

**Reprint
as at 13 April 2017**



Lake Taupo Navigation Safety Bylaw 2010

(SR 2010/363)

Lake Taupo Navigation Safety Bylaw 2010: revoked, on 13 April 2017, by 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.

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Bylaw

Part 1.0

Preliminary provisions

1.1 Title and commencement

1.1.1 This bylaw is the Lake Taupo Navigation Safety Bylaw 2010.

1.1.2 This bylaw comes into force on 15 November 2010.

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 marked by orange posts with horizontal black bands for landing or departing vessels or persons towed by vessels on water skis or other objects referred to in Part 3 and Schedule 2

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 Local Government Act 1974

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 Maritime Transport Act 1994

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

harbourmaster means the person who is appointed under Part 3A of the Maritime Transport Act 1994 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 650B(1) of the Act

infringement offence means a breach of a navigation bylaw that is specified in regulations made under section 699A of the Act

Lake means all the waters of Lake Taupo, 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 Taupo 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 permit holder, 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 5823:2001, 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 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

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 Taupo (Crown Facilities, Permits and Fees) Regulations 2004

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

restricted anchorage means an area where vessels should 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

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*

vessel—

- (a) means every description of boat or craft used to carry goods or persons over or under water, whether or not it has any means of propulsion; and
- (b) includes personal watercraft; but
- (c) excludes inflatable toys, body boards, and other items that would be considered to be children's toys.

Note: Ownership of the Lake lies with Tuwharetoa Maori Trust Board, while responsibility for administration of the bylaw is devolved upon the Department of Internal Affairs (Te Tari Taiwhenua).

Clause 1.3 **anchor**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **Director**: substituted, on 30 September 2011, by clause 4(1) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **enforcement officer**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **harbourmaster**: substituted, on 30 September 2011, by clause 4(2) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **harbourmaster**: amended, on 23 October 2013, by section 90 of the Maritime Transport Amendment Act 2013 (2013 No 84).

Clause 1.3 **honorary enforcement officer**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **mooring**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **mooring site**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **NZS**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **personal flotation device** or **PFD**: substituted, on 30 September 2011, by clause 4(3) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **personal watercraft**: substituted, on 30 September 2011, by clause 4(4) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **ramp**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **ramp permit**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **reserved area**: substituted, on 30 September 2011, by clause 4(5) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **seaplane**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **sunrise**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 1.3 **sunset**: inserted, on 30 September 2011, by clause 4(6) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Part 2.0

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

Every person must observe the provisions relating to him or her set out in Schedule 4 with regard to the supply or wearing of personal flotation devices.

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 and ramps

2.4.1 No person may place or maintain a mooring in the Lake unless a current mooring permit has been obtained from the harbourmaster.

- 2.4.2 Permit holders must comply with the conditions of mooring on the permit issued by the harbourmaster.
- 2.4.3 No person may moor a vessel to any mooring buoy for which they do not hold a permit, unless the buoy is clearly marked as a public mooring.
- 2.4.4 No person may leave unattended overnight a vessel secured to a public mooring.
- 2.4.5 Mooring fees are listed in Schedule 1.
- 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.

Clause 2.4 heading: amended, on 30 September 2011, by clause 5(1) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 2.4.6: added, on 30 September 2011, by clause 5(2) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 2.4.7: added, on 30 September 2011, by clause 5(2) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Clause 2.4.8: added, on 30 September 2011, by clause 5(2) of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

2.5 Vessels to be adequately moored or secured

- 2.5.1 Any person in charge 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—

Taupo Boat Harbour

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

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.

- 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.
- 2.7.2 No unauthorised 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.

2.8 Use of vessel engine around wharves and ramps

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, 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.
- 2.9.4 No unauthorised person may anchor a vessel so as to—
- (a) obstruct the approach to any wharf, pier, or jetty; or
 - (b) create a hazard to other vessels or persons.

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; 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.

Clause 2.10: substituted, on 30 September 2011, by clause 6 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

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 row of buoys 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 No person may navigate a vessel at a speed exceeding 3 knots in the Taupo boat harbour, which comprises that area situated between the Lake Taupo Control Gates and the outer channel markers.
- 2.11.3 In addition to the requirements of clause 2.11.2, any person in charge of a vessel entering the Taupo boat harbour 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

- 2.12.1 No person may operate a vessel in breach of Maritime Rule 22 (Collision Prevention), made under the Maritime Transport Act 1994.
- 2.12.2 Every person commits an offence against this bylaw who fails to comply with a reasonable requirement of the harbourmaster as soon as is reasonably possible.
- 2.12.3 No person navigating a vessel may impede a seaplane that is in the process of landing or taking off.

2.13 Diving from vessels

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 Part 91 of the Maritime Rules 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.

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

Clause 2.15: inserted, on 30 September 2011, by clause 7 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

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.

Clause 2.16: inserted, on 30 September 2011, by clause 7 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

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.

Clause 2.17: inserted, on 30 September 2011, by clause 7 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Part 3.0 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 at a speed exceeding 5 knots 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 person in charge of any mishap that occurs to the person who is being towed.

3.2 Speed limits

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 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.

3.3 Conduct in access lanes

3.3.1 Access lanes are those listed in Schedule 2.

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

- 3.3.3 If an access lane is being used for the purpose for which it is declared, no person whether with or without a vessel may enter, remain in, or use the access lane for any other purpose.
- 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.

3.4 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 4.0 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
- (c) any navigational channel; or
- (d) any licensed commercial operation or structure; or
- (e) the Kinloch Marina entrance.

4.2 Conduct in reserved areas

- 4.2.1 Areas reserved for swimming are those reserved areas listed in Schedule 3.
- 4.2.2 No person may navigate a vessel in a reserved area.
- 4.2.3 Nothing in clause 4.2.1 prohibits the use of an emergency response vessel within a reserved area.

Part 5.0 Seaplanes

5.1 Conduct in seaplanes

- 5.1.1 Except in any 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.

Part 6.0 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 and that the conduct of the event will not endanger the public.
- 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.

Note: Any profit-making or commercial event on the Lake must have a licence from Tuwharetoa Maori Trust Board. Contact: Taupo Waters Trust, Town Centre, PO Box 87, Turangi 3353.

Clause 6.1 note: amended, on 30 September 2011, by clause 9 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Part 7.0 Offence

7.1 Offence

- 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.
- 7.1.2 For any other breach of the bylaw, or where an infringement notice is not issued, a prosecution may be brought and a fine of up to \$500 imposed by the District Court.
- 7.1.3 Where this bylaw imposes a requirement on the person in charge of any vessel, that requirement must, in the case of a vessel that has no person in charge, be performed or carried out by the owner.
- 7.1.4 Where a clause imposes a requirement on both the person in charge and the owner of a vessel, then, if that clause is not complied with, the person in charge and the owner are deemed severally to have committed an offence. If the requirement is complied with by either the person in charge or the owner, then compliance by one is compliance by the other.
- 7.1.5 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.

Clause 7.1.1: substituted, on 30 September 2011, by clause 8 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

7.2 Penalties

- 7.2.1 On conviction for a breach of this bylaw, every person is liable to a fine not exceeding \$500.
- 7.2.2 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.

Bylaw 7.2.1: amended, on 1 July 2015, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Schedule 1 Mooring fees

cl 2.4.5

Type of fee	Fee (\$)
Application fee	\$90.00
Annual fee	\$190.00
Monthly fee	\$50.00
Registration fee for personal watercraft	\$35.00

Schedule 1: amended, on 27 July 2012, by clause 4 of the Lake Taupo Navigation Safety Amendment Bylaw 2012 (*Gazette* 2012, p 2434).

Schedule 1: amended, on 30 September 2011, by clause 10 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Schedule 2

Access lanes

cls 1.3, 3.3.1

Water ski access lanes

Whangamata Bay

All that area of water at Whangamata Bay, Lake Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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.

Maraetai Bay

All that area of water at Maraetai Bay, Lake Taupo, bounded on the sides by parallel lines 150 metres apart, extending in a 310° true direction 200 metres from the edge of the water, the northern boundary commencing 350 metres southwards of the boat ramp.

Stump Bay

All that area of water at Stump Bay, Lake Taupo, 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 Taupo, 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

All that area of water at Omori, Lake Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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 Taupo, 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.

Personal watercraft access lane**Three Mile Bay**

All that area of Three Mile Bay extending 200 metres from the shore and enclosed by lines drawn from—

- (a) latitude 38°43.335'S, longitude 176°04.203'E and bearing 133° to shore; and
- (b) latitude 38°43.357'S, longitude 176°04.175'E and bearing 125° to shore.

**Schedule 3
Reserved areas**

cls 1.3, 4.2.1

Areas reserved for swimming

The following areas are reserved for swimming:

- (a) the area situated south-west of the Lake Taupo Landing Reserve within lines running 120° (true) from the public jetty and 33° (true) from the outer flashing green channel marker; and
- (b) the area adjacent to the car park on State Highway 1 between Pataka Street and Taharepa Road, bounded by parallel lines extending from either end of those roads to a distance of 150 metres from the lake margin at normal lake level in a direction of 220° (true); and
- (c) 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
- (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 paragraph (c): amended, on 30 September 2011, by clause 11 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Schedule 3 paragraph (d): added, on 30 September 2011, by clause 11 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Schedule 3 paragraph (e): added, on 30 September 2011, by clause 11 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Schedule 3 paragraph (f): added, on 30 September 2011, by clause 11 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Schedule 4

Personal flotation devices

cl 2.2

Note: Numbered references are to Part 91 of the Maritime Rules effective 4 September 2008. Any terms used in this schedule are defined in Part 91.

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.

Rule 91.4(1) and (6) does not apply to—

- (a) any surfboard or similar unpowered craft; and
- (b) any sailboarder or windsurfer, if a wetsuit is worn at all times; and
- (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full-body wetsuit is worn at all times; and
- (d) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director; and
- (e) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence; and
- (f) a commercial raft.

The Director may approve a national sporting organisation for the purposes of rule 91.4(2)(d) if that organisation has in place a safety system that the Director is satisfied

provides an equivalent level of safety to the carriage or wearing of personal flotation devices.

Subject to rule 91.4(5), rule 91.4(1) does not apply in respect of any sporting event, training 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 of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.

In this rule, buoyancy aid means—

- (a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001 or NZ Standard 5823:2005¹; or
- (b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 newtons of buoyancy.

Rule 91.4(1) and (6) does not apply in respect of any sporting event, training activity, ceremonial event, or other organised recreational activity if the regional council with jurisdiction for the applicable region has granted an exemption in writing. A regional council may grant an exemption for a specified period if the regional council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

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.

Rule 91.4(7) does not apply to—

- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved under rule 91.4(3); or
- (b) persons participating in a sporting event that is administered by a national sporting organisation approved under rule 91.4(3); or

(c) towing at a speed of less than 5 knots.

For the purposes of subrules (1) and (6), in the case of a paddle craft, a personal flotation device includes a buoyancy aid not certified by a recognised authority, if that buoyancy aid—

- (a) meets type 406 of New Zealand Standard NZS 5823:2005 as demonstrated by prototype testing, except that the device is not required to—
 - (i) be tested for resistance to petroleum; and
 - (ii) meet the colour requirements; and
- (b) is manufactured in accordance with a quality system acceptable to the Director that ensures product conformity to that standard; and
- (c) is legibly and indelibly marked in block letters not less than 6 mm high “MARITIME PRODUCT CONFORMING TO THE REQUIREMENTS OF MARITIME RULES PART 91. RESTRICTED USE: PADDLE CRAFT APPLICATIONS ONLY”.

In the case of a paddle craft, a serviceable buoyancy aid not certified by a recognised authority and not meeting the requirements of rule 91.4(9) may be used for the purposes of subrules (1) and (6) until—

- (a) 1 October 2014, in the case of a pleasure craft; and
- (b) 1 October 2011, in the case of a craft other than a pleasure craft.

Note: NZS 5823:1989 and NZS 5823:2001 and NZS 5823:2005 define a buoyancy aid as any device designed to assist a person to remain afloat in water until rescue is effected. Any type of buoyancy aid categorised in the Standard meets the requirements of this rule.

Schedule 4: amended, on 30 September 2011, by clause 12 of the Lake Taupo Navigation Safety Amendment Bylaw 2011 (SR 2011/298).

Dated at Wellington this 6th day of October 2010.

Hon John Carter,
Associate Minister of Local Government.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 14 October 2010.

Reprints notes

1 *General*

This is a reprint of the Lake Taupo Navigation Safety Bylaw 2010 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

Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104): regulation 3(2)

Maritime Transport Amendment Act 2013 (2013 No 84): section 90

Lake Taupo Navigation Safety Amendment Bylaw 2012 (SR 2012/276)

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