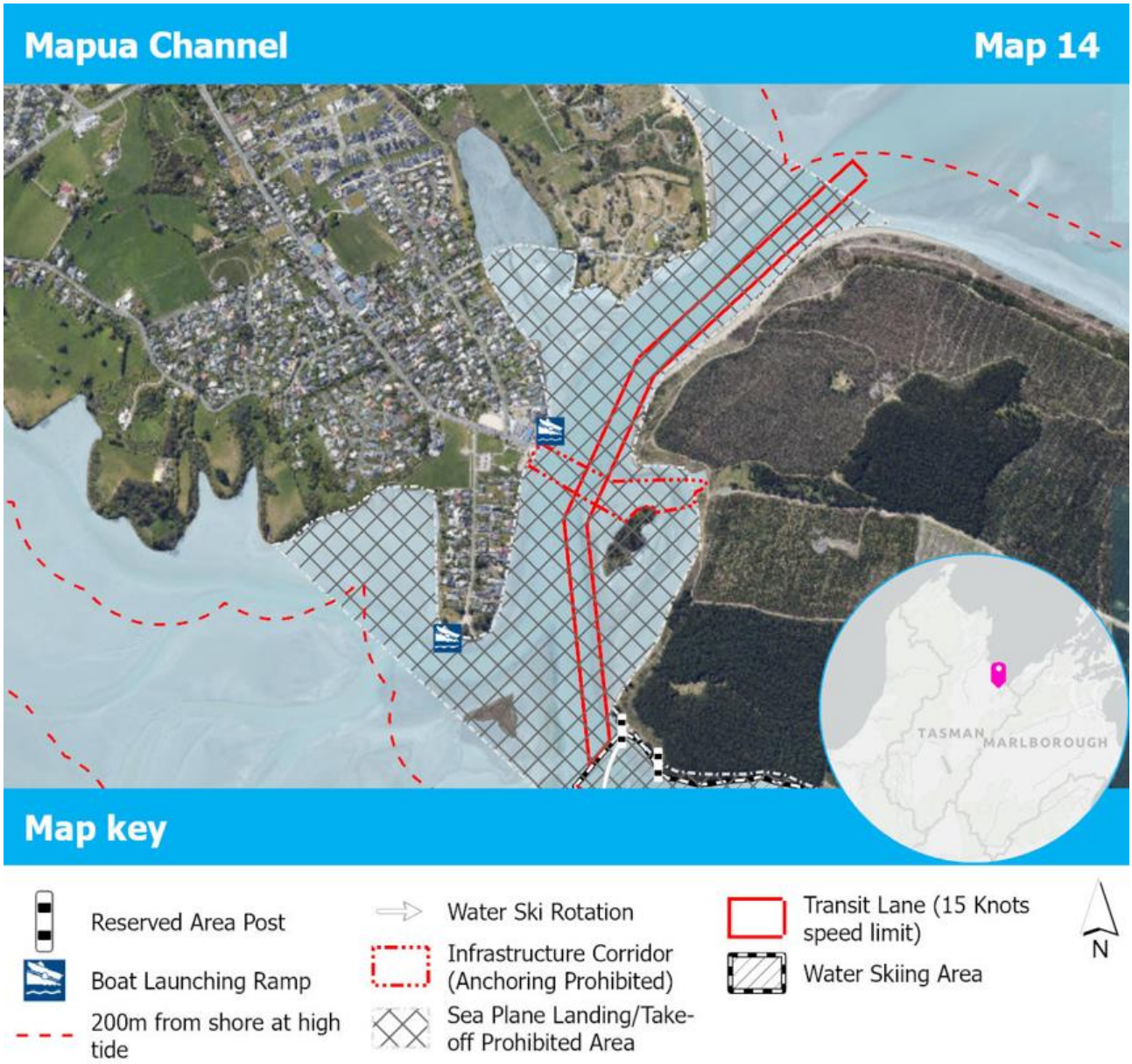
Conditions of use

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 13 is reserved for priority use by waterskiers and is available all year round. Other vessels intending to transit between the open sea and the ramp when waterskiing is in progress may do so at any safe speed so long as they do not obstruct or endanger any vessel or person engaged in waterskiing. A suitable landing and take-off area is bounded by a pair of black posts with white bands and may be partially marked with buoys.

Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing. Unsuitable for skiing during lower tides.

Mapua Channel Schedule 1.14



Conditions of use

Access Lane

The area reserved as an Access Lane shown on Map 14 and pursuant to clause 22 provides a reserved area for vessels travelling between Grossi Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel.

While in this Access Lane vessels may travel at any safe speed of 15 knots or less for the purpose of transiting through the Mapua Channel. Other activities such as waterskiing, anchoring and swimming are prohibited in this area if it is in use by any vessel as an Access Lane. The speed limit within 50m of any other vessel underway or a person in the water remains as 5 knots, or where 5 knots is not practicable, the slowest practicable speed.

Provisions relating to the control of nuisance from a vessel's wake apply.

Prohibited Areas

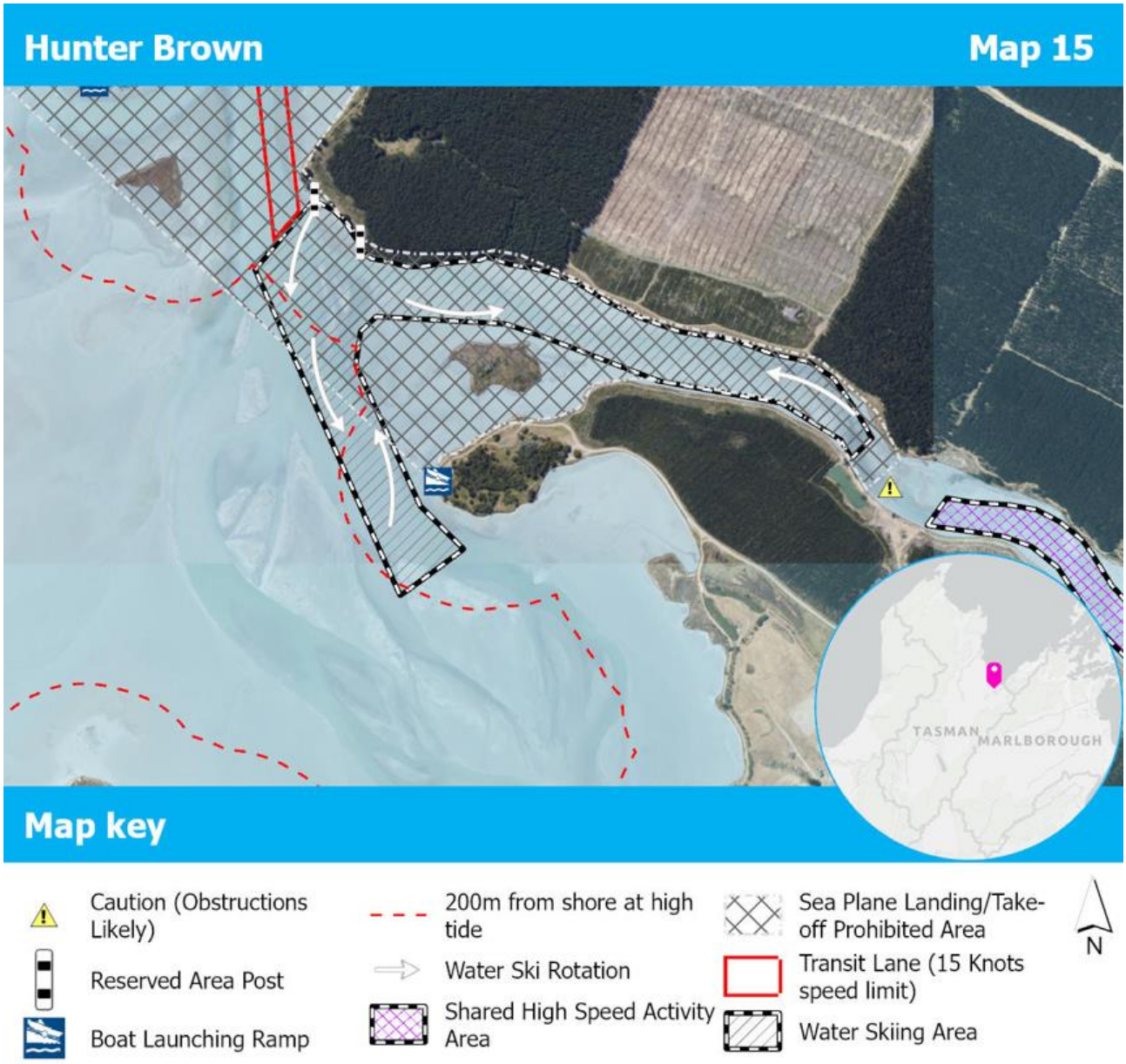
Anchoring is prohibited purusant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 14.

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

Water Skiing Area

The reserved area for water skiing shown on Map 14 and pursuant to clause 22 is reserved for priority use by waterskiers and is available all year round. Conditions of use are set out in Schedule 1.15 (Hunter Brown).

Hunter Brown Schedule 1.15



Conditions of use

Water Skiing Area

The reserved area for water skiing pursuant to clause 22 and shown in Map 15 is reserved for priority use by waterskiers and is available all year round. A suitable landing and take-off area is bounded by a pair of white posts with black bands. The area boundaries may be otherwise marked with transit posts.

Beware of submerged banks, logs and other obstructions. Reconnaissance is recommend prior to skiing.

Shared High Speed Activity Area

The reserved area for shared high speed activity shown on Map 15 and pursuant to clause 22 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. Conditions of use are detailed in Schedule 1.16 (Traverse).

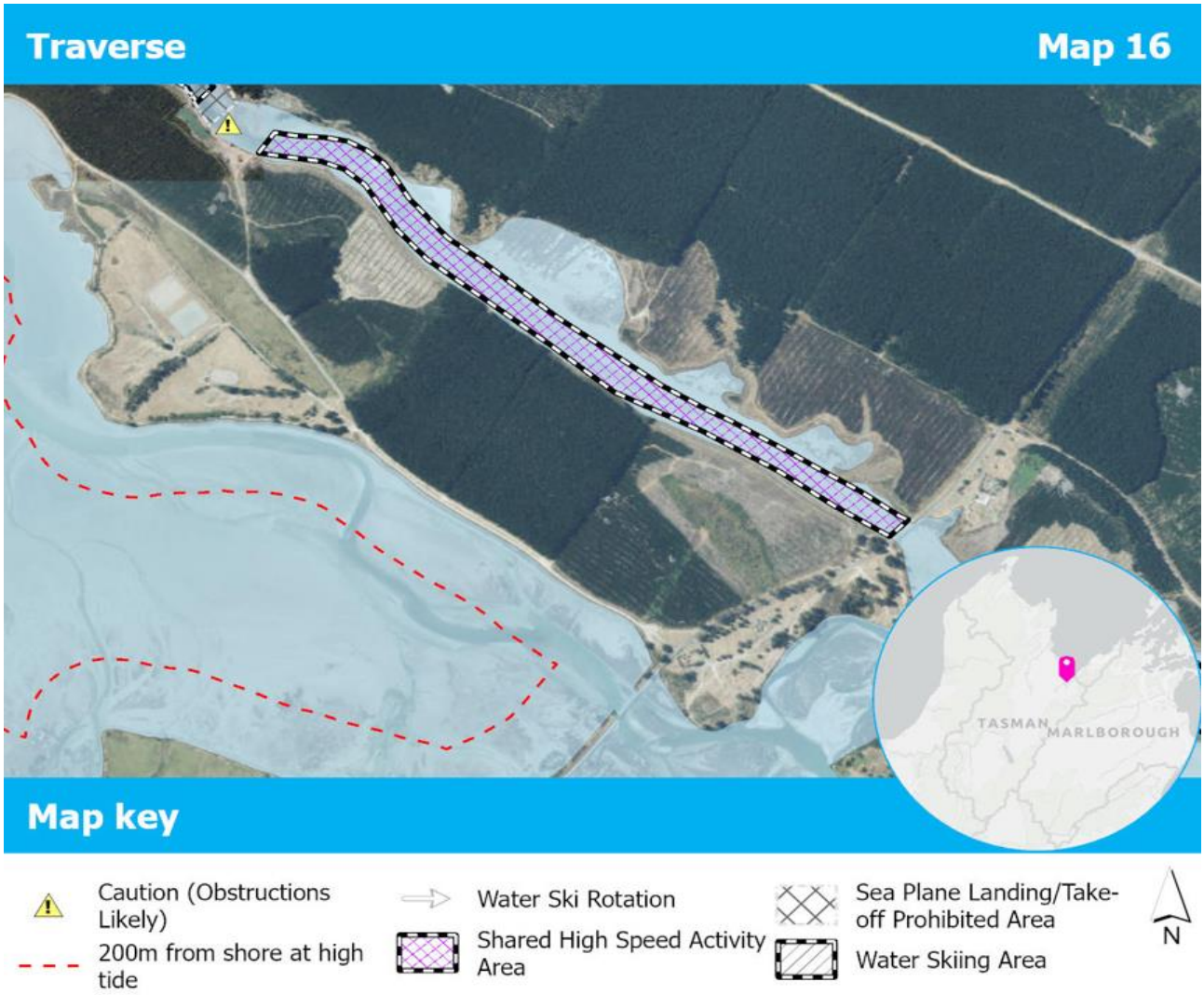
Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

The area reserved as an Access Lane shown on Map 15 and pursuant to clause 22 provides a reserved area for vessels travelling between Grossi Point and the Mapua Bar, and is located generally within 50 metres of the eastern shore of the Mapua Channel. Conditions of use are set out in Schedule 1.14 (Mapua Channel).

Cautionary area – extremely shallow where the causeway formerly crossed this channel, even near high tide.

Traverse Schedule 1.16



Conditions of use

Shared High Speed Activity Area

The reserved area for shared high speed activity shown on Map 16 and pursuant to clause 22 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. No more than one vessel to be making way within the slalom course at any given time, except in an emergency.

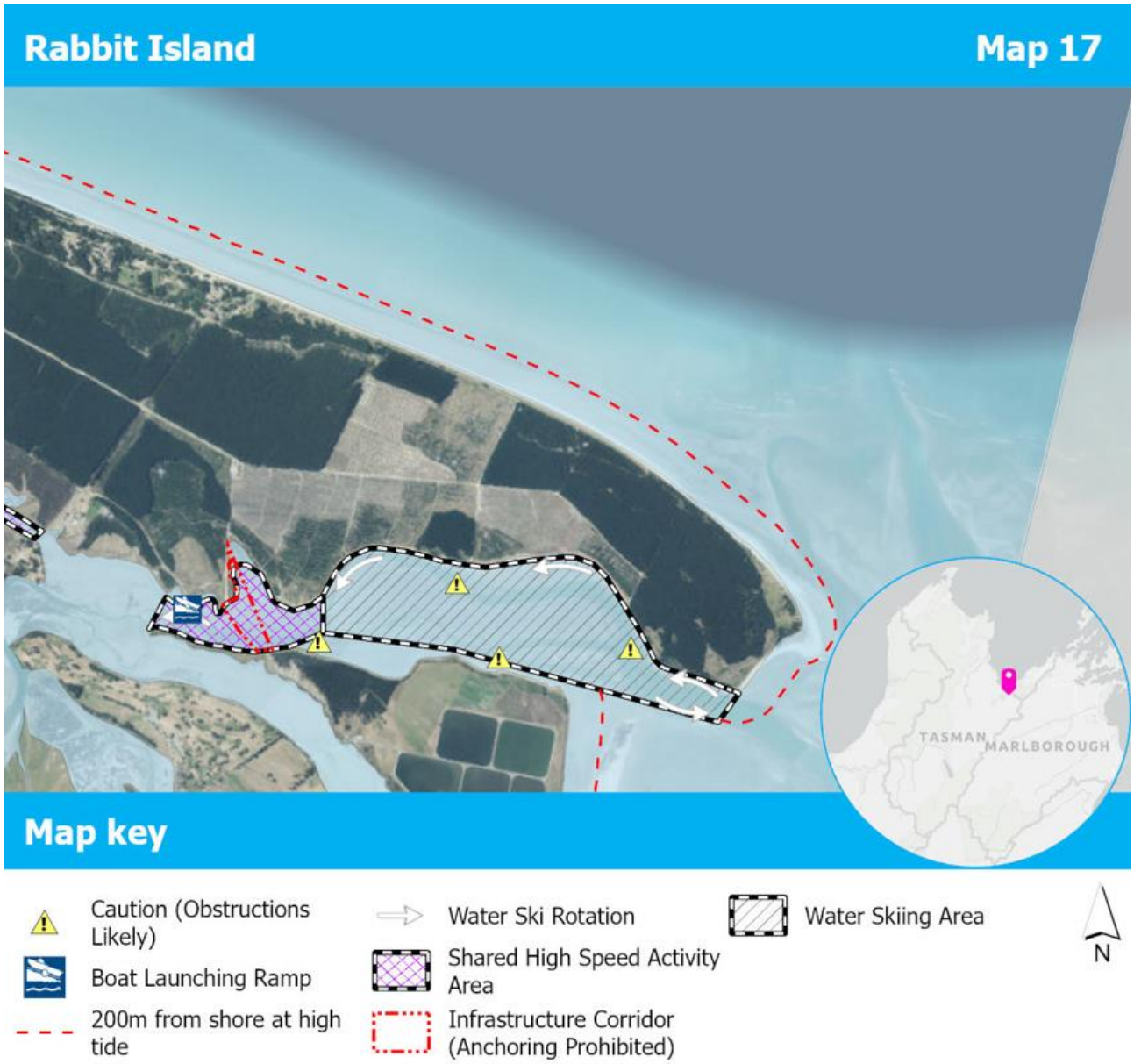
The speed limit within 200 metres of shore is uplifted, when in use for a priority activity. This area is available for year-round use and is not marked with transit posts. Unsuitable at lower tides.

Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in the Mapua channel, at all times.

The Cautionary Area is extremely shallow where the causeway formerly crossed this channel, even near high tide.

Rabbit Island Schedule 1.17



Conditions of use

The reserved area at the boat ramp pursuant to clause 22 and shown in Map 17 is reserved for use by the following classes of vessel in descending priority:

(1) Personal watercraft
(2) Hovercraft, WIG craft and novel craft
(3) Vessels engaged in waterskiing
(4) Other vessels undertaking trials in excess of 5 knots.

The speed limit within 200 metres of shore or any structure, and within 50 metres of any other vessel, is uplifted, when in use for a priority activity. Vessels of a lower priority must keep clear if vessels of a higher priority are using the area.

If the adjacent waterskiing area (to the east) is not in use for waterskiing, priority users of this area may also operate in that area, however should note that the speed limit within 50m of any other vessel applies there.

Vessels using this area for a priority purpose must not unreasonably obstruct or delay other users from using the ramp or transiting between the ramp and other waters.

This area is available for year round use and may be marked with transit posts. Unsuitable at lower tides for some vessels.

Water Skiing Area

The reserved area to the east of the ramp pursuant to clause 22 and shown on Map 17 is reserved for priority use by water skiers. If not in use by water-skiers, other vessels may use this area at any safe speed. This area is available for year round use and may be marked with transit posts.

A suitable take-off and landing area for water-skiers exists near the eastern end of this area. Beware of submerged banks, logs and other obstructions. Reconnaissance is recommended prior to skiing.

Shared High Speed Activity Area

The reserved area at the Traverse pursuant to clause 22 and shown in Map 17 is reserved for shared use by any vessels engaged in waterskiing, and for personal watercraft. Conditions of use are set out in Schedule 1.16 (Traverse).

Prohibited Areas

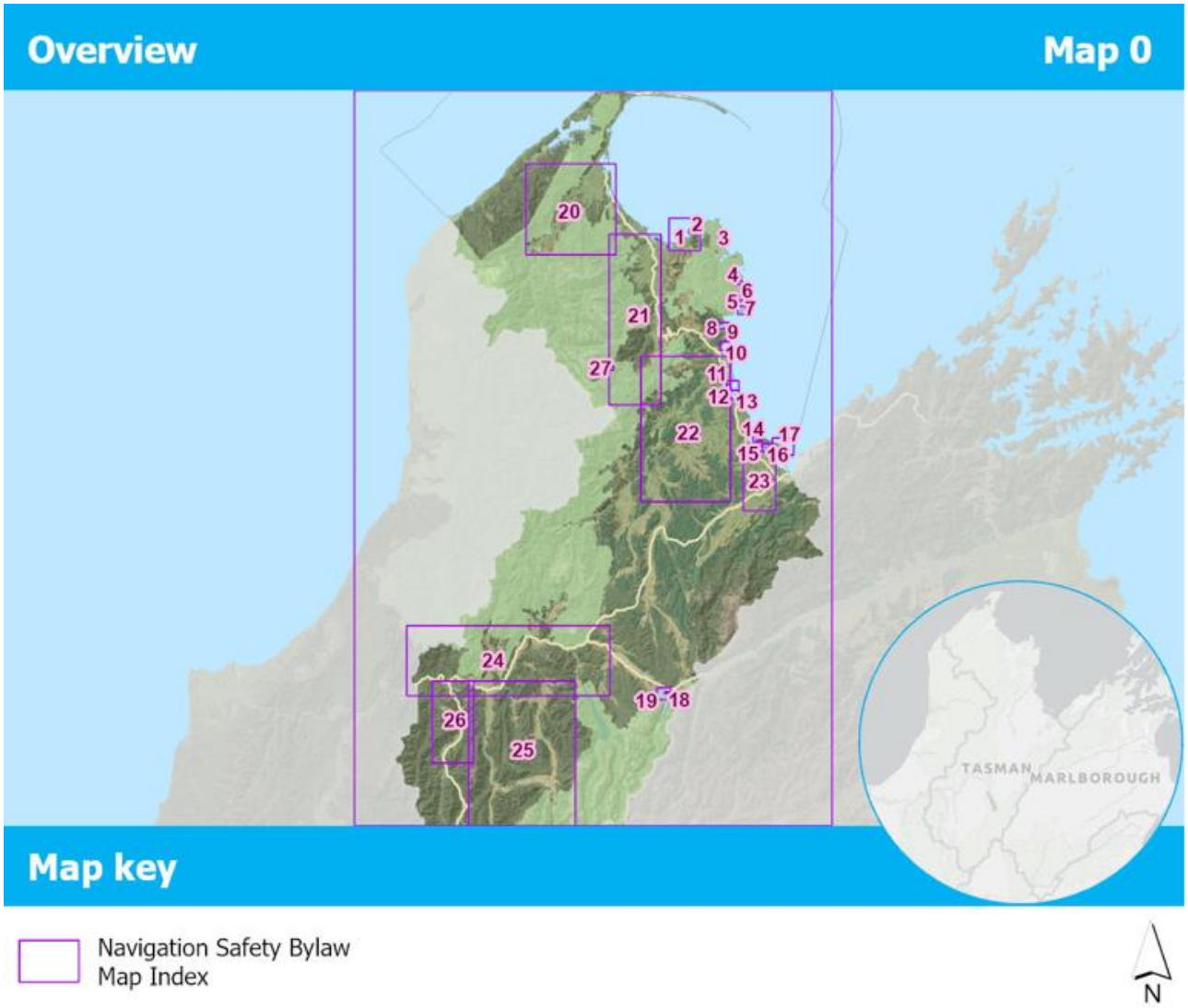
Anchoring is prohibited purusant to clause 25.2 within 25 metres of a submarine pipeline or cable, including the infrastructure corridor shown on Map 17

Other conditions

Cautionary Area: logs, oyster and mussel banks occur throughout the Rabbit Island water ski area. The most prominent at the time these Bylaws were made are approximately marked by the caution symbol on the above Map 17.

Schedule 2:

Inland waters – reserved and restricted use areas



Readers' guide for Schedule 2

Map 0 above shows the locations of area maps referred to in this Schedule.

Table 2 below identifies those rivers and lakes areas, or parts thereof (from North to South) that the Council has reserved pursuant to clauses 22, 23 and 24 or for which speed restrictions have been uplifted under clause 26.

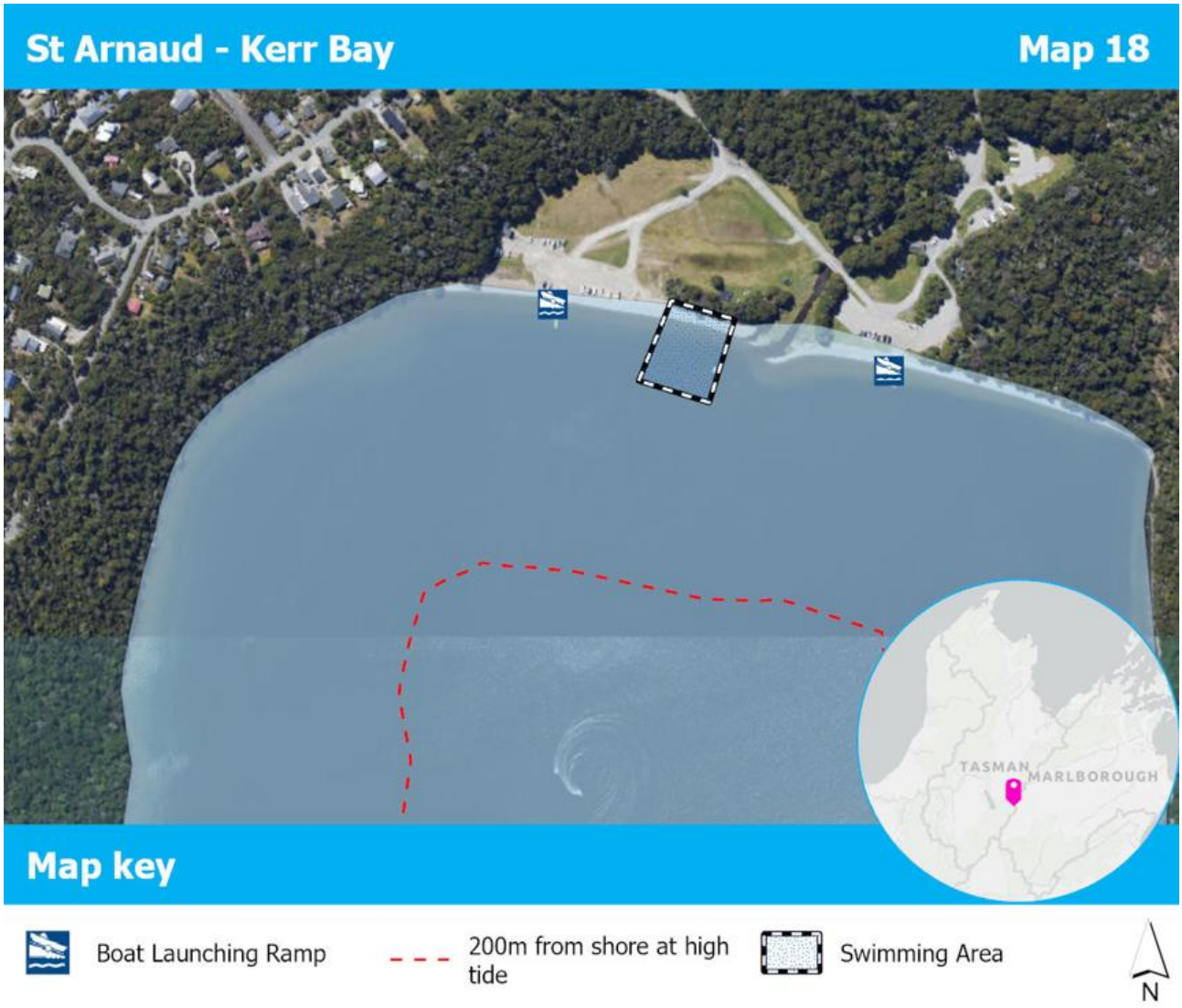
For speed uplifted areas and reserved areas, this schedule contains location-specific conditions of use. Any clauses contained in these schedules must be read in conjunction with all other clauses in these Bylaws.

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

Table 2: River and lake reserved areas and speed uplifted areas

Type (purpose) of area	Location	Schedule
Reserved area for swimmers	St Arnaud – Kerr Bay	2.1
Access lane Reserved areas for waterskiing and swimmers, paddlecraft and similar passive activities	Lake Rotoiti	2.2
Speed uplifted area	Aorere River	2.3
Speed uplifted area	Takaka River	2.4
Speed uplifted area	Motueka River	2.5
Speed uplifted area	Waimea and Wairoa Rivers	2.6
Speed uplifted area	Buller River and tributaries	2.7
Speed uplifted area	Matakitaki River (Buller tributary)	2.8
Speed uplifted area	Maruia River (Buller tributary)	2.9
Prohibited area for all persons and vessels	Cobb Reservoir	2.10

St Arnaud – Kerr Bay Schedule 2.1



Conditions of use

Swimming Area

The reserved area for swimming and other passive activities pursuant to clause 22 and shown in Map 18 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots.

This seasonal reservation applies when the black posts with white bands that mark the area are fitted with signage from the beginning of December each year until the end of daylight savings the following year. Buoys may also be provided.

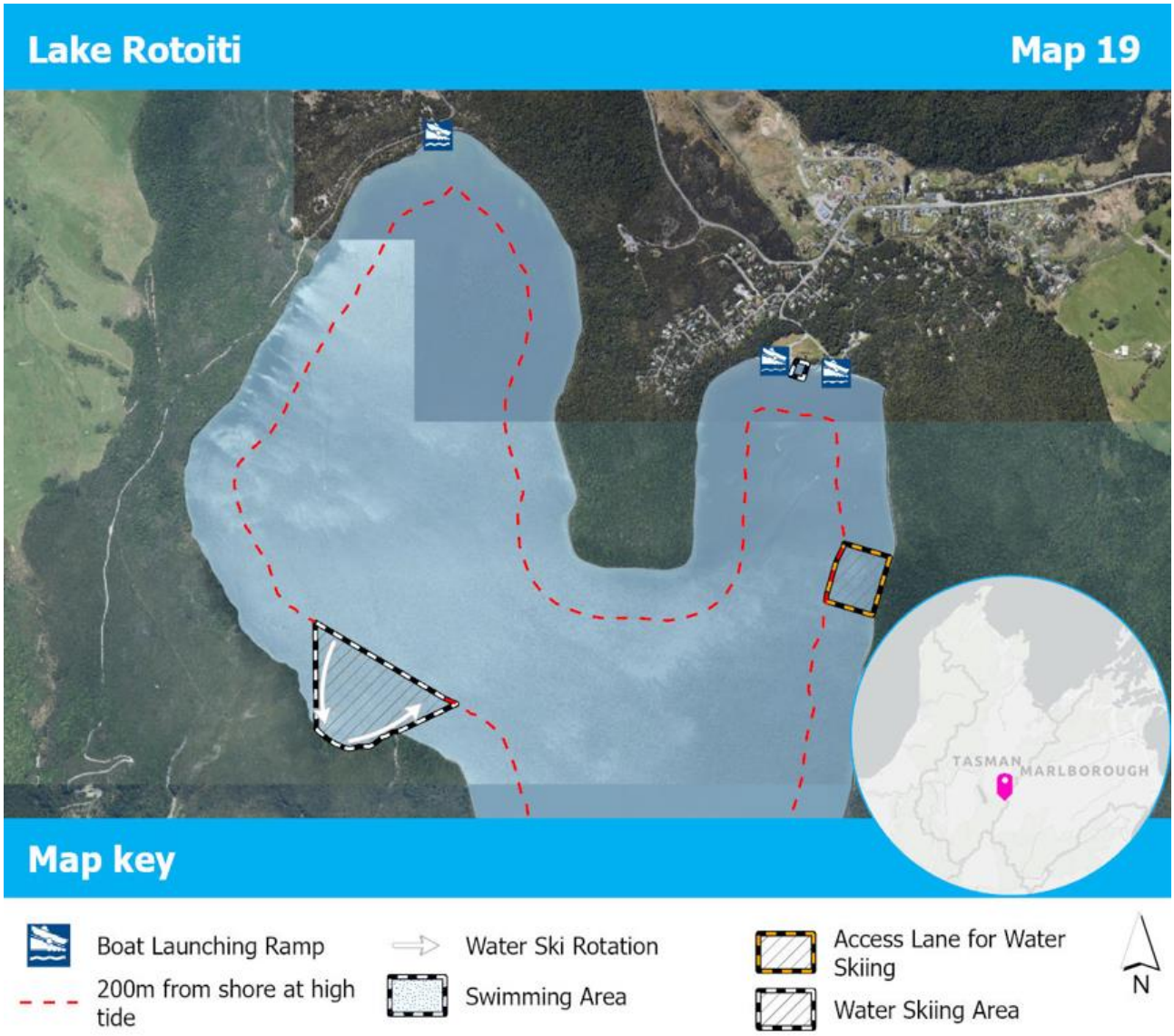
Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved in these Bylaws for swimming, at all times.

Note the 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay.

Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.

Lake Rotoiti Schedule 2.2



Conditions of use

Swimming Area

The area reserved area in Kerr Bay for swimming and other passive activities pursuant to clause 22 and shown in Map 18 is reserved for priority use by swimmers, paddlecraft and similar passive activities. Maximum speed 5 knots.

This seasonal reservation applies when the black posts with white bands that mark the area are fitted with signage from the beginning of December each year until the end of daylight savings the following year. Buoys may also be provided.

Water Skiing Area

The area reserved in West Bay pursuant to clause 22 and shown in Map 19 for waterskiing is available for year-round use for waterskiing and is marked with transit posts. Buoys may be provided during summer months.

Access Lane

The area designated as an Access Lane in Map 20 is reserved for water skiing pursuant to clause 23 and the speed limit is uplifted for this purpose pursuant to clause 26.5.

The Access Lane can be identified by:

- Transit posts mark year-round use.
- Buoys may be provided between the beginning of December through to the end of daylight savings the following year.

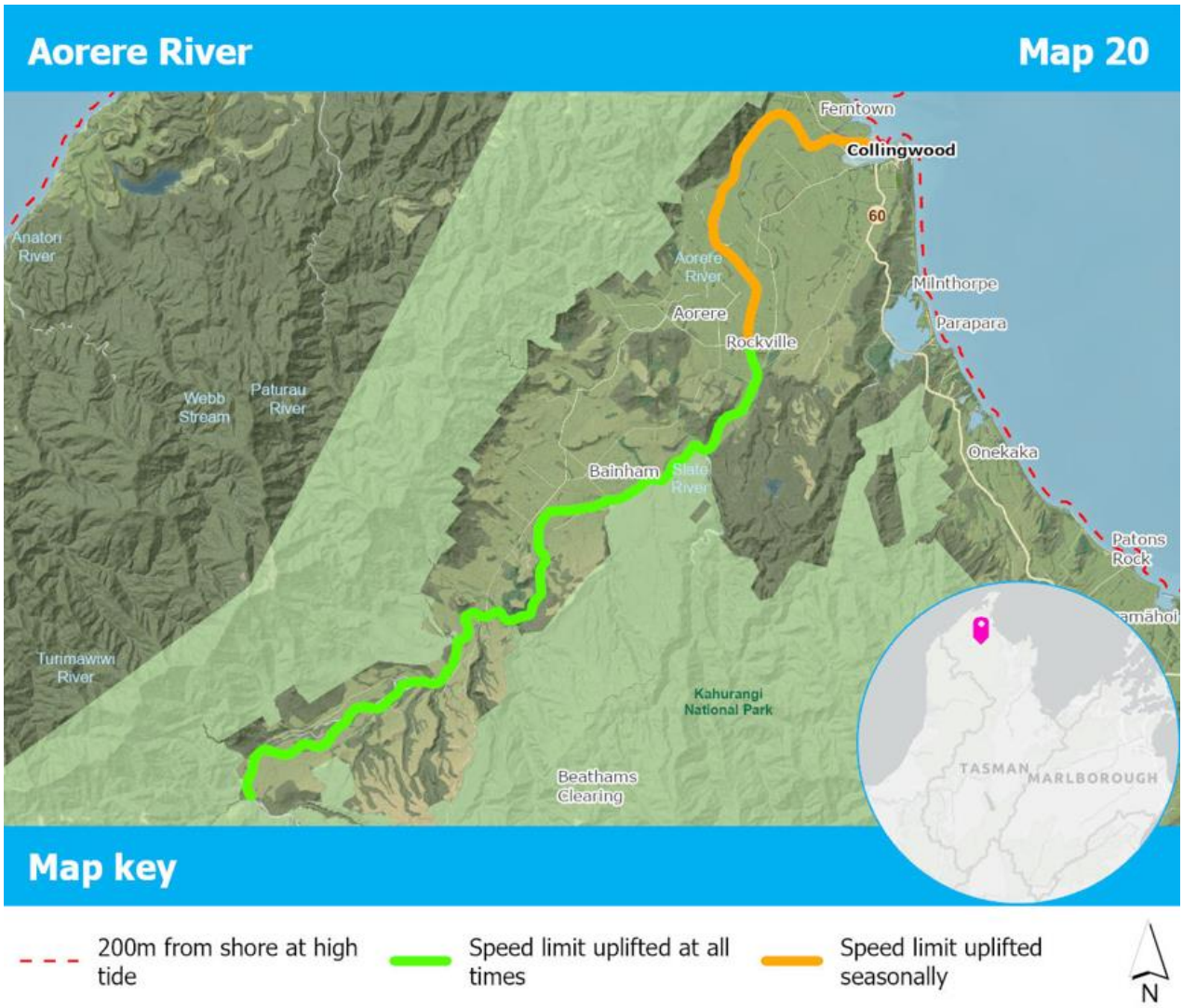
Other conditions

Seaplane landing or take off is prohibited pursuant to clause 10.2 in all areas reserved in these Bylaws for swimming, at all times.

Note the 200m line from the beach at Kerr Bay is marked by orange triangles on either side of the bay.

Location-specific provisions in these Bylaws relating to the waters of the Nelson Lakes National Park only apply if allowed for by the version of the Nelson Lakes National Park Management Plan (administered by the Department of Conservation) in force at any given time.

Aorere River Schedule 2.3



Conditions of use

Speed Uplifed Areas

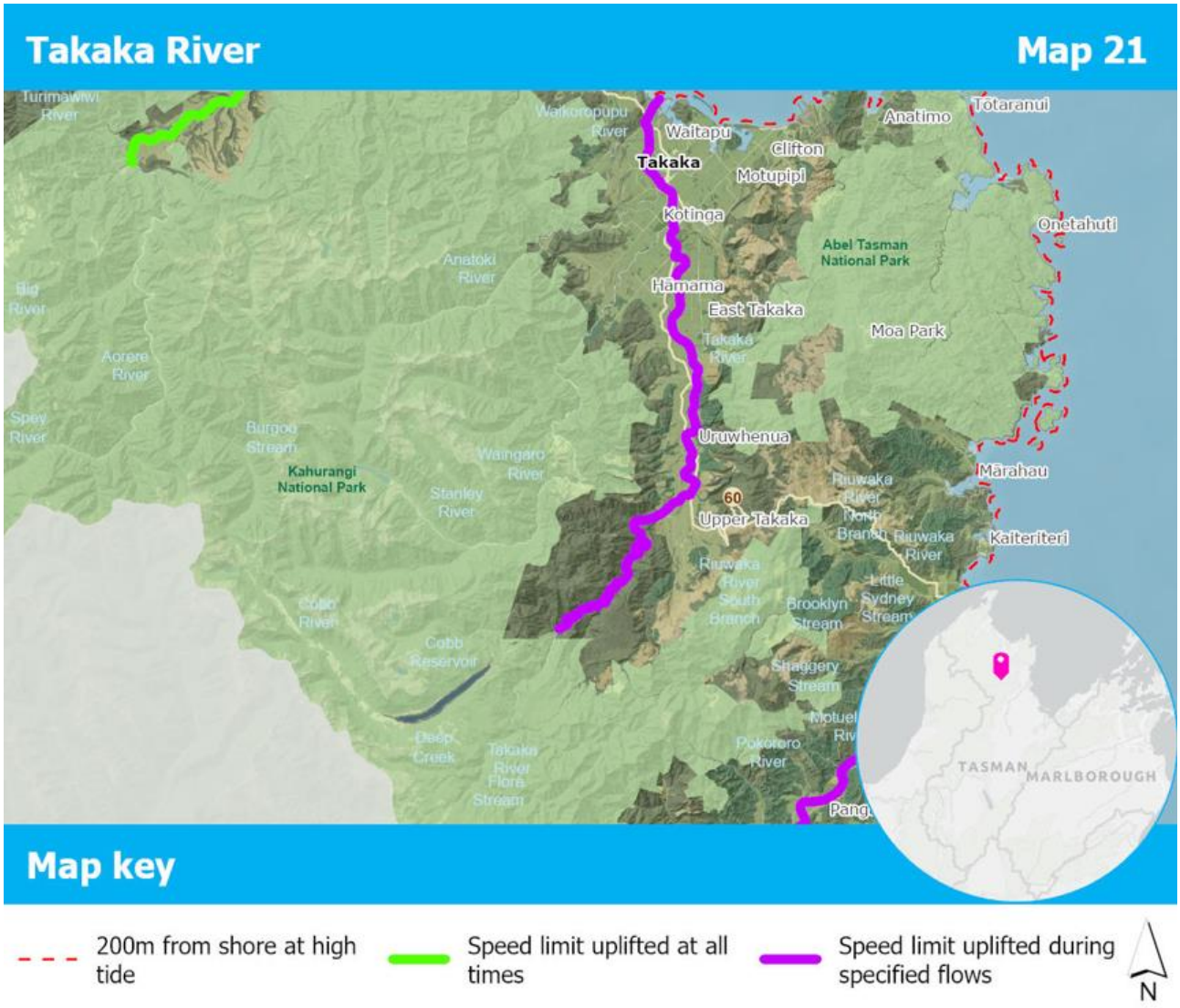
The speed uplifted areas for the Aorere River are shown on Map 20 and pursuant to clause 26.

For the area where the speed limit is uplifted permanently, speed can exceed 5 knots within 200 metres of shore of structure.

For the area where the speed limit is uplifted seasonally, the following conditions apply:

- Between 15 August and 30 November, the speed limit is uplifted only from Brown River confluence to Rockville bridge.
- Between 1 December and 14 August, the speed limit is uplifted only from Brown River confluence to the sea. For the purposes of this clause, the seaward boundary is deemed to be a nominal line across the river at the tip of the training wall at Collingwood (at 40°.40.57'S; 172°40.44'E), perpendicular to the general river flow.
- All tributaries are excluded.

Takaka River Schedule 2.4



Conditions of use

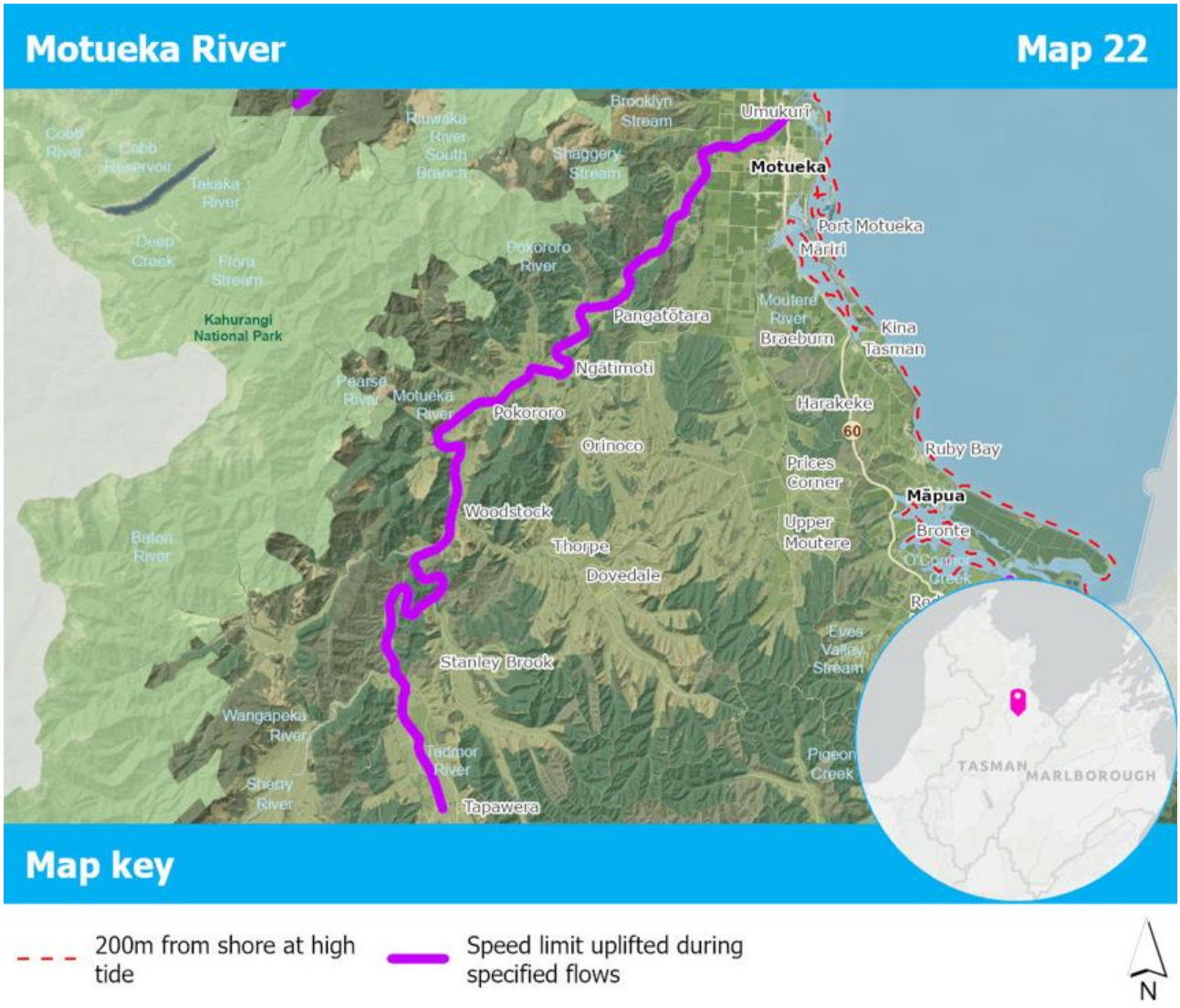
Speed Uplifted Area

The speed uplifted area for the Takaka River is shown on Map 21 and pursuant to clause 26.1 and applies during specified flows as follows:

- The speed limit is uplifted only in the main branch between the powerhouse at the Cobb Reservoir at Drummond flat and the sea, when the flow at Kotinga exceeds 20 cumecs.
- All tributaries are excluded.

River flow levels can be determined by checking the Council's website: River flow

Motueka River Schedule 2.5



Conditions of use

Speed Uplifted Area

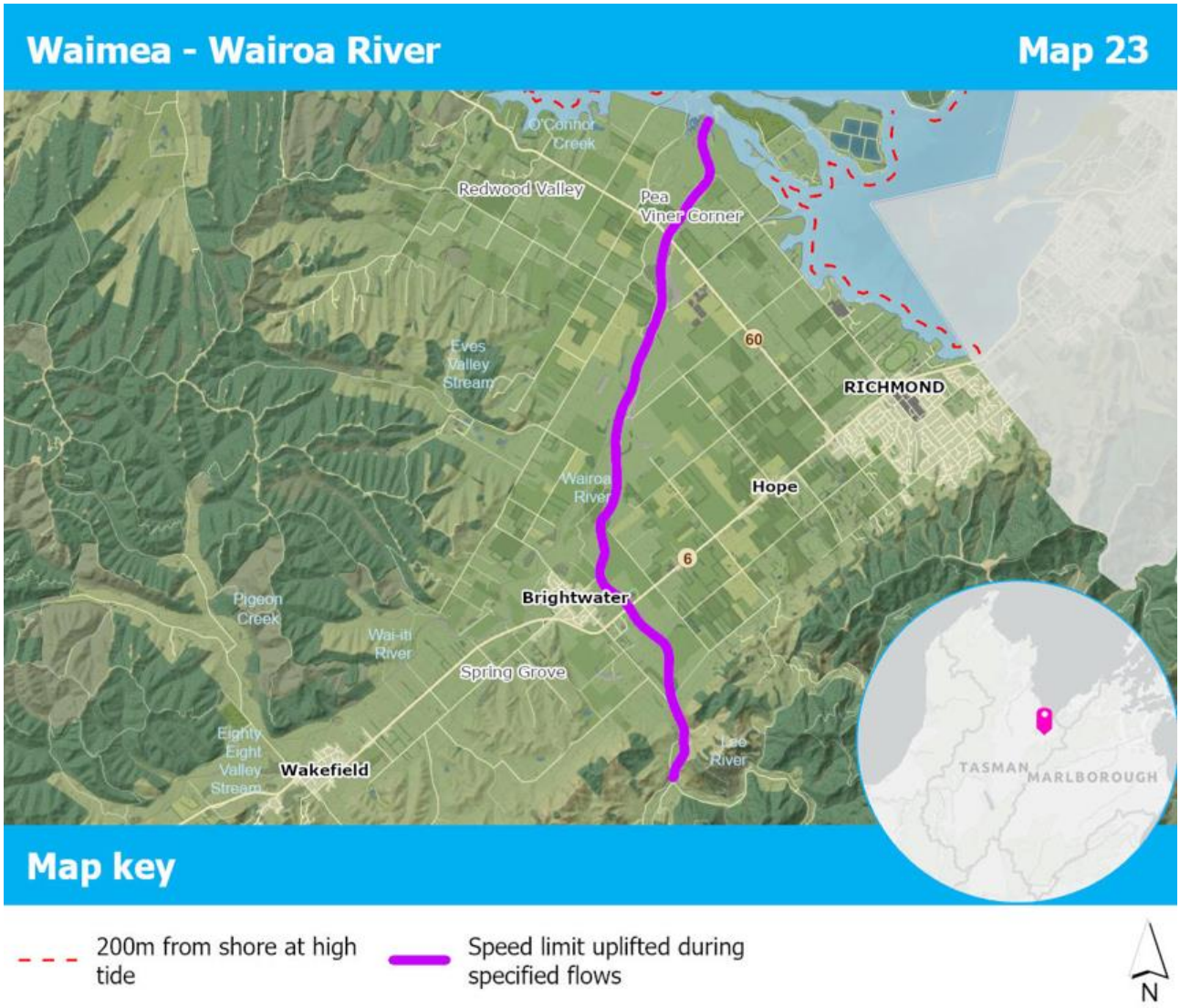
The speed uplifted area for the Motueka River is shown on Map 22 and pursuant to clause 26.1 and applies during specified flows as follows:

- The speed limit is uplifted only in the main branch between the Tapawera Bridge and the State Highway bridge at Motueka, when the flow at Woodmans Bend exceeds 50 cumecs.
- All tributaries are excluded.

As a guideline, local kayak and canoe clubs consider 100 cumecs to be the upper flow limit in the Motueka River (as measured at Woodstock) for acceptable paddling risk by the majority of users.

River flow levels can be determined by checking the Council's website: River flow

Waimea and Wairoa Rivers Schedule 2.6



Conditions of use

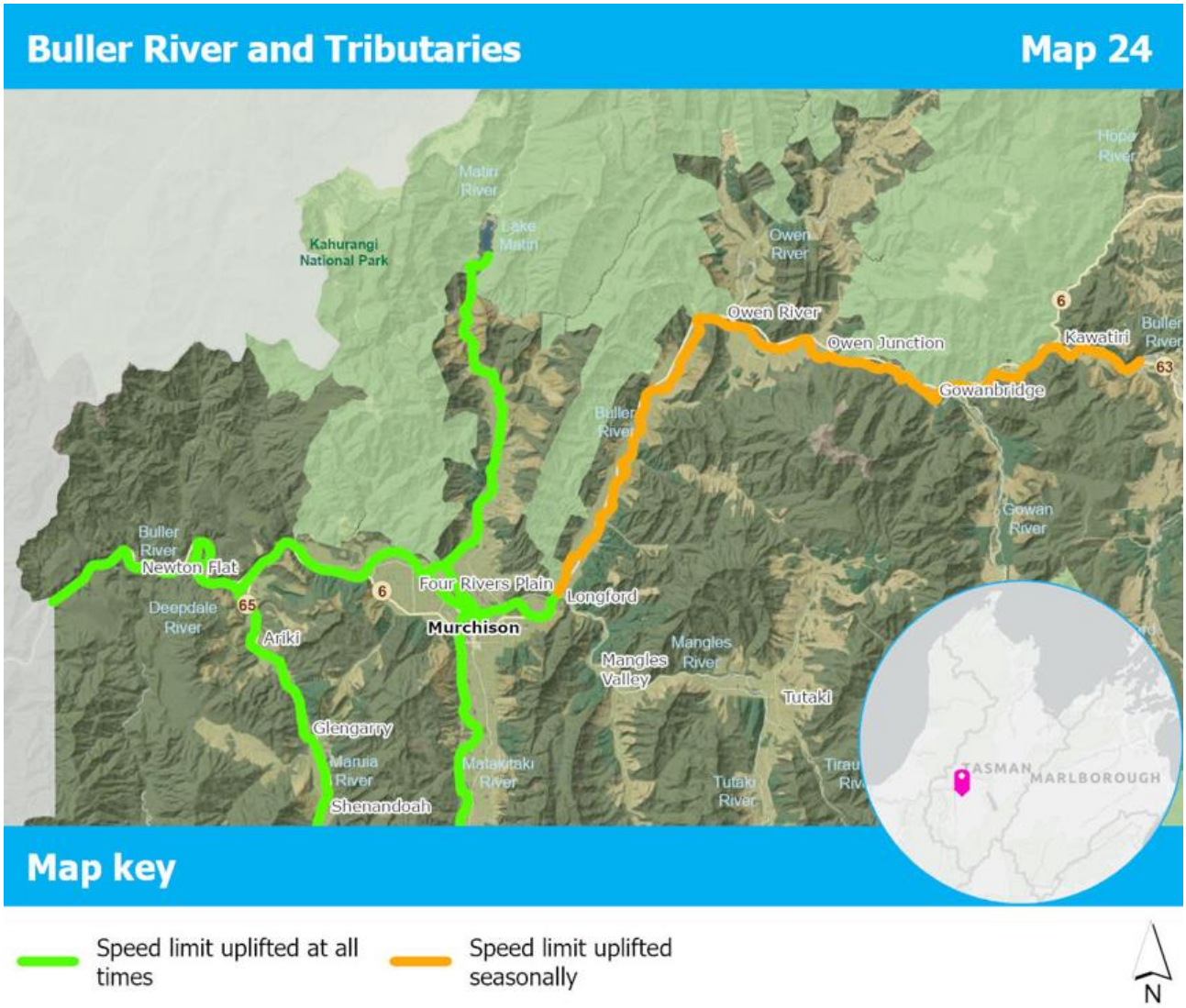
Speed Uplifted Area

The speed uplifted area for the Waimea and Wairoa Rivers is shown on Map 23 and pursuant to clause 26.1 and applies during specified flows as follows:

- the speed limit is uplifted only from the confluence of the Lee River to the sea when the flow at Wairoa at Irvines exceeds 20 cumecs.
- all tributaries are excluded.

River flow levels can be determined by checking the Council's website: River flow

Buller River and tributaries Schedule 2.7



Conditions of use

Speed Uplifted Areas

The speed uplifted areas for the Buller River and tributaries are shown on Map 24 and pursuant to clause 26.1.

For the areas where the speed limit is uplifted permanently, speed can exceed 5 knots within 200 metres of shore or structure as follows:

- only the main tributaries are shown on Map 24, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from the boat ramp at Riverside Campground downstream to the boundary of the district.

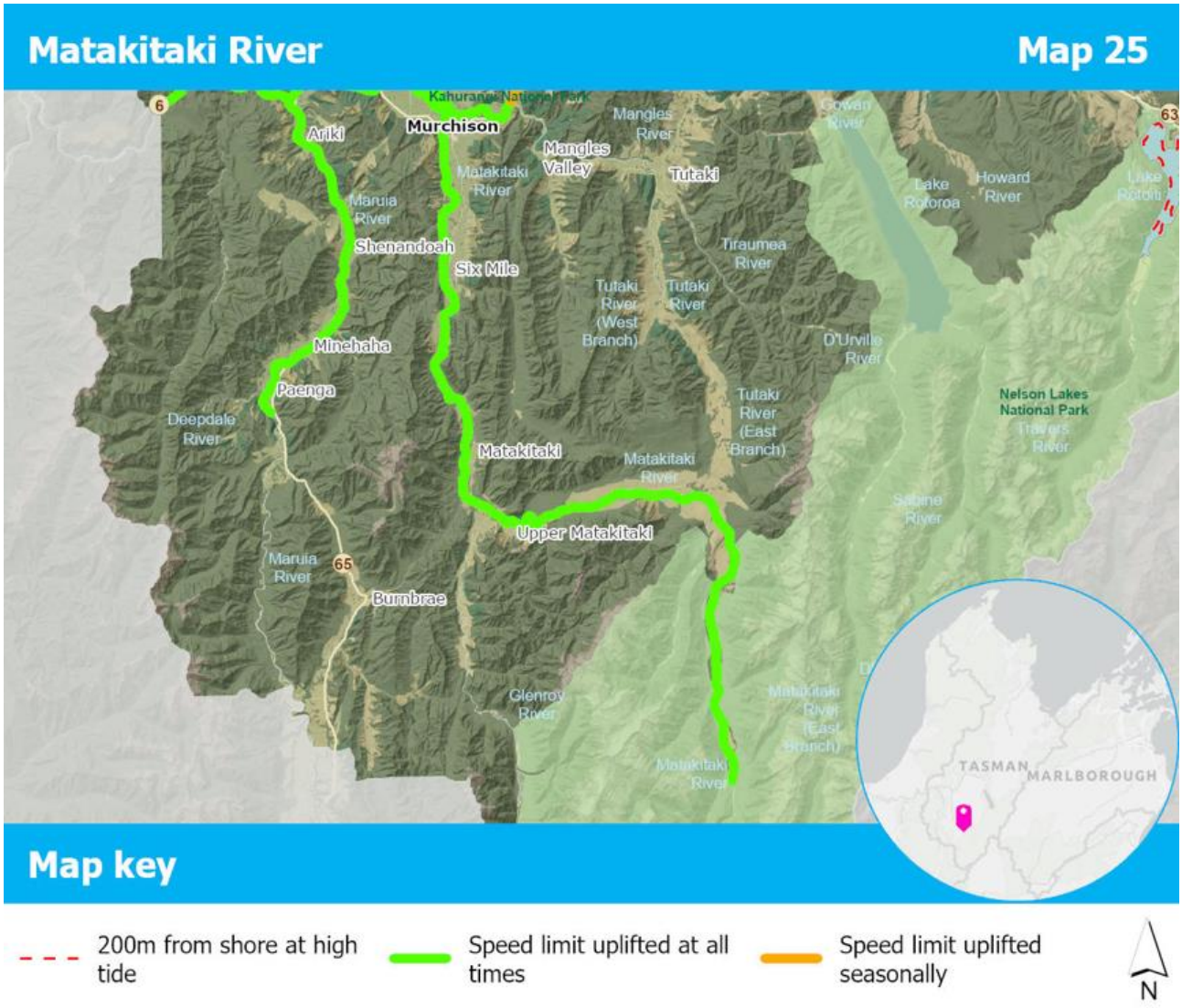
For the area where the speed limit is uplifted seasonally, the following conditions including specified flow rates apply:

- Between 1 May and 30 September, the speed limit is uplifted for the waters of the main branch (excluding tributaries) from the Harleys Rock Road Bridge to the Mangles confluence when the flow at Longford exceeds 60 cumecs.

River flow levels can be determined by checking the Council's website: River flow

As a guideline, the Buller River upstream of Murchison is unlikely to be navigable by jet boats at flows of less than 65 cumecs as measured at Longford.

Matakitaki River (Buller tributary) Schedule 2.8



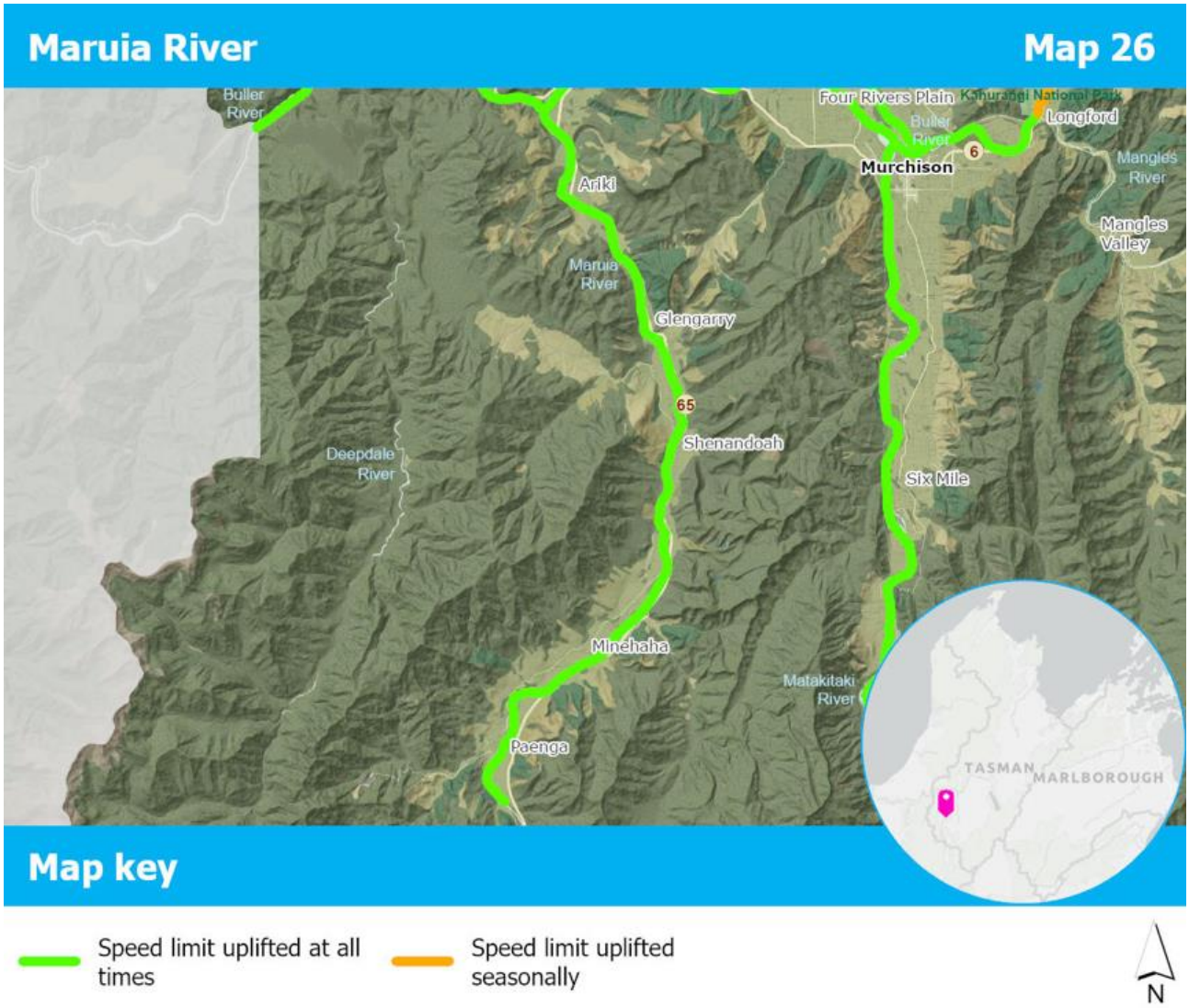
Conditions of use

Speed Uplifted Area

The speed uplifted area for the Matakiaki River (Buller tributary) are shown on Map 25 and pursuant to clause 26.1. Speed can exceed 5 knots within 200 metres of shore or structure.

Note that only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.

Maruia River (Buller tributary) Schedule 2.9



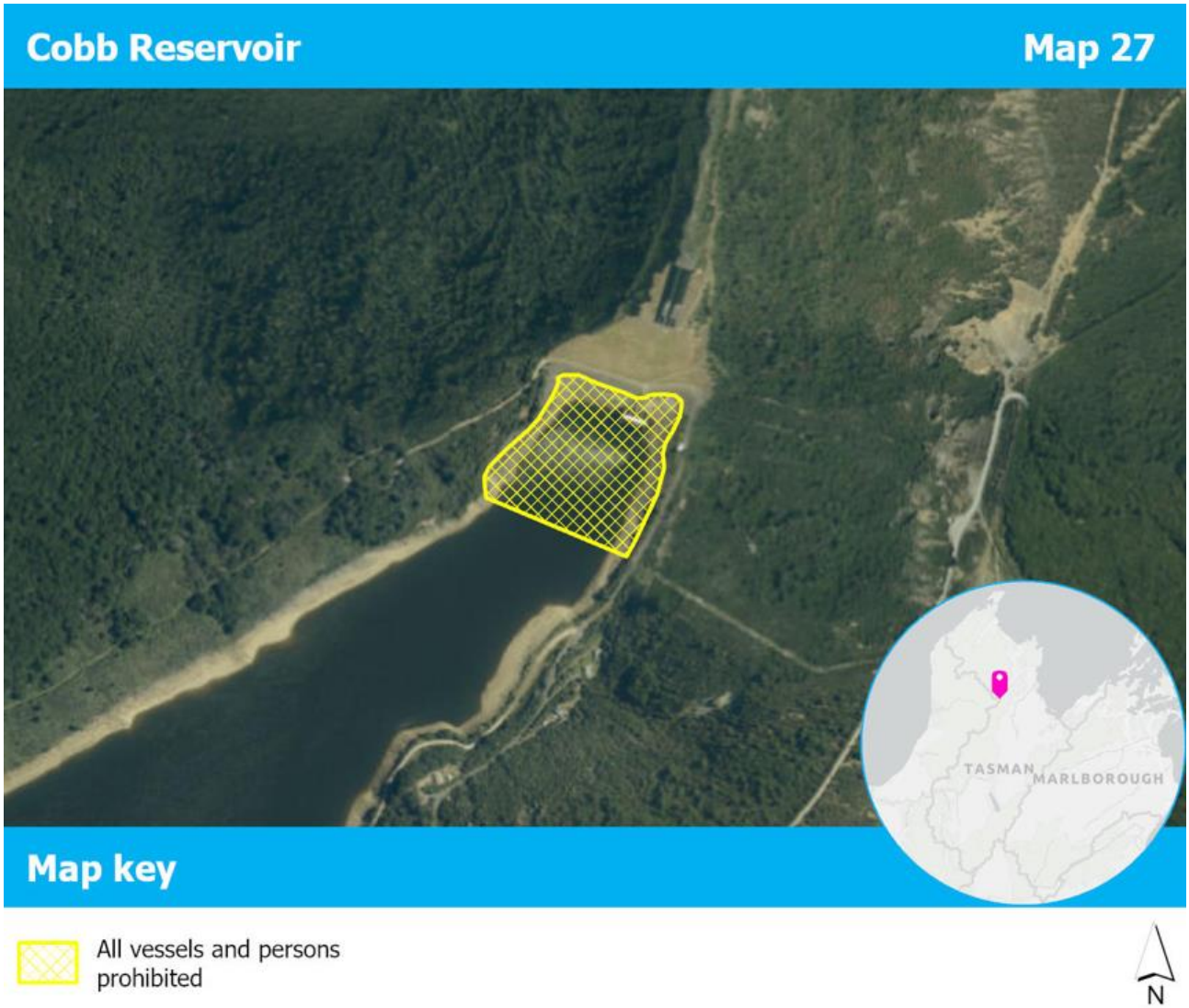
Conditions of use

Speed Uplifted Area

The speed uplifted area for the Maruia River (Buller tributary) is shown on Map 26 and pursuant to clause 26.1. Speed can exceed 5 knots within 200 metres of shore or structure.

Only the main tributaries are shown, however the speed limit is uplifted at all times in the main branch of the Buller River and all tributaries (including their tributaries) from Murchison downstream to the boundary of the district.

Cobb Reservoir Schedule 2.10



Conditions of use

Prohibited Area

In the prohibited area at the Cobb Dam shown on Map 27 and pursuant to clause 24, specific activities are prohibited as follows:

- All vessels and persons other than those authorised by the operators of the dam for the purpose of maintenance or monitoring are prohibited (for all purposes including but not limited to navigation, anchoring, swimming, wading and diving) closer to the dam than the line formed between a pair of white posts with black bands on either shore (approximately 200m from the dam face), unless authorised in writing by the Harbourmaster. The exclusion boundary may also be marked with black buoys with a white stripe.

Note: The power scheme intake is submerged and situated approximately 100m away from the dam face. At low lake levels a marker buoy for it may emerge to the surface. This intake is extremely hazardous, with an intake flow of up to 7 cumecs and 300mm wide slots on the grille. Keep well clear.

Schedule 3:

Maritime fees and charges

The charges listed in this Schedule are correct at the time of publication. Tasman District Council may change these from time to time. Any such changes will be made through the Council's Annual Plan process.

Mooring licence fees and charges

The Council may charge a fee in respect of every application for a Mooring Licence, variation of any conditions on a Mooring Licence, review of conditions on Mooring Licence and application to be placed on a Waitlist.

Any Mooring Licence shall be subject to payment of an annual monitoring and administration fee due by 1 July each year, or earlier if a shorter term is specified on the Licence. If the fee is not paid within 28 days, the Licence may be cancelled.

If a renewal application and fee is received after the expiry date on the Licence, Council may treat that renewal as a new application or charge a late payment fee.

Council shall be entitled to recover reasonable costs incurred in monitoring any particular Mooring Licence, where that Licence has required specific monitoring attention in excess of one hour of staff time in any given 12-month period.

On receipt of an application in writing and at the Chief Executive's discretion, Council may waive application and administration fees.

The Council may, for any reasons as it thinks fit, refund, remit or waive any fee or charge prescribed by this Bylaw.

Maritime category	2024 Charges
Fees and charges set under S33R MTA or S12 LGA **Mooring licence**	
Application and renewal of existing mooring licence. For new applications or renewal of expiring mooring licences with substantial changes or lack of inspection report	$372.00
Annual monitoring and administration fee	$206.00
Renewal of existing mooring licence. A renewal application where there are no substantial changes required to the mooring licence conditions and with all inspection reports	$125.00
Late payment fee (for annual renewal)	Additional 20%
Additional costs. Reimbursement of any reasonable and necessary additional costs incurred by Council in assessing an application or enforcing compliance	$206.00/hr
Waitlist administration cost	$63

Fees and charges set under S33R MTA **Anchoring** The following navigation safety levies will be applied to all vessels 500 gross tonnage or greater, or 40 metres LOA or greater, that anchor within regional waters with the exemption of any vessel berthing at Port Nelson facilities within 48 hours of anchoring off the Nelson anchoring sites: for the costs of chart updates, operation and maintenance of navigation aids, and operation and maintenance of Safety Management Systems, per vessel call based on gross tonnage or length overall	
Anchoring off the Abel Tasman coastal anchoring sites (charge per metre of vessel per visit)	$20.00
Anchoring off Nelson anchoring sites (charge per gross tonnage per visit)	$0.15
Extended anchoring (in addition to the appropriate per visit charge, charge is per gross tonnage per week or part thereof)	$0.10
Navigation aid levy	
Port Motueka only (annual charge per vessel)	$150.00
Kaiteriteri to Tarakohe inclusive (annual charge per vessel)	$400.00
Motueka to Tarakohe inclusive (annual charge per vessel)	$500.00
Separation Point to Tarakohe inclusive (annual charge per vessel)	$100.00
Lake Rotoiti (charge based on contractor fee and number of operators)	At cost
Late payment fee	Additional 20%
Miscellaneous	
Trans-shipping (per tonne trans-shipped). For compliance monitoring and increased navigation safety.	$1
Application fee	$250.00
Harbourmasters Navigation Lights (charge per light, per week or part thereof)	$100.00
Harbourmaster Navigation Buoy (charge per buoy, per week or part thereof)	$150.00
Vessel time (per hour, or part thereof)	
Sentinel or other large Harbourmaster vessel (includes two crew)	$450.00
Hydro or other smaller Harbourmaster vessel (includes one operator)	$300.00
Staff time (per hour, or part thereof)	
Harbourmaster	$235.00
Deputy Harbourmaster	$150.00

Maritime Officer	$130.00
Administrator/Coordinator	$130.00
Regional On-Scene Commander Service	
Review or approval of an operator's Tier 1 Marine Oil Spill Response Plan, including initial audit (charge per review)	$1800.00
Attendance at Tier 1 Plan site visit, exercise or audit (charge per hour)	$236.00

Proposed infringement fees for offences for the Tasman District Council Navigation Safety Bylaw 2024

Bylaw offence provision	Description of Offence	Fee ($)
7.1(a)	Failing to ensure that every person on board pleasure craft of 6 metres or less in length wears properly secured personal flotation device of appropriate size while craft is underway	300
7.1(b)	where pleasure craft is 6 metres or less in length and not underway, failing to ensure sufficient personal flotation devices of appropriate size for each person on board are readily accessible	300
7.2	Failing to wear properly secured personal flotation device of appropriate size on pleasure craft of more than 6 metres after being instructed to do so by person in charge	300
8.1	Failing to nominate a person in charge of the vessel prior to commencing voyage	150
8.2	Failing to safely operate any vessel, including the carriage and wearing of personal flotation devices by everyone onboard or being towed	500
8.3	Causing or permitting any act that causes any unnecessary danger or risk to any other vessel or person in the water	500
9.1	Navigating, keeping or placing on the water any unseaworthy vessel	300
9.2	Navigating, keeping or placing on the water any vessel after having been advised by the harbourmaster or enforcement officer that vessel is unseaworthy	500
10.1	Navigating vessel to impede seaplane landing or taking off	300
10.2	Taking off, landing, attempting to take off, or attempting to land seaplane or other aircraft in a prohibited area or any other area without harbourmaster permission	300
11.1	Failing to ensure appropriate equipment is on board for the duration of any intended voyage	300
11.2	Failing to ensure appropriate equipment is in good working condition	300
11.4	Failing to ensure one waterproof means of communication is carried on board a nonpowered vessel being operated within 200 metres from shore	300
12.1	Jumping, diving, swimming, or undertaking related activities from or within specified structures or areas	150
13.1	Navigating a vessel underneath any wharf in the commercial port areas of Tarakohe or Motueka without permission	150
14.1	Operating propulsion system of vessel while it is lying at any wharf, other than for safe berthing or unberthing, or while loading to or from any launching ramp, in a way that may injure any person or cause damage to ramp or adjacent area	150

14.2	**FAILING TO COMPLY WITH REQUIREMENTS BEFORE AND DURING TESTING OF MAIN ENGINE SYSTEMS OF COMMERCIAL VESSEL**	**150**
15.1	**USING UNAUTHORISED BLUE FLASHING LIGHTS, OR SIRENS**	**150**
16.1	**OPERATING ANY RECREATIONAL VESSEL IN CONTRAVENTION OF SPECIFIED OR RECOMMENDED REQUIREMENTS DISPLAYED ON CPC COMPLIANCE PLACARD OR EQUIVALENT ALTERNATIVE FITTED ON THAT VESSEL**	**300**
16.2	**CONTINUING TO OPERATE RECREATIONAL VESSEL AFTER BEING ADVISED BY HARBOURMASTER THAT VESSEL IS OVERLOADED OR UNSTABLE**	**300**
17.1	**PLACING, DISCHARGING, DROPPING OR CAUSING OR ALLOWING ANYTHING TO BE DISCHARGED OR DROPPED FROM VESSEL, WHARF, OR LAND THAT MAY OR COULD CONSTITUTE OR BECOME A DANGER TO MARITIME SAFETY**	**500**
18.1	**FAILING TO MAINTAIN MARITIME FACILITY IN GOOD REPAIR**	**300**
18.2	**FAILING TO CLOSE, OR DEMOLISH AND REMOVE, OR MAKE NECESSARY REPAIRS OR TAKE OTHER NECESSARY ACTION, TO REMOVE THE DANGER OR POTENTIAL DANGER TO NAVIGATION OF A LANDING PLACE THAT HAS FALLEN INTO DISREPAIR**	**150**
20.1	**TYING VESSEL TO ANY BEACON, NAVIGATION MARKER OR BUOY, LIGHT OR OTHER NAVIGATION STRUCTURE WITHOUT PERMISSION**	**150**
20.2	**DAMAGING, REMOVING, DEFACING OR OTHERWISE INTERFERING WITH NAVIGATION AID**	**500**
20.3	**ERECTING, MAINTAINING, OR DISPLAYING, WITHOUT PERMISSION, ANY NAVIGATION AID OR WARNING THAT MAY BE USED AS OR TAKEN TO BE NAVIGATION AID**	**150**
21.2	**FAILING TO TAKE ALL PRACTICABLE STEPS TO MINIMISE DAMAGE TO FOULED SUBMARINE CABLE OR PIPELINE AND/OR FAILING TO NOTIFY THE HARBOURMASTER WITHOUT DELAY**	**150**
22.4	**OPERATING VESSEL IN RESERVED AREA WITHOUT COMPLYING WITH SPECIFIED REQUIREMENTS OR HARBOURMASTER IMPOSED CONDITIONS**	**300**
22.6	**UNDERTAKING A SPECIAL EVENT IN A RESERVED AREA WITHOUT OBTAINING A TEMPORARY SUSPENSION OR TEMPORARY RESERVATION FROM THE HARBOURMASTER**	**300**
24.1	**UNDERTAKING A SPECIFIED PROHIBITED ACTIVITY WITHIN ANY PROHIBITED ZONE**	**300**
25.1	**ANCHORING OR MOORING A VESSEL WITHIN A PROHIBITED ANCHORAGE**	**300**
25.2	**ANCHORING OR MOORING WITHIN 25 METRES OF NOMINAL LINE BETWEEN ANY PART OF TYPE 5 SUBMARINE CROSSING SIGNS OR ANY PLACE WHERE SUCH CROSSING IS SHOWN ON NAUTICAL CHART**	**300**
25.4	**ANCHORING A VESSEL WITHIN A MOORING AREA**	**300**
25.5	**ANCHORING A VESSEL WITHIN 50 METRES OF ANY MOORING BUOY OR VESSEL ON A MOORING**	**300**
26.3	**PROPELLING OR NAVIGATING A VESSEL WITH A PERMITTED SPEED EXCEEDING 5 KNOTS IN MANNER LIKELY TO ENDANGER OR UNDULY INTERFERE WITH ANY OTHER PERSON**	**300**
27.1	**EXCEEDING SPEED OF 5 KNOTS IN AREA OF RIVER OUTSIDE OF SPEED UPLIFTED AREA**	**500**

28.1	**BEING IN CHARGE OF, PROPELLING OR NAVIGATING A POWER-DRIVEN VESSEL CAPABLE OF SPEED EXCEEDING 10 KNOTS IF UNDER THE AGE OF 15 YEARS WITHOUT DIRECT SUPERVISION**	**500**
28.2	**ALLOWING PERSON UNDER 15 YEARS OF AGE TO BE IN CHARGE OF, OR NAVIGATE POWER-DRIVEN VESSEL CAPABLE OF SPEED EXCEEDING 10 KNOTS WITHOUT DIRECT SUPERVISION**	**500**
29.1(A)	**OPERATING VESSEL AT SPEED EXCEEDING 5 KNOTS WITHIN 50 METRES OF ANY VESSEL, RAFT OR PERSON IN THE WATER**	**500**
29.1(B)	**OPERATING VESSEL AT SPEED EXCEEDING 5 KNOTS WITHIN EITHER 200 METRES OF THE SHORE OR STRUCTURE OR ON INSHORE SIDE OF BUOYS MARKING 200 METRES FROM SHORE OR STRUCTURE**	**500**
29.1(C)	**OPERATING VESSEL AT SPEED EXCEEDING 5 KNOTS WITHIN 200 METRES OF ANY VESSEL OR STRUCTURE THAT IS DISPLAYING FLAG A (DIVER'S FLAG)**	**500**
29.1(D)	**OPERATING VESSEL AT SPEED EXCEEDING 5 KNOTS WITHIN ANY RESERVED AREA**	**300**
29.1(E)	**OPERATING VESSEL AT SPEED EXCEEDING 5 KNOTS WITHIN ANY MOORING AREA**	**300**
29.2	**OPERATING POWER-DRIVEN VESSEL AT SPEED OR IN A MANNER THAT CREATES WAKE THAT ENDANGERS PERSON OR PROPERTY**	**300**
29.3	**PROPELLING OR NAVIGATING A VESSEL AT A SPEED EXCEEDING 3 KNOTS IN A SPECIFIED ANCHORAGE OR AREA DURING A SPECIFIED PERIOD**	**300**
30.1	**FAILING TO DISPLAY AN IDENTIFYING NAME OR NUMBER ON A VESSEL AS REQUIRED**	**150**
30.5	**FAILING TO ENSURE A PADDLE CRAFT IS CLEARLY VISIBLE TO OTHER WATER USERS BEYOND 200 METRES FROM THE SHORE**	**150**
31.1	**FAILING TO ENSURE VESSEL AT ANY LANDING PLACE OR SWING MOORING OR AT ANCHOR IS PROPERLY SECURE**	**300**
31.2	**SECURING VESSEL TO STRUCTURE THAT IS NOT INTENDED FOR THAT PURPOSE**	**300**
31.3	**LEAVING VESSEL OR PROPERTY IN LOCATION WHERE IT MAY CAUSE NAVIGATIONAL HAZARD OR INTERFERE WITH NORMAL USE OF WATERS**	**300**
31.4	**CUTTING, BREAKING, OR DESTROYING ANY VESSEL'S MOORING OR FASTENING WITHOUT THE HARBOURMASTER'S PERMISSION**	**500**
32.1	**LEAVING ANY VESSEL UNATTENDED AT ANY LANDING PLACE WITHOUT THE HARBOURMASTER'S PERMISSION, OR SECURED TO OR ON THE BEACH OR FORESHORE IN AREA NOT SPECIFIED FOR THIS PURPOSE**	**300**
32.3(A)	**FAILING TO ENSURE VESSEL IS ATTENDED AT ALL TIMES IF DIRECTED BY THE HARBOURMASTER TO DO SO**	**300**
32.3(B)	**FAILING TO ENSURE VESSEL IS CREWED AS DIRECTED BY THE HARBOURMASTER**	**300**
33.1	**NAVIGATING VESSEL WITHIN THE MOVING PROHIBITED ZONE OF ANY VESSEL WITHIN 3 NAUTICAL MILES OF THE COAST BETWEEN THE PORTS OF TARAKOHE AND MOTUEKA**	**300**
34.1	**ANCHORING A VESSEL 500 GROSS TONNAGE OR GREATER OR 40 METERS LOA OR GREATER IN TASMAN REGIONAL WATERS WITHOUT THE HARBOURMASTER'S PERMISSION**	**500**
34.2	**FAILING TO SUBMIT A PASSAGE PLAN FOR TRANSITING AN ANCHORAGE SITE OR PORT IF REQUIRED BY THE HARBOURMASTER**	**300**
34.5	**IMMOBILISING OR TESTING ENGINES OF COMMERCIAL VESSEL OF 500 GROSS TONNAGE OR GREATER OR 40 METRES LOA OR GREATER, WITHOUT PRIOR**	**500**

	PERMISSION OF THE HARBOURMASTER AND/OR FAILING TO COMPLY WITH ANY CONDITIONS IMPOSED	
34.6	FAILING TO INFORM THE HARBOURMASTER PRIOR TO COMMENCING SAFETY DRILLS OR EXERCISES FOR A COMMERCIAL VESSEL OF 500 GROSS TONNAGE OR GREATER OR 40 METERS LOA OR GREATER	300
35.1	FAILING TO PAY THE REQUIRED NAVIGATION AID LEVY	150
36.2	CONDUCTING FUEL CHANGEOVERS WITHIN TASMAN REGIONAL WATERS	500
36.3	CONDUCTING SHIP TO SHIP TRANSFERS OF OIL WITHIN TASMAN REGIONAL WATERS WITHOUT PROVIDING REQUIRED EVIDENCE OF MARITIME NZ AUDITED SOP TO HARBOURMASTER	300
37.1	FAILING TO COMPLY WITH NOTIFICATION REQUIREMENTS BEFORE COMMENCING HOTWORKS	300
38.2	FAILING TO COMPLY WITH AIS SIGNAL TRANSMITTING REQUIREMENTS	300
39.2	TRANSHIPPING WITHOUT THE HARBOURMASTER'S APPROVAL IF REQUIRED	300
39.3	FAILING TO PAY TRANSHIPPING CHARGE TO HARBOURMASTER WHEN DEMANDED	300
40.1	OPERATING ANY COMMERCIAL VESSEL FOR HIRE OR REWARD OR ANY VESSEL IN A COMMERCIAL OPERATION OR VESSEL HIRE OPERATION, WHEN SUCH OPERATION HAS BEEN DIRECTED TO CEASE BY THE HARBOURMASTER	500
42.1	PLACING OR USING A MOORING IN A MOORING AREA WITHOUT COASTAL PERMIT OR MOORING BEING PERMITTED UNDER THE TASMAN RESOURCE MANAGEMENT PLAN	300
42.2	PLACING A MOORING IN A MOORING AREA WITHOUT A MOORING LICENCE	300
43.4	FAILING TO COMPLY WITH ANY CONDITION OF A MOORING LICENCE	150
48.1	FAILING TO REPORT OR PROVIDE FULL DETAILS OF ACCIDENTS, INCIDENTS OR MISHAPS TO HARBOURMASTER	300

Annex 2

Aide Memoire

AIDE MEMOIRE: MARITIME TRANSPORT (INFRINGEMENT FEES FOR OFFENCES - TASMAN DISTRICT COUNCIL NAVIGATION SAFETY BYLAW 2024) REGULATIONS 2026

Date:	17 August 2026	Priority:	Routine	Tracking number:	OC260393

Information for Minister
Hon James Meager **Associate Minister of Transport**

Contacts

Name	Telephone	First contact
Emily Hollis, Solicitor, Legal & Procurement (Transport)	s 9(2)(a)	☐
Annelies McClure, Principal Solicitor, Legal & Procurement (Transport)		☑

IN CONFIDENCE – LEGALLY PRIVILEGED

Purpose

1 Provide you with a brief background to the proposed Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026.

2 Request that you consult with Ministers and provide feedback to the Ministry on the attached draft LEG paper by 31 August, to enable lodgement on 10 September.

Tasman District Council created a new Navigation Safety Bylaw

3 Tasman District Council (**the Council**) made the Tasman District Council Navigation Safety Bylaw 2024 (**the Bylaw**) which came into force on 1 December 2024, which replaced the Tasman District Council Navigation Safety Bylaw 2015 (**the Previous Bylaw**).

4 The Maritime Transport (Infringement Fees for Offences – Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) Regulations 2016 (**the Previous Regulations**) provided for infringement offences and fees in relation to the Previous Bylaw, but these can no longer be used because the Previous Bylaw has been replaced by the Bylaw.

5 The Previous Regulations will be revoked by the Regulations.

Regulations Drafting Process

6 Infringement regulations are generally made alongside Navigation Safety Bylaws to ensure that the bylaw can be enforced once it is made. The Council is currently only able to enforce the Bylaw through prosecution in the District Court, which is generally a disproportionate response to the level of offending that the Bylaw envisaged. The Council have requested that new infringement regulations (the Regulations) are created to support effective and efficient enforcement of the Bylaw.

7 In February 2026, you authorised the Ministry of Transport to issue drafting instructions to the Parliamentary Counsel Office for the Regulations [OCU260030 refers]. The proposed Regulations give effect to the Bylaw already created by the Council meaning Cabinet approval is unnecessary, since the proposed Regulations are entirely routine and do not require new policy decisions (under clause 7.95(d) of the Cabinet Manual 2023[1]).

8 In May 2026, Regulatory Systems (Transport) Amendment Act 2026 (RSTA) came into force. RSTA increased the fees that councils may set their infringement fees for navigation safety bylaws, from $1,000 to $3,000 for an individual and to $12,000 for a body corporate. We are going to notify the Council that RSTA has come into force, but the process for these infringement offences is too far

[1] Cabinet Manual guidance for secondary legislation includes a requirement in 7.95(d) for "*submitting any policy, including an impact statement, to a Cabinet committee and Cabinet for approval. If the secondary legislation is routine and does not require new policy decisions, the Minister may authorise drafting without reference to Cabinet*"

advanced to accommodate changes to the fees. The Council can take RSTA into account when the bylaws are next reviewed.

Consultation

9 We are currently consulting with:

9.1 Tasman District Council

9.2 Maritime New Zealand

9.3 Ministry of Justice

10 The Department of the Prime Minister and Cabinet has been informed.

Timeframe

11 Our indicative timeframe is below:

Stage	**Date**
Departmental and Ministerial Consultation	17 August – 31 August
Lodge LEG paper	10 September
Speaking points and advice sheet provided	11 September
LEG	17 September
Lodgement of signed advice sheet with Cabinet Office	18 September
LEG Committee decision confirmed by Cabinet	21 September
Executive Council	21 September
Gazettal	24 September
In force	22 October 2026

Next Steps

12 We request that you consult with your Ministerial colleagues and provide your feedback on the draft LEG paper by 31 August in order to provide a final version of the paper for lodging on 10 September.

13 Closer to lodging on 10 September, we will provide you with a final version of the LEG paper. Speaking points will be provided on 11 September after lodgement of the LEG paper on 10 September.

IN CONFIDENCE – LEGALLY PRIVILEGED

14 The final copy of the Regulations will be sent to the Cabinet Office, and your office, by Parliamentary Counsel Office before LEG on 17 September.

15 Before submission to the Executive Council, you must sign an advice sheet, to be lodged on 18 September with the Cabinet Office. We will prepare the advice sheet and send it to your office for your signature at the same time that speaking points are provided to you.

IN CONFIDENCE – LEGALLY PRIVILEGED

In Confidence

Office of the Associate Minister of Transport

Cabinet Legislation Committee

Maritime Transport (Infringement Fees for Offences - Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026

Proposal

1 This paper proposes that the Cabinet Legislation Committee (the Committee) authorise the submission to the Executive Council of the Maritime Transport (Infringement Fees for Offences – Tasman District Council Safety Bylaw 2024) Regulations 2026 (**the Regulations**) (**attached**).

2 The Regulations specify fees for infringement offences for the corresponding local navigation bylaw.

Policy

3 Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws by dissuading breaches.

4 The Tasman District Council (**the Council**) made a new bylaw in October 2024: The Tasman District Council Navigation Safety Bylaw 2024 (**the Bylaw**). The Council have requested that infringement regulations are made to enforce the Bylaw, because currently there are no in force infringement regulations for navigation safety for the Tasman District Council.

5 Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws.

6 The Maritime Transport (Infringement Fees for Offences – Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) Regulations 2016, which are now redundant, will be repealed as part of the Regulations.

7 Section 33O of the Maritime Transport Act 1994 (the **Act**) empowers the Governor-General, by Order in Council, to make regulations:

7.1 specifying which breaches of navigation bylaws are infringement offences

7.2 prescribing an infringement fee (not exceeding $3000 for an individual and $12,000 in any other case) for these infringement offences

7.3 prescribing the form of the infringement notice.

8 The Regulations are entirely routine and did not require Cabinet approval to make policy decisions[1].

Infringement fees

[1] 7.95(d), Cabinet Manual 2023.

98f3f4h237 2026-09-25 12:40:17

9 The Regulations propose to set the infringement fees between $150 and $500.

10 In assigning the proposed infringement fees, the Council has considered the severity of the offence in terms of potential impact and risk to life. It has also taken into account infringement fees charged by neighbouring regional councils for similar acts and omissions.

11 These fees are designed to deter acts or omissions that could result in moderate to serious harms, such as navigating an unseaworthy vessel, dropping cargo into waterways causing danger to maritime safety and exceeding speed limits within certain distances away from persons in the water or other vessels.

12 The Regulatory Systems (Transport) Amendment Act 2026 (**RSTA**) came into force on 19 May 2026. Section 73 of the RSTA amended section 33O of Act to increase the maximum infringement fee from $1,000, to a fee of $3,000 for individuals and a fee of $12,000 for bodies corporate.

13 When the fees amendments came into force, the Regulations process was too far advanced to incorporate any changes to the fees proposed by the Council, all of which are under the previous cap of $1,000.00. The Council has been notified of the recent increase to the fees caps and has been advised that the Council may consider setting higher fees when the Bylaw is next reviewed.

Timing and the 28-day rule

14 Subject to Cabinet's approval, the Regulations will be notified in the *New Zealand Gazette* (the Gazette*)* on 24 September to come into force on 22 October 2026. This will be 28 days after notification in the *Gazette*.

Compliance

15 The regulations comply with the:

15.1 Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee

15.2 rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993

15.3 principles and guidelines set out in the Privacy Act 2020

15.4 relevant international standards and obligations

15.5 principles of the Treaty of Waitangi.

16 The Regulations do not contain any Treaty of Waitangi provisions. Accordingly, advice has not been sought from the Treaty Provisions Officials Group.

Regulations Review Committee

17 Officials have not identified any grounds for the Regulations Review Committee to bring the Regulations to the attention of the House of Representatives under Standing Order 327(2).

98f3f4h237 2026-09-25 12:40:17

Certification by Parliamentary Counsel

18 Parliamentary Counsel Office has certified the Regulations as being in order for submission to the Executive Council.

Regulatory Analysis

19 The Ministry for Regulation's Regulatory Impact Analysis team determined that the proposal to make the infringement offences and fees under the Regulations and to repeal the existing regulations is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

Consistency with principles of responsible regulation

20 A Consistency Analysis Statement (**CAS**) (**attached**) and Summary of Underpinning Analysis (**attached**) were prepared for the Regulations. No inconsistencies with the principles of responsible regulation were identified in the CAS.

Climate Implications of Policy Assessment

21 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Publicity

22 The Regulations will be notified in the *Gazette*.

Proactive Release

23 I intend to proactively release this Paper within 30 business days of final decisions being taken by Cabinet, subject to any redactions appropriate under the Official Information Act 1982. The CAS documents attached to this paper are required to be published when the Regulations are published, and so do not fall within the scope of any proactive release.

Consultation

24 The Council and the following departments and agencies were consulted:

24.1 Maritime New Zealand, and

24.2 Ministry of Justice.

25 The Department of the Prime Minister and Cabinet was informed.

26 No issues were raised during consultation.

Recommendations

27 I recommend that the Committee:

27.1 **note** that the Maritime Transport (Infringement Fees for Offences –Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026 (the Regulations) will

98f3f4h237 2026-09-25 12:40:17

allow Tasman District Council to effectively enforce the Tasman District Council Navigation Safety Bylaw 2024, which came into force in October 2024.

27.2 **authorise** the submission of the Regulations to the Executive Council.

27.3 **note** that the Regulations will come into force on 22 October 2026.

Authorised for lodgement

Hon James Meager
Associate Minister of Transport

98f3f4h237 2026-09-25 12:40:17

Annex 4

Cabinet Committee Background Information and Talking Points

Cabinet Committee: *Cabinet Legislation Committee (LEG)*

Paper Title: Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026

Portfolio: *Transport*

Officials Attending:

- *Annelies McClure, Principal Solicitor, Ministry for Cities, Environment, Regions and Transport*
- *Emily Hollis, Solicitor, Ministry for Cities, Environment, Regions and Transport*

The following points are the ones you should make if you are constrained for time:

I seek LEG's approval to authorise the submission of the Executive Council of the Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Bylaw 2024) Regulations 2026 (the Regulations).

These Regulations:

- were requested by the Tasman District Council (the Council) to be made to support the effective enforcement of the Tasman District Council Navigation Safety Bylaw 2024 (the Bylaw);
- specify which breaches of the Bylaw are infringement offences for the purposes of section 330 of the Maritime Transport Act 1994; and
- prescribe infringement fees for those infringement offences.

I recommend the Regulations be made. A waiver of the 28-day rule is not sought. The regulations are drafted to come into force on 22 October 2026.

Detailed Talking Points:

Why are these Regulations needed?

- The Bylaw aims to enable the Council to manage and regulate maritime safety within its waterways.
- Corresponding infringement regulations support the effective enforcement of navigation safety bylaws by dissuading breaches and funding Council enforcement of any breaches of the Bylaw.

- Without the infringement offences and fees set by the Regulations, the Council has no proportional means of enforcing the Bylaw, which increases the risk of non-compliance.[1]
- The Bylaw does not currently have any corresponding infringement regulations which limits the enforcement options of the Council.

What policy approval was given for these Regulations?

- Drafting of the Regulations was authorised without reference to Cabinet in accordance with paragraph 7.95(d) of the Cabinet Manual 2023.
- The Regulations are entirely routine and did not require new policy decisions.

Have changes been made from previous regulations?

- The Council currently has no regulations to enforce the Bylaw, so the Regulations will establish an infringement regime, rather than replace one.
- The Council has based the proposed regime on similar maritime safety infringement regulations in surrounding regions.
- The Regulations will repeal the Maritime Transport (Infringement Fees for Offences – Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) Regulations 2016.

Why are the fees set at the levels chosen?

- The Regulations propose to set the infringement fees between $$150 and $500.
- The infringement fees are generally similar to those used by neighbouring councils.
- The Regulatory Systems (Transport) Amendment Act 2026 came into force on 19 May 2026 and increases the maximum penalty for infringement offences to $3,000 for individuals and $12,000 for bodies corporate. The proposed fees fall well below both thresholds. We have provided information to the Council about the changes made by RSTA for its future consideration.
- The Ministry of Justice was consulted on these fees and its feedback was incorporated.

What consultation was conducted?

- In addition to the Ministry of Justice, the Ministry of Transport consulted:
    - the Council; and
    - Maritime New Zealand.
- The Department of the Prime Minister and Cabinet was informed.
- No issues were raised during consultation.

[1] Note on 'proportional': the only current enforcement option is prosecution through the District Court, which is generally not a proportional response to the level of offences envisaged by the Bylaw.

Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Tasman District Council Navigation Safety Bylaw 2024 Regulations

Portfolio **Associate Transport**

On 17 September 2026, the Cabinet Legislation Committee:

1 **noted** that the Maritime Transport (Infringement Fees for Offences–Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026 will allow Tasman District Council to effectively enforce the Tasman District Council Navigation Safety Bylaw 2024, which came into force in October 2024;

2 **authorised** the submission of the Maritime Transport (Infringement Fees for Offences – Tasman District Council Navigation Safety Bylaw 2024) Regulations 2026 [PCO 28831/7.0] (the Regulations) to the Executive Council;

3 **noted** that the Regulations will come into force on 22 October 2026.

Sam Moffett
Committee Secretary

Present:
Hon Louise Upston (Chair)
Hon Paul Goldsmith
Hon Todd McClay
Hon Simon Watts
Hon Penny Simmonds
Hon Brooke van Velden
Hon Nicole McKee
Hon Casey Costello
Hon Nicola Grigg
Hon Scott Simpson
Hon Cameron Brewer
Hon Mike Butterick
Todd Stephenson MP

Officials present from:
Officials Committee for LEG

Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 18 September 2026

On 21 September 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 18 September 2026:

Out of Scope

Out of Scope

LEG-26-MIN-0201	**Tasman District Council Navigation Safety Bylaw 2024 Regulations** Portfolio: Associate Transport	CONFIRMED

Out of Scope

Rachel Hayward
Secretary of the Cabinet