

Reprint  
as at 13 April 2017



**Lake Taupo Navigation Safety Amendment Bylaw 2011**  
(SR 2011/298)

Lake Taupo Navigation Safety Amendment Bylaw 2011: revoked, on 13 April 2017, pursuant to clause 2 of the Lake Taupo Navigation Safety Bylaw Revocation Notice 2017.

Pursuant to sections 650I(2)(c) and 684B of the Local Government Act 1974, the Associate Minister of Local Government makes the following bylaw.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This bylaw is administered by the Department of Internal Affairs.**

### Schedule 3 Amendment to Schedule 4

8

## Bylaw

### 1 Title

This bylaw is the Lake Taupo Navigation Safety Amendment Bylaw 2011.

### 2 Commencement

This bylaw comes into force on 30 September 2011.

### 3 Principal bylaw amended

This bylaw amends the Lake Taupo Navigation Safety Bylaw 2010.

### 4 Definitions

- (1) Clause 1.3 is amended by revoking the definition of **Director** and substituting the following definition:

**Director** means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994

- (2) Clause 1.3 is amended by revoking the definition of **Harbourmaster** and substituting the following definition:

**Harbourmaster** means the person who is appointed by the Secretary for Local Government under section 650B or 650I(3) of the Act to exercise authority under this bylaw and all relevant associated legislation, and includes any deputy of that person

- (3) Clause 1.3 is amended by revoking the definition of **personal flotation device** and substituting the following definition:

**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 5823:2001, 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

- (4) Clause 1.3 is amended by revoking the definition of **personal watercraft** and substituting the following definition:

**personal watercraft** 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

- (5) Clause 1.3 is amended by revoking the definition of **reserved area** and substituting the following definition:

**reserved area** means an area of water specified in Schedule 3 as reserved for—

- (a) a specified navigation safety purpose approved by the Harbourmaster in accordance with clause 4.2:
- (b) a specified area approved by the Harbourmaster in accordance with clause 4.2

- (6) Clause 1.3 is amended by inserting the following definitions in their appropriate alphabetical order:

**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

**enforcement officer** means a person who is appointed as an enforcement officer under section 650B(1) of the Act

**honorary enforcement officer** means a person who is appointed as an honorary enforcement officer under section 650B(1) of the Act

**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 permit holder, and includes the swing area around the mooring

**NZS** means New Zealand Standard

**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 Taupo (Crown Facilities, Permits and Fees) Regulations 2004

**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

**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*

## 5 Moorings

(1) The heading to clause 2.4 is amended by inserting “**and ramps**” after “**Moorings**”.

(2) Clause 2.4 is amended by adding the following subclauses:

2.4.6 No person may part with, assign to another person, or allow another person to use, a mooring site for which the person has been granted a mooring permit, except in the manner specified in writing by the Harbourmaster.

2.4.7 The Harbourmaster or the Secretary for Local Government may—

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

2.4.8 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.

## 6 New clause 2.10 substituted

Clause 2.10 is revoked and the following clause substituted:

### 2.10 Notification of accidents and incidents

2.10.1 The owner or person in charge 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 222 433; and
- (b) complete—
  - (i) the online maritime accident or incident form found at [www.maritimenz.govt.nz](http://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 report made 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 all persons in charge of the vessel.

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.

## **7 New clauses 2.15 to 2.17 inserted**

The following clauses are inserted after clause 2.14:

### **2.15 Registration of personal watercraft**

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 Har-

bourmaster or any agent authorised to accept changes of ownership on behalf of the Harbourmaster.

## **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; non-standard identification, for example, symbols, or the vessel's brand, model, and make is unacceptable),—

- (a) which must be displayed on both sides of the vessel above the water line; and
- (b) which must be clearly legible; and
- (c) whose characters must be at least 90 mm in height.

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 Any vessel that is less than 6 metres in length must be marked with emergency contact details or the owner's name or 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 Authority to issue infringement notices**

2.17.1 Harbourmasters, Deputy Harbourmasters, enforcement officers, and honorary enforcement officers have the authority to issue an infringement notice for offences specified in clause 7.1.

2.17.2 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 Offence**

Clause 7.1 is amended by revoking subclause 7.1.1 and substituting the following subclause:

7.1.1 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 enjoined, 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.

**9 Applications to conduct events**

The note to clause 6.1 is amended by omitting "Topia Rameka,".

**10 Schedule 1 amended**

Schedule 1 of the Lake Taupo Navigation Safety Bylaw 2010 is amended in the manner set out in Schedule 1 of this bylaw.

**11 Schedule 3 amended**

Schedule 3 of the Lake Taupo Navigation Safety Bylaw 2010 is amended in the manner set out in Schedule 2 of this bylaw.

**12 Schedule 4 amended**

Schedule 4 of the Lake Taupo Navigation Safety Bylaw 2010 is amended in the manner set out in Schedule 3 of this bylaw.

**Schedule 1  
Amendment to Schedule 1**

cl 10

Add:

Registration fee for personal watercraft	\$35.00
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**Schedule 2  
Amendment to Schedule 3**

cl 11

Paragraph (c): add "; and" and also add:

- (d) 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

- (e) 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
- (f) 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).

### Schedule 3 Amendment to Schedule 4

cl 12

Item relating to rule 91.4(4): omit and substitute:

Every person on board a vessel—

- (a) that is less than 6 metres in length must wear a properly secured personal flotation device unless the skipper—
  - (i) has expressly given permission for personal flotation devices not to be worn; and
  - (i) considers that conditions are such that there is no significant increase in the risk to safety to any person through not wearing a personal flotation device;
- (b) that is 6 metres or more in length must wear a properly secured personal flotation device if the skipper deems it necessary.

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

Every person on board a personal watercraft must wear a properly secured personal flotation device that is a New Zealand Standard approved buoyancy aid.

Dated at Wellington this 22nd day of August 2011.

Hon Craig Foss,  
Associate Minister of Local Government.

### Explanatory note

*This note is not part of the bylaw, but is intended to indicate its general effect.*

This bylaw, which comes into force on 30 September 2011, amends the Lake Taupo Navigation Safety Bylaw 2010 (the **bylaw**).



*Clause 4* adds and replaces a number of definitions.

*Clause 5* provides that a person may not assign to another person, or allow another person to use, a mooring site without the written approval of the Harbourmaster. It also adds provisions regarding the issuing of ramp permits.

*Clause 6* substitutes *new clause 2.10*, which concerns the notification of accidents and incidents.

*Clause 7* adds new provisions relating to the registration of personal watercraft and the identification of vessels.

*Clause 8* adds an offence provision regarding persons who fail, refuse, or neglect to comply with a lawful direction, or who obstruct, impede, or interfere with the doing of anything under the bylaw, or who carry out acts in contravention of the bylaw.

*Clause 9* adjusts the note to clause 6.1 of the bylaw by omitting the reference to Topia Rameka.

*Clause 10* provides that Schedule 1 of the bylaw is amended in the manner set out in *Schedule 1* of this bylaw.

*Clause 11* provides that Schedule 3 of the bylaw is amended in the manner set out in *Schedule 2* of this bylaw.

*Clause 12* provides that Schedule 4 of the bylaw is amended in the manner set out in *Schedule 3* of this bylaw.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 25 August 2011.

This bylaw is administered by the Department of Internal Affairs.

## Reprints notes

### **1** *General*

This is a reprint of the Lake Taupo Navigation Safety Amendment Bylaw 2011 that incorporates all the amendments to that bylaw as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Lake Taupo Navigation Safety Bylaw Revocation Notice 2017