

# Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches [REVISED]

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# Seal

The *Taranaki Regional Council Navigation Safety Bylaws for Port Taranaki and its Approaches 2020* was prepared by the Taranaki Regional Council under the provisions of section 33M of the Maritime Transport Act 1994. These bylaws are to be read in conjunction with the Maritime Rules and Regulations of New Zealand, and the operating procedures of Port Taranaki Ltd, including the Port Harbour Safety Management document.

These bylaws were proposed at the Ordinary Meeting of the Taranaki Regional Council held on \_\_\_, confirmed at an Ordinary Meeting of the Council held \_ 2020 and come into force on \_\_ 2020.

DATED at Stratford on *[date to be confirmed]*.

SIGNED by the TARANAKI REGIONAL COUNCIL

By the affixing of its common seal in the presence of

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D N MacLeod (Chairman)

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M J Nield (Acting Chief Executive)



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## Part 1

# Preliminary provisions

### 1. Title and commencement

- 1.1 These bylaws are the Taranaki Regional Council's *Navigation Safety Bylaws for Port Taranaki and its Approaches 2020* (the bylaws).
- 1.2 These bylaws come into force on the date of the Taranaki Regional Council's special resolution on [DATE TO BE DETERMINED].

### 2. Purpose

- 2.1 These bylaws are made for the purpose of regulating navigation safety in Port Taranaki and its approaches and are to be read in conjunction with Maritime Rules, [Part 91 Navigation Safety Rules](#)<sup>1</sup> and Maritime Rules, [Part 22 Collision Prevention](#)<sup>2</sup> prepared by Maritime New Zealand.

### 3. Application

- 3.1 These bylaws apply only within Port Taranaki and its approaches which extends 2.5 nautical miles from Moturoa Trig (NZMS 260 P19: 2599200E, 6237500N), as shown in the [Map 1 \[Harbour limits\]](#)<sup>3</sup>.
- 3.2 Nothing in these bylaws shall affect the operations of Port Taranaki Limited, except to the extent provided for by the relevant Acts and Regulations of New Zealand.

### 4. Definition of terms

- 4.1 In these bylaws, unless the context otherwise requires:

**Access lane** means the area designated as an access lane by the Taranaki Regional Council pursuant to navigation bylaws.

**Accident** has the same meaning as in section 2 of the *Maritime Transport Act 1994* (as set out below):

means an occurrence that involves a ship and in which—

- (a) a person is seriously harmed as a result of—
  - (i) being on the ship; or
  - (ii) direct contact with any part of the ship, including any part that has become detached from the ship; or
  - (iii) direct exposure to the wash of the ship or interaction (other than direct contact) between 2 ships; or
  - (iv) being involved in the salvage of any ship—  
except where the injuries are self-inflicted or inflicted by other persons, or when injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- (b) the ship sustains damage or structural failure that—
  - (i) adversely affects the structural strength, performance, or seaworthiness of the ship; or
  - (ii) would normally require major repair or replacement of the affected component; or
  - (iii) poses a threat to the safety of people on board the ship; or
- (c) there is a complete or partial failure of machinery or equipment that affects the seaworthiness of the ship; or
- (d) there is a loss of, or damage to, or movement of, or change in the state of, the cargo of the ship which poses a risk to the ship or other ships; or

<sup>1</sup> <https://www.maritimenz.govt.nz/rules/part-91/>

<sup>2</sup> <https://www.maritimenz.govt.nz/rules/part-22/>

<sup>3</sup> *In all other areas of the Taranaki region, other than Port Taranaki and its approaches, Maritime New Zealand is responsible for regulating navigation safety.*

- (e) there is a significant loss of, or significant damage to, property (not being the cargo carried by the ship) or the property of any person (whether or not on board the ship), whether or not the loss or damage arises from an interaction between 2 ships; or
- (f) there is a loss or escape of any substance or thing that—
  - (i) may result, or has resulted, in serious harm to any person; or
  - (ii) may pose a risk, or has resulted in damage, to the ship or other ships; or
  - (iii) may pose a risk, or has resulted in damage, to any property (whether or not on board the ship); or
- (g) a person is lost at sea (whether or not subsequently found) or is missing; or
- (h) the ship is foundering, capsizing, being abandoned, stranding, missing, or has foundered, capsized, been abandoned, stranded, been in a collision, or has had a major fire on board.

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

**Bylaw** means the *Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 2020* (and for the avoidance of doubt, includes the most recent version of the Maritime Rules [Part 91 Navigation Safety Rules](#) and [Part 22 Collision Prevention](#), prepared by Maritime New Zealand, with all necessary modifications and exceptions).

**Council** means the Taranaki Regional Council.

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

**Harbourmaster** has the same meaning as in section 2 of the *Maritime Rules – Part 91 Navigation Safety Rules* (as set out below):

means a person appointed as a harbourmaster under Part 3A of the Act.<sup>[4]</sup>

**Maritime Rules** means maritime rules made under the Maritime Transport Act 1994.

**Master** has the same meaning as in section 2 of the *Maritime Rules – Part 91 Navigation Safety Rules* (as set out below):

means any person (except a pilot) having command or charge of a vessel.

**Navigate** has the same meaning as in section 2 of the *Marine Rules - Part 91 Navigation Safety Rules* (as set out below):

means the act or process of managing or directing the course of a vessel on, through, over, or under the water.

**Navigation bylaw** means a bylaw made under section 33M of the *Maritime Transport Act 1994*.

**Owner** has the same meaning as in section 2 of the *Marine Rules – Part 91 Navigation Safety Rules* *Maritime Transport Act 1994* (as set out below):

- (a) in relation to a ship registered in New Zealand under the Ship Registration Act 1992, means the registered owner of the ship;
- (b) in relation to a ship registered in any place outside New Zealand, means the registered owner of the ship: ~~Maritime Rules MNZ Consolidation 1 November 2016 2~~
- (c) in relation to a fishing ship, other than one to which paragraph (a) or paragraph (b) ~~of this definition~~ applies, means the person registered as the owner ~~in the Fishing Vessel Register kept under section 5798~~ of the Fisheries Act 1996~~83~~;
- (d) in relation to a ship to which paragraph (a) or paragraph (b) or paragraph (c) ~~of this definition~~ applies, where, by virtue of any charter or demise or for any other reason, the registered owner is not responsible for the management of the ship, includes the charterer or other person who is for the time being so responsible;
- (e) in relation to an unregistered ship or a registered ship that does not have a registered owner, means the person who is for the time being responsible for the management of the ship:

**Port Taranaki** means that area defined in [Map 1 \[Harbour limits\]](#) of these bylaws.

<sup>4</sup> For the functions and powers of the harbourmaster refer to sections 33E and 33F of the *Maritime Transport Act 1994*.

**Port company** means Port Taranaki Limited or its subsidiaries or successors, acting through its agents or employees.

**Reserved area** means an area reserved by the Council for a specified navigation safety purpose as set out in these bylaws.

**Small vessel** means a vessel that is less than 30 metres in overall length, or a seaplane that is less than 30 metres in overall length and is on the water, regardless of the common or intended usage and the mode of power of that vessel or seaplane.

**Vessel** has the same meaning as in section 2 of the Maritime Rules *Part 91 Navigation Safety Rules* (as set out below):

means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

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



## Part 2

# Administrative matters

### 5. Navigation Safety Rules to form part of bylaws

- 5.1 Subject to sections [6 \[Officers not affected\]](#) to [12 \[Areas set aside for temporary events\]](#) the most current version of the Maritime Rules, Part 91 Navigation Safety Rules and Part 22 Collision Prevention shall have effect with all necessary modifications and exceptions, as if those requirements were requirements under these bylaws.

### 6. Officers not affected

- 6.1 Sections [7 \[Reserve Area A\]](#), [8 \[Reserve Area B\]](#), [9 \[Reserve Area C\]](#), [10 \[Boat access lane\]](#), [11 \[Anchorage of vessels waiting to enter Port Taranaki\]](#), [12.3 \[Areas set aside for temporary events\]](#), [14 \[Moving prohibited zone\]](#), shall not apply to the harbourmaster or any enforcement officer while acting in the course of his or her duty.

## Part 3

# Reserved areas and restrictions

### 7. Reserved Area A

- 7.1 Reserved Area A refers to that part of Port Taranaki and its approaches marked as Reserved Area A in [Map 2 \[Reserved areas and restrictions\]](#), being the area inside a line from Blyde Wharf to the end of the Lee Breakwater, excluding the boat access lane.
- 7.2 Reserved area A is reserved for the purposes of providing [a safe speed area for users in, or near, Ngāmotu Beach and the boat ramp area](#) where a speed restriction of 5 knots applies ~~to vessels within that area~~.
- 7.3 No person shall propel or navigate a vessel (including a vessel towing a person or an object) in Reserved Area A at a speed exceeding 5 knots.
- 7.4 Swimming is permitted within Reserved Area A, however, no person shall swim, dive or otherwise play on/near a boat ramp or jetty, or in a location or manner which may cause danger to the swimmer from boating activities, or which may impede access by any vessel.

### 8. Reserved Area B

- 8.1 Reserved Area B refers to that part of Port Taranaki and its approaches marked as Reserved Area B in [Map 2 \[Reserved areas and restrictions\]](#).
- 8.2 Reserved Area B is reserved for the purposes of providing [a safe and efficient route into and out of the Port breakwaters area](#) where the speed restrictions set out in Maritime Rules, Part 91.6(1)(b) Navigation Safety Rules do not apply.
- 8.3 The speed restrictions set out in Maritime Safety Rules, Part 91.6(1)(b) Navigation Safety Rules do not apply to vessels within Reserved Area B.

### 9. Reserved Area C

- 9.1 Reserved Area C refers to that part of Port Taranaki and its approaches marked as Reserved Area C in [Map 2 \[Reserved areas and restrictions\]](#).
- 9.2 Reserved Area C is reserved for the [use of ships using the Port facilities, providing services to ships, or carrying out Port operations purposes of ensuring safe and efficient Port operations](#).
- 9.3 No person shall cause any small vessel to enter Reserved Area C, without the permission of the harbourmaster.
- 9.4 No person shall jump, dive or swim from or off any wharf or jetty in Reserved Area C, without the permission of the harbourmaster.

### 10. Boat access lane

- 10.1 The Boat access lane refers to that part of Port Taranaki and its approaches marked as Boat access lane on [Map 2 \[Reserved areas and restrictions\]](#).
- 10.2 The Boat access lane is declared for the purposes of providing access into Reserved Area B for small vessels launched and recovered from Ngāmotu Beach.
- 10.3 No person shall propel or navigate a vessel (including a vessel towing a person or an object) in the boat access lane at a speed exceeding 5 knots.

## 11. Anchorage of vessels in the main navigation channel

Except for small vessels, the master of any vessel must not anchor within the main navigation channel, except where:

- a) an emergency situation arises;
- b) the pilot of the vessel recommends the vessel anchor in response to the emergency; and
- c) the harbourmaster is informed of the anchorage as soon as is practicable.

## 12. Areas set aside for temporary events

- 12.1 The harbourmaster may designate an area(s) for the purpose of temporary events in accordance with section [16 \[Authorization of temporary events\]](#).
- 12.2 Areas set aside for temporary events may be identified by way of flagging and/or otherwise marking the area for the purpose of the temporary event.
- 12.3 No person may carry out any activity other than the activities for which the area has been flagged or marked.

## Part 4

# Operating requirement

### 13. Vessels to be seaworthy

- 13.1 The master and the owner of any vessel must keep the vessel in a seaworthy condition at all times.
- 13.2 The master and the owner of a vessel that is not seaworthy must inform the harbourmaster as soon as practicable and within 24 hours.
- 13.3 The harbourmaster may give direction to the master or the owner of any vessel that is not seaworthy, to move the vessel to an alternative location or remove it from the waters within a specified time.
- 13.4 Except for the harbourmaster, no person shall operate any vessel that is not seaworthy except to clear the main navigation channel, to anchor or moor in safety or to comply with the directions of the harbourmaster.
- 13.5 If the master or the owner of the vessel fails to move a vessel in accordance with the direction given under section [13.3](#), (above) the harbourmaster may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water.
- 13.6 The harbourmaster may provide written approval for vessels that are not seaworthy to be anchored or moored, subject to conditions as appropriate, to ensure navigation safety.

### 14. Moving prohibited zone

- 14.1 A moving prohibited zone extending 50 metres to each side, 50 metres astern, and 300 metres ahead of any vessel of 50 metres or more in length or any vessel with tugs in attendance following the main navigational channel into and out of the harbour.
- 14.2 Except for pilotage vessels and tugs in attendance, the master of any vessel must not navigate a vessel within a moving prohibited zone.

## Part 5

# Reporting and permitting

### 15. Collisions and accidents

15.1 The master of any vessel that:

- a) has been involved in any accident;
- b) has been involved in a collision with any vessel or property, or has been sunk, grounded, or become stranded;
- c) by reason of accident, fire, defect or otherwise, is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property;
- d) in any manner gives rise to an obstruction; or
- e) causes damage to any navigation aid or structure, or to anything on the structure;

must:

- f) report the incident to the harbourmaster as soon as practicable;
- g) within 48 hours, fill out an online report<sup>5</sup>; and
- h) comply with any accident reporting requirements of the Maritime Transport Act 1994.

15.2 A report under section [15.1](#) (above) must include:

- a) a full description of any injury to persons and their full names and their addresses;
- b) a full description of any damage to vessels, navigation aids or structures including discharges into the sea of any pollutants;
- c) the name(s) and address(es) of any persons in charge of the vessel;
- d) the time and date of the occurrence;
- e) an outline of the events relating to the occurrence; and
- f) any additional information requested by the harbourmaster in the interest of maintaining navigation safety.

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<sup>5</sup> *Collisions and accidents: Web address for online form.*

<sup>6</sup> *Authorisation for temporary events: Web address online form.*

### 16. Authorisation for temporary events

16.1 Any person intending to conduct a temporary event that requires to:

- a) temporarily suspend the application of part or all of the sections [9](#) to [12](#); and/or
  - b) temporarily reserve the area for the purpose of that activity;
- must apply to the Council using the online form<sup>6</sup>.

16.2 If the harbourmaster is satisfied that an application may be granted without endangering the public, it may grant the application for a specified period or periods and subject to such conditions as the Council may specify in the interests of maritime safety and taking into account the commercial requirements of the Port Company.

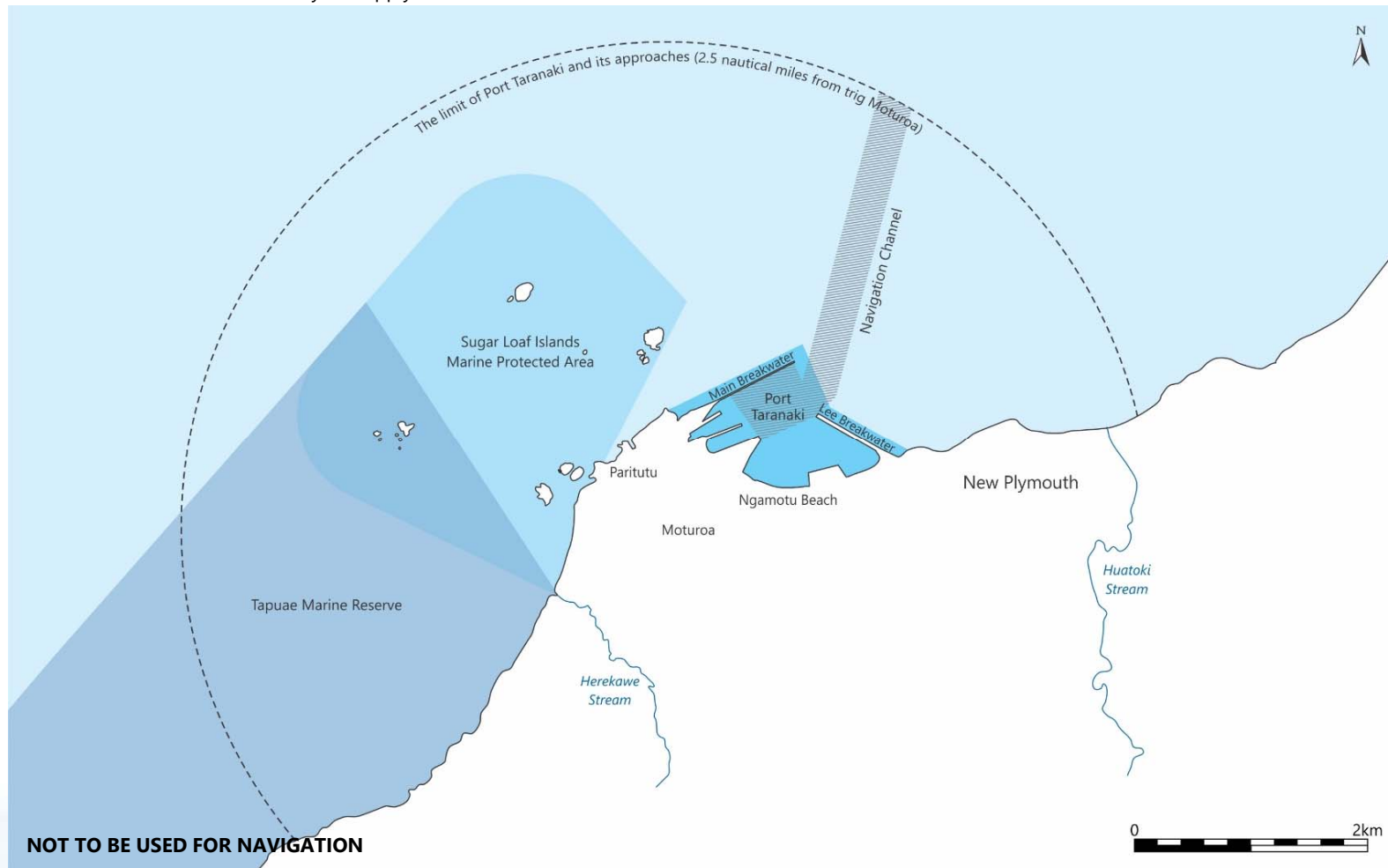
16.3 No grant of an application under section [16.2](#) (above) shall have effect unless the applicant:

- a) publicly notifies in one or more daily newspapers circulating in the New Plymouth District not less than seven days nor more than 14 days before the commencement of the activity;
  - (i) the date(s) and time(s) of the activity; and
  - (ii) the details of the suspension or reserved area; and
- b) notifies any other affected parties as requested by the harbourmaster.

## Part 6 Maps

### Map 1 – Harbour limits

This map identifies the area to which these bylaws apply.



## Map 2 – Reserved areas and restrictions

This map identifies the reserved areas and areas with speed restrictions as set out in sections 7 to 10.

