|  |
| --- |
| Statement of Proposal: Draft Lake Taupō Navigation Safety Bylaw 2016October 2016 |
| cid:image001.jpg@01D21FE2.DFCCB310 |

 

Contents

[Introduction 2](#_Toc462660152)

[Background 2](#_Toc462660153)

[Purpose and coverage of the draft 2016 bylaw 2](#_Toc462660154)

[What are the proposed changes? 3](#_Toc462660155)

[Personal flotation devices must be worn in small vessels 3](#_Toc462660156)

[3 knot speed restrictions for marinas 3](#_Toc462660157)

[Skippers must carry a means of communication 3](#_Toc462660158)

[Creation of a reserved area for swimming at Whareroa 3](#_Toc462660159)

[Have your say 4](#_Toc462660160)

[Timetable for consultation and finalising the bylaw 4](#_Toc462660161)

[How to make a submission 4](#_Toc462660162)

[Appendix A: Summary of proposed substantive changes in the draft Lake Taupō Navigation Safety Bylaw 2016 5](#_Toc462660163)

[Appendix B: Draft Lake Taupō Navigation Safety Bylaw 2016 8](#_Toc462660164)

# Introduction

## Background

The Minister of Local Government (the Minister) is the harbour authority for Lake Taupō. While national maritime rules set by Maritime New Zealand apply to Lake Taupō, the Minister is able to make bylaws regulating navigation safety on Lake Taupō to provide for local conditions. However, any such bylaw must not be inconsistent with national maritime rules or the Maritime Transport Act 1994.

Accordingly, the Minister made the Lake Taupo Navigation Safety Bylaw 2010 (the 2010 bylaw). The Department of Internal Affairs exercises the harbour authority function on behalf of the Minister through the office of the Lake Taupō Harbourmaster. The Department also administers the Lake Taupō Navigation Safety Bylaw 2010.

Under the Local Government Act 2002, local authorities are required to review bylaws within five years of them being made. This requires determinations to be made as to whether a bylaw is the most appropriate way of addressing a perceived problem, whether the bylaw is in the most appropriate form, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Although not a local authority, the Minister decided, consistent with good regulatory practice, he should review the 2010 bylaw. Accordingly, a review has been undertaken and the Minister has made the determinations required when bylaws are reviewed under the Local Government Act. He concluded that a bylaw is the most appropriate way of ensuring navigation safety on Lake Taupō, that the current bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act.

## Purpose and coverage of the draft 2016 bylaw

As with the 2010 bylaw, the draft 2016 bylaw covers the waters of Lake Taupō, the navigable rivers and streams flowing into the lake, the tailrace from the Tokaanu power station, and the waters of the Waikato River between Lake Taupō and the Huka Falls. It is aimed at ensuring the safety of users on these waters.

The draft bylaw sets out safe practices for people using the waters of Lake Taupō for activities such as water skiing, swimming, kayaking, and boating. It also includes safe practices for marinas, moorings and anchorages. The primary focus of the draft bylaw is recreational boating.

# What are the proposed changes?

In the course of completing the review, the Taupō Harbourmaster’s Office identified a number of amendments – predominantly minor and technical – they wanted made to the 2010 bylaw. Amendments are also necessary to reflect that in 2013 the provisions enabling navigation safety bylaws to be made were repealed from the Local Government Act 1974 and replaced by provisions in the Maritime Transport Act 1994. The draft Lake Taupō Navigation Safety Bylaw 2016 has been created under these new provisions. However, the majority of the content from the 2010 Bylaw is proposed to be carried over into the 2016 draft bylaw.

A table setting out all substantive changes is attached as Appendix A and a complete draft of the 2016 bylaw is attached as Appendix B. The main changes are set out in the section below. It is advised that you read the draft bylaw to ensure issues affecting you are addressed satisfactorily.

## Personal flotation devices must be worn in small vessels

Clause 2.2 of the draft 2016 bylaw makes the wearing of personal flotation devices (life jackets) mandatory on vessels less than six metres while making way (being propelled through the water by sail, engine or oar). The risk of drowning is greater in small boats but this is greatly reduced by wearing personal flotation devices. This rule is already a requirement under many regional councils’ bylaws (such as Waikato and Hawke’s Bay) and is proposed to become a national maritime rule in 2017.

## 3 knot speed restrictions for marinas

Clause 2.11.4 of the draft 2016 bylaw introduces 3 knot speed restrictions for Motuoapa Marina and Tokaanu Marina. This will improve safety in and around the marinas by reducing the speeds of vessels that are operating in close proximity to other vessels and structures. A 3 knot speed restriction already exists for the Taupō Boat Harbour.

## Skippers must carry a means of communication

Clause 2.18 requires skippers to carry a means of communication with land on board their vessel for the duration of the voyage, such as a cell phone or VHF radio. This will improve safety by ensuring contact can be made with land in the case of an emergency.

## Creation of a reserved area for swimming at Whareroa

Schedule 2 of the draft 2016 bylaw creates a new reserved area for swimming at Whareroa (near Kurutau). This follows a successful trial of the swimming area that was supported by the local community.

# Have your say

The Lake Taupo Harbourmasters’ Office welcomes your input into the development of the draft 2016 bylaw and invites any member of the public or organisation to make a submission. We would like your views on the proposed changes, but you are welcome to raise any other matters relating to navigation safety you think should be considered.

## Timetable for consultation and finalising the bylaw

10 October 2016 Public notice of draft bylaw – submissions open

4 November 2016 Submissions close

November/December 2016 Minister of Local Government approves final bylaw

Once the bylaw is approved by the Minister, it will be published in the New Zealand Gazette and further public notices published advising of its commencement date. It is anticipated this will be around December 2016.

## How to make a submission

Any person or organisation can make a submission on the draft 2016 bylaw. Submissions can be made via email or by post. (A hearing on submissions may occur if there is sufficient interest. If you would like the opportunity to speak to your written submission, please note this in your submission.)

Either post submissions to:

Taupō Harbourmaster Office
PO Box 256
Taupō

Or email submissions to: bylawreview@dia.govt.nz

Submissions must be received by **5pm on 4 November 2016**.

1. Summary of proposed substantive changes in the draft Lake Taupō Navigation Safety Bylaw 2016

| **Clause** | **Proposed change** | **Commentary** |
| --- | --- | --- |
| Multiple | Macrons have been added to the o in “Taupō” throughout. | This is the correct spelling used by Ngāti Tūwharetoa. |
| Multiple | Legal basis for bylaw updated from former empowering legislation (Local Government Act 1974) to the Maritime Transport Act 1994 (see sections 33M and 33W), and references to the Local Government Act 1974 updated to the Maritime Transport Act as appropriate. | The previous bylaw was made under the Local Government Act 1974. The relevant provisions have since been repealed and equivalent provisions have been inserted into the Maritime Transport Act 1994.  |
| 1.3 | New definition added for “guided activity”, “incident”, “seaworthy”, “skipper”, and “towing”. For the avoidance of doubt, the definition of “vessel” has been expanded to include both a seaplane on the surface of the water, and a craft carrying equipment (as opposed to goods or persons). | These definitions have been added to assist with interpretation of the bylaw. It should be noted that “towing” refers only to towing of persons (e.g. water skiers), not other vessels.  |
| 2.2 | Personal flotation devices (i.e. lifejackets) must be worn on any vessel less than 6 metres in length at all times while the vessel is making way. Generally, a person on a personal watercraft or being towed must wear a PFD regardless of speed. | In the interests of safety it is considered best to require lifejackets to be worn on all small vessels that are making way. This is already a requirement under many regional councils’ bylaws and will become a national maritime rule in 2017. |
| 2.4.4 | Amendment to prevent a person from leaving a vessel secured to a public mooring unattended. | This rule previously only applied overnight. |
| 2.6.1 | All access lanes and the Tokaanu Marina have been added to the list of restricted anchorages. | This prevents boats mooring in access lanes (dedicated lanes for boats towing water skiers to access the shore) and in Tokaanu Marina. |
| 2.7.1 and 2.7.2 | This provision has been expanded to permit the harbourmaster to authorise boats to be secured to navigation aids or to authorise new navigation aids.  | Under the previous bylaw, only the Director of Maritime New Zealand could authorise boats to be secured to navigation aids or authorise new navigation aids. It is sensible for the harbourmaster to also be able to do so. |
| 2.7.3 (new clause) | A new provision to specify no person should damage navigation aids. |  |
| 2.11 | New exemptions to speed restrictions made to cover yacht races, and emergency response, support and harbourmaster vessels in certain circumstances. | These exemptions reflect that in some circumstances it is reasonable for some vessels to exceed speed restrictions. The harbourmaster applies common sense in not enforcing limits in these situations currently, but it is desirable that the law be amended to be clear about when it is reasonable to exceed speed restrictions.  |
| 2.11.4  | New speed restriction made in respect of Motuoapa Marina and Tokaanu Marina. | It is considered that all Crown-owned marinas should have a speed restriction of 3 knots for safety reasons.  |
| 2.15.4 | New specifications for display of personal watercraft (i.e. jet skis) registration numbers. | Owners of personal watercraft must ensure that a registration number is displayed on both sides above the waterline, clearly legible and displayed using characters at least 90mm in height. |
| 2.16.1 (d) | Additional requirement on naming vessels to ensure they are not misrepresented as a harbourmaster, police, customs or similar vessel. | This is intended to avoid public confusion as to what are authorised harbourmaster, police, customs, or fisheries compliance vessels. |
| 2.17 (new clause)  | A new clause preventing whistles, sirens and horns being used unless as a navigation safety signal or testing of equipment. There is an exemption for celebrations and sporting events where the use of the signal will not cause confusion. Blue and purple flashing lights are also prohibited except for law enforcement or emergency response vessels. | This is intended to prevent the misuse of sirens, lights, and whistles to ensure that they are effective in the event of an emergency.  |
| 2.18 (new clause) | A new clause requiring skippers to carry one means of communication with land on board their vessel for the duration of the voyage. | This will improve safety on the lake. Note there are exclusions for stand up paddle-boarders in some circumstances, and for vessels in sporting events/guided activities if there is a support vessel present carrying a means of communication.  |
| 2.19 (new clause) | A new clause requiring vessels for hire to be seaworthy, and to be provided safety equipment and advised of the bylaw. | This will assist in ensuring the safety of persons hiring vessels for use on the Lake. |
| 3.3 | Clarification of rules for conduct in access lanes.  | The general rule is that access lanes (for towing people) should be kept clear at all times. Crossings in a reasonable and safe manner are permitted, but priority must be given to vessels using the lane for its intended purpose. |
| 4.1 | Prohibit swimming in marinas. | This is proposed for safety reasons. |
| 4.2.4 (new clause) | A new clause allowing the establishment of temporary reserved areas to provide safe zones for events requiring separation of competitors (either swimmers or vessels) from other vessels. | This will enable vessels to be excluded from areas in which events are being held to increase the safety of competitors and the general public. |
| 7.1 | A new clause to enable the harbourmaster to close areas for safety reasons. | This would be useful for situations like when a plane crashed into Lake Taupō in 2015. |
| Schedule 1 | Maraetai Bay and the Three Mile Bay Personal watercraft access lane removed, and the “Omori” lane renamed as “Omori/Kuratau”. | The Maraetai Bay lane no longer exists, and the Three Mile Bay lane for jet skis is considered dangerous due to rocks that are a hazard to vessels at low lake levels. Jet skis can also now easily transit at 5 knots from the beach out to 200m, unlike older models.The “Omori” lane has been renamed to “Omori/Kuratau” as it is between the two locations. |
| Schedule 2 | New reserved area for swimming at Whareroa. | This follows a successful trial of a swimming area at Whareroa that is supported by the local community.  |

1. Draft Lake Taupō Navigation Safety Bylaw 2016

**Lake Taupō Navigation Safety Bylaw 2016**

Pursuant to sections 33M and 33W(4) of the Maritime Transport Act 1994, the Associate Minister of Local Government, in consultation with the Director of Maritime New Zealand, makes the following bylaw.

**Contents**

[**Part 1 - Preliminary provisions 2**](#_Toc460253506)

[1.1 Title and commencement 2](#_Toc460253507)

[1.2 Area within which this bylaw applies 2](#_Toc460253508)

[1.3 Definitions 2](#_Toc460253509)

[**Part 2 - Vessels 6**](#_Toc460253510)

[2.1 Minimum age for operating powered vessels 6](#_Toc460253511)

[2.2 Personal flotation devices 6](#_Toc460253512)

[2.3 Vessels to be seaworthy 6](#_Toc460253513)

[2.4 Moorings, ramps and berths 6](#_Toc460253514)

[2.5 Vessels to be adequately moored or secured 7](#_Toc460253515)

[2.6 Restricted anchorages 7](#_Toc460253516)

[2.7 Aids to navigation 8](#_Toc460253517)

[2.8 Use of vessel engine 8](#_Toc460253518)

[2.9 Obstructions 8](#_Toc460253519)

[2.10 Notification of accidents and incidents 9](#_Toc460253520)

[2.11 Speed limits 10](#_Toc460253521)

[2.12 Collision prevention 12](#_Toc460253522)

[2.13 Diving 12](#_Toc460253523)

[2.14 Wake 12](#_Toc460253524)

[2.15 Registration of personal watercraft (jetski) 12](#_Toc460253525)

[2.16 Vessels to be identified 13](#_Toc460253526)

[2.17 Sound and light signals 13](#_Toc460253527)

[2.18 Means of communication 14](#_Toc460253528)

[2.19 Providing any vessel for remuneration, hire or reward 14](#_Toc460253529)

[**Part 3 - Waterskiing and towing 15**](#_Toc460253530)

[3.1 Lookouts 15](#_Toc460253531)

[3.2 Speed limits 15](#_Toc460253532)

[3.3 Conduct in access lanes (ski/tow lanes) 15](#_Toc460253533)

[3.4 Towing between sunset and sunrise 16](#_Toc460253534)

[**Part 4 - Swimming 16**](#_Toc460253535)

[4.1 Restrictions 16](#_Toc460253536)

[4.2 Conduct in reserved areas 16](#_Toc460253537)

[**Part 5 - Seaplanes 17**](#_Toc460253538)

[5.1 Use of seaplanes 17](#_Toc460253539)

[**Part 6 - Events 17**](#_Toc460253540)

[6.1 Applications to conduct events 17](#_Toc460253541)

[**Part 7 - Closed Areas 17**](#_Toc460253542)

[7.1 Closed areas 17](#_Toc460253543)

[**Part 8 - Offences 18**](#_Toc460253544)

[8.1 Offence 18](#_Toc460253545)

[8.2 Penalties 19](#_Toc460253546)

[8.3 Authority to issue infringement notices 19](#_Toc460253547)

[8.4 Liability of harbourmaster 19](#_Toc460253548)

[**Schedule 1 - Access lanes 19**](#_Toc460253549)

[**Schedule 2 - Reserved areas 21**](#_Toc460253550)

**Part 1 - Preliminary provisions**

**1.1 Title and commencement**

1.1.1 This bylaw is the Lake Taupō Navigation Safety Bylaw 2016.

1.1.2 This bylaw comes into force on <<date>>.

**1.2 Area within which this bylaw applies**

 This bylaw applies to the Lake.

**1.3 Definitions**

 In this bylaw, unless the context otherwise requires,—

 **access lane** means an area of water defined in Schedule 1 marked by orange posts with horizontal black bands for landing or departing vessels that are towing persons on water skis or similar objects

 **accident** means an occurrence that involves a vessel and in which—

(a) a person is seriously harmed or lost overboard; or

(b) the vessel sustains damage or structural failure; or

(c) there is a complete failure of the vessel’s engine; or

(d) there is a significant loss of, or damage to, property; or

(e) there is an escape of fuel, chemicals, or sewage; or

(f) the vessel is foundering, missing, or has been abandoned, or has a major fire on board

 **Act** means the Maritime Transport Act 1994

 **anchor** means to secure a vessel to the bed of a waterway by means of an anchor, a cable, or other device that is removed with the vessel when the vessel leaves the site or anchorage

 **Director** means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Act

 **enforcement officer** means a person who is appointed as an enforcement officer under section 33G of the Act

 **guided activity** means an activity involving multiple vessels (for example kayaks) where one person is in charge of the activity on behalf of the group, whether commercial or not

 **harbourmaster** means the person who is appointed under Part 3A of the Act to exercise authority under this bylaw and all relevant associated legislation, and includes any deputy of that person

 **honorary enforcement officer** means a person who is appointed as an honorary enforcement officer under section 33G of the Act

 **incident** means any occurrence other than an accident that is associated with the operation of a vessel and affects or could affect the safety of operation

 **infringement offence** means a breach of a navigation bylaw that is specified in regulations made under section 33O of the Act

 **Lake** means all the waters of Lake Taupō, the navigable rivers and streams flowing into that lake, the tailrace from the Tokaanu power station, and the waters of the Waikato River between Lake Taupō and the Huka Falls

 **mooring** means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure, and—

(a) includes any chain, wire, rope, buoy, or other device attached or connected to the weight; but

(b) excludes an anchor that is removed with the vessel, raft, aircraft, or floating structure when it leaves the site or anchorage

 **mooring site** means the area designated by the harbourmaster for use by a mooring owner, and includes the swing area around the mooring

 **NZS** means New Zealand Standard

 **personal flotation device** or **PFD** means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting—

(a) type 401, 402, 403, 404, 405, or 406 in NZS 5823:1989, NZS 5823:2001, NZS 5823:2005, or any subsequent New Zealand Standard; or

(b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 406 in NZS 5823:1989, NZS 5823:2001, NZS 5823:2005, or any subsequent New Zealand Standard

 **personal watercraft** (jetski) means a power-driven vessel that—

(a) has a fully enclosed hull; and

(b) does not take on water if capsized; and

(c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it; and

(d) operates by water jet propulsion

 **public mooring** means an orange mooring buoy marked with “Public Mooring” set out for the use of visitors to the Lake

 **ramp**, in relation to the Lake, means a structure that—

(a) is used to—

(i) launch a vessel onto the Lake; or

(ii) remove a vessel from the Lake; and

(b) is owned by the Crown or administered by the Secretary for Local Government

 **ramp permit** means a permit to use a ramp issued under the Lake Taupō (Crown Facilities, Permits and Fees) Regulations 2004

 **reserved area** means an area of water specified in Schedule 2 and a specified area approved by the harbourmaster in accordance with clause 4.2

 **restricted anchorage** means an area where vessels must not be anchored referred to in clause 2.6

 **seaplane** means a flying boat or any other aircraft designed to manoeuvre or operate as a vessel when it is on the surface of water

 **seaworthy** in relation to a vessel means being, in the opinion of the harbourmaster, in a fit condition or state of readiness to safely undertake a voyage within its designed capabilities

 **skipper** meansthe person who is in physical control, or in command, or in charge of a vessel at any given time

 **speed** means speed through the water

 **sunrise** has the same meaning as in the latest edition of the New Zealand Nautical Almanac

 **sunset** has the same meaning as in the latest edition of New Zealand Nautical Almanac

 **towing** means the towing of a person or object behind a vessel but does not include the towing of a vessel by another vessel

 **vessel**—

(a) means every description of boat or craft used to carry goods, equipment or persons over or under water, whether or not it has any means of propulsion; and

(b) includes a seaplane, when on the surface of the water; and

(c) includes personal watercraft (jetski); but

(d) excludes inflatable toys, body boards, and other items that would be considered to be children’s toys.

**Part 2 - Vessels**

**2.1 Minimum age for operating powered vessels**

 Except when the Director has granted an exemption, no person under the age of 15 years may navigate, or be allowed by the vessel’s owner to navigate, a powered vessel 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 within immediate reach of the controls.

**2.2 Personal flotation devices**

2.2.1 Despite the provisions of Maritime Rules Part 91, every person on board a vessel that is less than 6 metres in length overall must wear a properly secured personal flotation device at all times while the vessel is making way.

2.2.2 Despite the provisions of Maritime Rules Part 91, every person on board a personal watercraft or being towed (including at a speed of less than 5 knots) must wear a properly secured personal flotation device, unless rule 91.4(8)(a) or (b) applies.

**Note: Maritime Rules Part 91 states at rule 91.4(1) that no person in charge of a recreational craft may use it unless there are on board at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
Part 91 may be accessed in full at this link:** http://www.maritimenz.govt.nz/rules/part-91/

**2.3 Vessels to be seaworthy**

2.3.1 Except where there is in force a written exemption from the harbourmaster, the owner of every vessel anchored or moored in the Lake must keep the vessel in a seaworthy condition at all times.

2.3.2 If any vessel is a navigation hazard by reason of not being seaworthy, and except in a case of emergency or accident, an owner, or someone acting with the owner’s authority, must follow the harbourmaster’s directions to move the vessel to an alternative location or remove it from the Lake within a reasonable time specified in the direction.

**2.4 Moorings, ramps and berths**

2.4.1 No person may place or maintain a mooring in the Lake unless authorised by the harbourmaster.

2.4.2 Mooring owners must comply with the conditions of mooring issued by the harbourmaster.

2.4.3 No person may moor a vessel to any mooring buoy for which they do not own unless authorised by the harbourmaster, or the buoy is clearly marked as a public mooring

2.4.4 No person may leave unattended a vessel secured to a public mooring.

2.4.5 No person may part with, assign to another person, or allow another person to use, a mooring for which the person has ownership, unless authorised by the harbourmaster.

2.4.6 The harbourmaster or the Secretary for Local Government may—

(a) issue any of the ramp permits set out in Schedule 1 of the Lake Taupō (Crown Facilities, Permits and Fees) Regulations 2004; and

(b) authorise any person to issue any of the ramp permits set out in Schedule 1 of the Lake Taupō (Crown Facilities, Permits and Fees) Regulations 2004.

2.4.7 A person may not use a ramp to launch a vessel onto the Lake or to remove a vessel from the Lake unless the person has a valid ramp permit for the vessel that is immediately available for inspection.

2.4.8 No person may occupy a marina berth or Crown owned facility without prior approval from the harbourmaster.

**2.5 Vessels to be adequately moored or secured**

2.5.1 Any skipper of a vessel berthed at a wharf must ensure that the vessel is securely fastened at all times.

2.5.2 No person may anchor or moor a vessel on the Lake in a such manner that it may break free, drag, or cause a navigational safety hazard.

2.5.3 No person may leave a vessel unattended at anchor.

**2.6 Restricted anchorages**

2.6.1 The restricted anchorages to which this bylaw applies are—

 **Taupō Boat Harbour**

 The area situated between the Lake Taupō Control Gates and the outer channel markers of the Taupō Boat Harbour.

 **Tokaanu Marina**

 The facility within the Tokaanu Tailrace, specifically set out for in-water vessel storage, situated between the southern Tokaanu boat ramp and the northern Tokaanu boat ramp.

 **Tokaanu Tailrace**

 That part of the tailrace situated between the southern boundary of the Tokaanu Marina and the first port and starboard (lit) entrance beacons entering from the Lake.

 **Motuoapa Marina**

 All of the marina and entrance, including the area bounded by beacons out to the port and starboard lit beacons from the marina entrance.

 **All access lanes**

All access lanes as described in Schedule 1.

2.6.2 Except in an emergency, or under the direction of the harbourmaster, no person may anchor any vessel in a restricted anchorage.

**2.7 Aids to navigation**

2.7.1 No person may secure a vessel to any aid to navigation except under the direction of the Director or the harbourmaster.

2.7.2 No person may erect, maintain, or display any aid to navigation or other device that may be used or mistaken as a recognised aid to navigation except under the direction of, or in consultation with, the Director or the harbourmaster.

2.7.3 No person may damage, remove, deface or otherwise interfere with any beacon, navigation mark, buoy, light or other navigation aid except under the direction of, or in consultation with, the Director or the harbourmaster.

**2.8 Use of vessel engine**

2.8.1 Except where berthing or unberthing, no person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp.

2.8.2 No person may operate the propulsion system of a vessel in such a manner that it may damage any property, scour the bed of the waterway, or injure any person.

**2.9 Obstructions**

2.9.1 No unauthorised person may obstruct the access to any wharf, landing place, boat ramp, slipway, navigation channel, or mooring, except under the direction of the harbourmaster.

2.9.2 No unauthorised person may place any obstruction, including any vessel or fishing apparatus on the Lake, in such a manner that is liable to—

(a) restrict navigation; or

(b) cause, or have potential to cause, injury or death to any person; or

(c) cause damage to any vessel or property.

2.9.3 No person may leave unattended equipment, stabilisers, booms, cranes, davits, or other equipment extending over the side of a vessel so as to cause a hazard to any other vessel or person.

**2.10 Notification of accidents and incidents**

2.10.1 The owner or skipper of any vessel involved in an accident or incident must, as soon as practicable,—

(a) verbally report the accident or incident to—

(i) the harbourmaster; and

(ii) Maritime New Zealand’s Rescue Coordination Centre New Zealand on free phone 0508 472 269; and

(b) complete—

(i) the online maritime accident or incident form found at www.maritimenz.govt.nz; or

(ii) the maritime accident or incident form provided by the harbourmaster or the Director.

2.10.2 The skipper of a vessel must, as soon as practicable, make a report under, and in accordance with, clause 2.10.1 if the vessel—

(a) has been involved in a collision with any vessel, navigational aid, or structure, or has been sunk or grounded or become stranded in any waterway; or

(b) is in a condition, by reason of any accident, fire, defect, or otherwise, that affects its safe navigation or gives rise to danger to other vessels or property; or

(c) gives rise to an obstruction in any manner; or

(d) causes any damage to any navigational aid or structure or to anything on the structure.

2.10.3 A verbal report made or maritime accident or incident form completed under clause 2.10.1 must include—

(a) a full description of any injury to persons and the names and addresses of any injured persons; and

(b) a full description of any damage to vessels or structures; and

(c) the full names and addresses of the owner and the skipper of the vessels involved.

2.10.4 If an accident or incident described in clause 2.10.1 or 2.10.2 involves damage to a vessel that affects or is likely to affect its seaworthiness, the vessel’s skipper may not move the vessel except—

(a) to clear the main navigational channel; or

(b) to moor or anchor in safety; or

(c) in accordance with the directions of the harbourmaster or an enforcement officer or the Police.

**2.11 Speed limits**

2.11.1 No person may, without reasonable excuse, navigate a vessel (including a vessel towing a person or an object) at a speed exceeding 5 knots—

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

(b) within 200 metres of the shore or of any structure, or on the inshore side of any buoy demarcating that distance from the water’s edge or structure; or

(c) within 200 metres of any vessel that is flying a diver’s flag—“Flag A” of the International Code of Signals; or

(d) while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.

2.11.2 Clause 2.11.1(a) does not apply to:

(a) a vessel towing in an access lane; or

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

(i) a club affiliated to Yachting New Zealand;

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

(c) a tug, pilot vessel, emergency response vessel, support vessel for rowing or paddling, harbourmaster vessel, or police vessel, in circumstances where the vessel’s duties cannot be performed in compliance with clause 2.11.1(a); or

 (d) a vessel operating in accordance with a suspension of speed limits under clause 6.1.

2.11.3 Clause 2.11.1(b) does not apply to:

(a) a vessel towing in an access lane; or

(b) a windsurfer, kite boarder or other similar board rider; or

(c) a tug, pilot vessel, emergency response vessel, support vessel for rowing or paddling, harbourmaster vessel or police vessel, in circumstances where the vessel’s duties cannot be performed in compliance with clause 2.11.1(b); or

(d) a vessel operating in accordance with a suspension of speed limits under clause 6.1.

2.11.4 No person may navigate a vessel at a speed exceeding 3 knots—

(a) in the Taupō Boat Harbour, which comprises that area situated between the Lake Taupō Control Gates and the outer channel markers; or

(b) in the Motuoapa Marina, which comprises all of the marina and entrance, including the area bounded by beacons out to the port and starboard lit beacons from the marina entrance; and

(c) in the Tokaanu Marina, which comprises the facility within the Tokaanu Tailrace, specifically set out for in-water vessel storage, situated between the southern Tokaanu boat ramp and the northern Tokaanu boat ramp.

2.11.5 In addition to the requirements of clause 2.11.4, any skipper of a vessel entering the Taupō Boat Harbour, the Motuoapa Marina, or the Tokaanu Marina must—

(a) maintain the minimum speed above the flow of water to maintain steerage way and control of the vessel; and

(b) proceed as far as practicable on that side of the channel and harbour which is upon the starboard (right-hand side); and

(c) proceed under power rather than sail; and

(d) refrain from overtaking.

**2.12 Collision prevention**

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

**Note: Maritime Rules Part 22 (relating to collision prevention) applies throughout New Zealand, including on the Lake.
Part 22 may be accessed in full at this link:
http://www.maritimenz.govt.nz/rules/part-22/**

**2.13 Diving**

 No person may dive from a vessel unless a diver’s flag—“Flag A” of the International Code of Signals—is displayed in such a manner that it can be clearly identified at a distance of 200 metres from another vessel. “Flag A” must accord with the description in the Maritime Rules Part 91 and be not less than 600 mm by 600 mm in dimension.

**2.14 Wake**

 Every person who navigates a vessel must ensure that the vessel’s wake does not cause danger or risk of damage to other vessels or structures or to any person.

**2.15 Registration of personal watercraft (jetski)**

2.15.1 Every personal watercraft used in or on the waters of the Lake must be registered with—

(a) the harbourmaster; or

(b) a regional council that also registers personal watercraft.

2.15.2 The registration must be completed to the satisfaction of the harbourmaster and include—

(a) at least the name and address of the owner; and

(b) the identification details of the personal watercraft.

2.15.3 If the ownership of a personal watercraft registered with the harbourmaster changes, the new owner may not use the personal watercraft or allow it to be used on the Lake until notice of the change of ownership is given to the harbourmaster or any agent authorised to accept changes of ownership on behalf of the harbourmaster.

2.15.4 The owner of the personal watercraft must ensure that the personal watercraft’s registration number is:

(a) displayed on both sides of the personal watercraft above the waterline; and

(b) clearly legible; and

(c) displayed using characters at least 90 mm in height.

**2.16 Vessels to be identified**

2.16.1 The skipper and the owner of a vessel must ensure that the vessel is marked with its name or similar identifying marks (for example, radio call sign, coast guard membership number, or the vessel’s trailer registration) which must:

(a) be displayed on both sides of the vessel above the water line; and

(b) be clearly legible; and

(c) have characters at least 90 mm in height; and

(d) not have the potential to misrepresent as a harbourmaster, police, customs, fishery officer or similar response vessel; and

(e) not be displayed using non-standard identification (for example symbols); and

(f) not be only the vessel’s brand, model, or make.

2.16.2 Clause 2.16.1 does not apply to a non-mechanically powered vessel that is less than 6 metres in length.

2.16.3 Clause 2.16.1 does not apply to a mechanically powered vessel that is less than 4 metres in length and cannot exceed 10 knots.

2.16.4 All vessels must be marked with emergency contact details somewhere on or in the vessel that is clearly visible.

Note: It is recommended that emergency contact details also be located on vessel trailers. This would assist the harbourmaster, enforcement officers, honorary enforcement officers, and other persons to ascertain whether a trailer at a particular location is intended to be there at night or overnight, in case the vessel and skipper have come into difficulty and require assistance and cannot seek assistance. This will assist search and rescue personnel.

**2.17 Sound and light signals**

2.17.1 No person may blow or sound the whistle, siren or horn of a vessel unless it is being used as a navigation safety signal or for the testing of equipment.

2.17.2 Subclause 2.17.1 does not apply to horns, whistles or sirens used for the purposes of a sporting event or a celebration event, provided they are used in locations where there will be no confusion to any other skipper about the navigation safety signal being sent.

2.17.3 No person may fit to any vessel or use any blue flashing light, unless the vessel is operated by police, customs, a fishery officer or a harbourmaster.

2.17.4 No person may fit to any vessel or use any purple flashing light unless the vessel is being used specifically for an emergency response. A purple flashing light may be used only when actively involved in responding to an incident.

**Note: Maritime Rules Part 22 (Collision prevention – lights and shapes) applies to skippers operating vessels on the Lake.
Part 22 can be accessed at this link:** http://www.maritimenz.govt.nz/rules/part-22/

**2.18 Means of communication**

2.18.1 Every skipper must carry on board their vessel at least one means of communication that:

(a) has the ability to communicate with a land based person from any area where the vessel is intended to be operated;

(b) has sufficient coverage and power to operate for the actual duration of the voyage; and

(c) if the vessel is 6 metres or less in length, is either waterproof or is carried in a waterproof bag or container.

2.18.2 Subclause 2.18.1 does not apply to a:

(a) stand up paddle boarder when the paddle board is being used solely for the purposes of surf riding; or

(b) vessel being used in any sporting event, guided activity or training activity, if there is a support vessel in attendance that is carrying a means of communication in accordance with subclause 2.18.1.

**2.19 Providing any vessel for remuneration, hire or reward**

 Any person providing any vessel for remuneration, hire or reward must:

(a) advise any operator of the requirements of this bylaw;

(b) provide a seaworthy vessel; and

(c) provide safety equipment in compliance with this bylaw.

**Part 3 - Waterskiing and towing**

**3.1 Lookouts**

 No person may use a vessel to tow any person and no person may allow himself or herself to be towed unless at least 1 other person is on board who is—

(a) 10 years of age or older; and

(b) responsible for immediately notifying the skipper of any mishap that occurs to the person who is being towed.

**3.2 Speed limits**

3.2.1 No person may cause himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other similar object) at a speed exceeding 5 knots in any of the following circumstances:

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

(b) within 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the water’s edge or structure; or

(c) within 200 metres of any vessel or raft or buoy that is flying a diver’s flag—“Flag A” of the International Code of Signals; or

(d) while any person has any portion of his or her body extending over the fore part, bow, or side of that vessel.

3.2.2 Subclause 3.2.1(a) and (b) do not apply to:

(a) a person being towed in an access lane; or

(b) a person being towed by a vessel operating in accordance with a suspension of speed limits under clause 6.1.

**3.3 Conduct in access lanes (ski/tow lanes)**

3.3.1 Access lanes are those listed in Schedule 1.

3.3.2 No person may navigate a vessel in an access lane, except by the most direct route along the access lane, and while keeping to the starboard (right-hand side).

3.3.3 No person, whether with or without a vessel, may enter, remain in, or use the access lane for any other purpose than for towing persons.

3.3.4 No person may park a vessel at the water’s edge within the area of any access lane whether the vessel is engaged in access lane activity or not.

3.3.5 For avoidance of doubt, this clause does not prevent persons or vessels from crossing an access lane provided the crossing is done in a reasonable and safe manner, with priority being given to vessels using the lane for its intended purpose.

**3.4 Towing between sunset and sunrise**

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

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

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

**Part 4 - Swimming**

**4.1 Restrictions**

 No person may jump, dive, swim, or undertake other related activities, from or within—

(a) 50 metres of any jetty, ramp, wharf, or quay that is in regular use for the berthing and unberthing of vessels; or

(b) any designated anchorage or mooring area or marina; or

(c) any navigational channel; or

(d) any licensed commercial operation or structure; or

(e) the Kinloch Marina entrance; or

(f) any access lane.

**4.2 Conduct in reserved areas**

4.2.1 Areas reserved for swimming are those reserved areas listed in Schedule 2.

4.2.2 No person may navigate a vessel in an area that is reserved for swimming or a temporary reserved area established by the harbourmaster under clause 4.2.4.

4.2.3 Nothing in clause 4.2.1 prohibits the use of an emergency response vessel within a reserved area.

4.2.4 The harbourmaster may establish temporary reserved areas to provide safe zones for events requiring separation of competitors (either swimmers or vessels) from vessels not directly supporting the event.

4.2.5 The harbourmaster will advise of any temporary reserved areas by public notice.

**Part 5 - Seaplanes**

**5.1 Use of seaplanes**

 Except in an emergency, no person piloting a seaplane or other aircraft may take off, land, or attempt to take off or land in any area other than an area reserved for that purpose.

**Note: Seaplanes on the surface of the Lake are considered to be vessels and must abide by all parts of this bylaw relating to vessels.**

**Part 6 - Events**

**6.1 Applications to conduct events**

6.1.1 Any person intending to conduct a race, speed trial, competition, or other organised water activity may apply to the harbourmaster to—

(a) temporarily suspend the application of speed limits for the purposes of facilitating the event; or

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

6.1.2 The harbourmaster may grant an application, for a period not exceeding 10 days and on such conditions as he or she may specify if satisfied that suitable provisions are in place to protect the safety of persons taking part in the event.

6.1.3 No grant of an application may have effect unless, not less than 7 days or more than 14 days before the commencement of the activity, public notice is given by the applicant specifying the period of the activity and details of the suspension of the application of speed limits for the area reserved for the event.

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

**Part 7 - Closed Areas**

**7.1 Closed areas**

7.1.1 The harbourmaster may close access to an area for navigation safety reasons.

7.1.2 When closing an area, the harbourmaster must:

(a) specify the relevant area to be closed;

(b) specify any terms and conditions that the harbourmaster considers appropriate; and

(c) publicly notify the details of the closure.

**Part 8 - Offences**

**8.1 Offence**

8.1.1 Every person commits an offence against this bylaw who—

(a) fails, refuses, or neglects to comply with a lawful direction of the harbourmaster or deputy harbourmaster or a person acting under the harbourmaster’s or deputy harbourmaster’s authority; or

(b) obstructs, impedes, or interferes with the doing of anything required, or authorised to be done, under this bylaw; or

(c) carries out an act in contravention of, or fails to comply with, a provision of this bylaw; or

(d) fails to comply with a reasonable requirement of the harbourmaster as soon as is reasonably possible.

8.1.2 Where this bylaw imposes a requirement on the skipper of any vessel, that requirement must, in the case of a vessel that has no skipper, be performed or carried out by the owner.

8.1.3 Where a clause imposes a requirement on both the skipper and the owner of a vessel, then, if that clause is not complied with, the skipper and the owner are deemed to have both committed an offence. If the requirement is complied with by either the skipper or the owner, then compliance by one is compliance by the other.

8.1.4 Compliance with this bylaw does not remove the need to comply with other legislation or the requirements of other authorities or agencies that have jurisdiction over the Lake.

**8.2 Penalties**

8.2.1 Every person who commits an offence against this bylaw is liable to a fine not exceeding $500.

8.2.2 On service by the harbourmaster of an infringement notice, every person is liable to pay the prescribed infringement fee prescribed in regulations made under the Act.

**8.3 Authority to issue infringement notices**

8.3.1 Harbourmasters, deputy harbourmasters, enforcement officers, and police officers have the authority to issue an infringement notice for offences specified in clause 8.1.

8.3.2 An infringement notice may be served—

(a) by delivering it, or a copy of it, personally to the person alleged to have committed the infringement offence; or

(b) by sending it, or a copy of it, by post, addressed to the person at his or her last known place of residence or business or postal address.

**8.4 Liability of harbourmaster**

8.4.1 The harbourmaster is not liable for:

(a) any damage to vessels which have not been securely moored;

(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.

8.4.2 The harbourmaster is not liable for any damage to a vessel tied to a mooring, whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause.

8.4.3 The harbourmaster is not liable for any damage to a vessel that the harbourmaster secures or removes under this bylaw.

**Schedule 1 - Access lanes**

cls 1.3, 3.3.1

Water ski/towing access lanes

**Whangamata Bay**

All that area of water at Whangamata Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 230° true direction 200 metres from the edge of the water, the north-western boundary commencing 75 metres south-eastwards of the breakwater.

**Kaiapo Bay**

All that area of water in Kaiapo Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 237° true direction 200 metres from the edge of the water, the south-eastern boundary commencing 40 metres north-eastwards of the south-eastern end of the beach.

**Five Mile Bay**

All that area of water at Five Mile Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 250° true direction 200 metres from the edge of the water, the northern boundary commencing off the end of the northern access road to the bay.

All that area of water at Five Mile Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 250° true direction 200 metres from the edge of the water, the southern boundary commencing 175 metres northwards of the Tawhaa Road access.

**Hatepe**

All that area of water at Hatepe, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 267° true direction 200 metres from the edge of the water, the northern boundary commencing 600 metres southwards of the point at the southern end of the settlement.

**Motutere Bay**

All that area of water at Motutere Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 338° true direction 200 metres from the edge of the water, the north-eastern boundary commencing 50 metres south-westwards of the Bulli Point end of the bay.

**Mission Bay**

All that area of water at Mission Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 350° true direction 200 metres from the edge of the water, the western boundary commencing 1 200 metres eastwards of Mission Point.

**Stump Bay**

All that area of water at Stump Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 287° true direction 200 metres from the edge of the water, the northern boundary commencing 150 metres southwards of the northern corner of the bay.

**Waihi Bay**

All that area of water at Waihi Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 020° true direction 200 metres from the edge of the water, the western boundary commencing 350 metres eastwards of the mouth of the Omoho Stream.

**Omori/Kuratau**

All that area of water at Kuratau, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 160° true direction 200 metres from the edge of the water, the eastern boundary commencing 600 metres south-westwards of Kuratau Spit.

**Whareroa**

All that area of water at Te Hape Bay, Lake Taupō, bounded on the sides by parallel lines 150 metres apart, extending in a 085° true direction 200 metres from the edge of the water, the northern boundary commencing 1 000 metres southwards of the mouth of the Whareroa Stream.

**Waihaha Bay**

All that area of water at Waihaha Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 133° true direction 200 metres from the edge of the water, the southern boundary commencing 50 metres from the southern end of the beach.

**Waihora Bay**

All that area of water at Waihora Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 150° true direction 200 metres from the edge of the water, the north-eastern boundary commencing 350 metres south-westwards of the mouth of the Waihora Stream.

**Kawakawa Bay**

All that area of water at Kawakawa Bay, Lake Taupō, bounded on the sides by parallel lines 100 metres apart, extending in a 255° true direction 200 metres from the edge of the water, the south-eastern boundary commencing 300 metres north-westwards of the eastern corner of the bay.

**Schedule 2 - Reserved areas**

cls 1.3, 4.2.1

Areas reserved for swimming

The following areas are reserved for swimming:

(a) **Floatplane -** the area situated south-west of the Lake Taupō Landing Reserve within lines running 120° (true) from the jetty and 33° (true) from the outer flashing green channel marker; and

(b) **Kinloch -** the area starting 50 metres west of the groyne that forms the western side of the entrance to the Kinloch Marina, running to the west along the beach to a line marked by the flagpole in the Holyoake Memorial, bounded by parallel lines extending from either end of this area to a distance of 150 metres from the lake margin at normal lake level in a direction of 210° (true); and

(c) **Lake Terrace -** the area adjacent to the car park and reserve on State Highway 1 between Pataka Road and south-east to the Sea Scout building, bounded by parallel lines extending from either end of those points to a distance of approximately 150 metres from the lake margin at normal lake level in a direction of 220° (true); and

(d) **Te Ti Point -** the second bay south of Te Ti Point starting at the south end of the Secombe Park carpark, bounded by buoys extending from either end of this area to a distance approximately 100 metres from the lake margin at normal lake level; and

(e) **Kuratau -** the area starting 50 metres west of the jetty at the Kuratau boat ramp extending for 125 metres west, bounded by parallel lines extending from either end of this area to a distance of approximately 100 metres from the lake margin at normal lake level in a direction of 160° (true).

(f) **Whareroa -** the area starting 100 metres west of the Whareroa boat ramp and continuing for another 100 metres west, bounded by parallel lines extending from either end of this area to a distance of approximately 100 metres from the lake margin at normal lake level in a direction of 115° (true).

Dated at Wellington this

Associate Minister of Local Government.

Date of notification in Gazette: