

**NELSON CITY COUNCIL
NAVIGATION SAFETY
BYLAW 2012**

(No 218)

March 2012

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1. Preliminary Provisions

1.1 Title and Commencement

This Bylaw shall be known as the Nelson City Council Navigation Safety Bylaw 2010 (No 218).

This Bylaw is made under s684B of the Local Government Act 1974, s145 and s239 of the Local Government act 2002.

This Bylaw came into force on 1 October 2011.

1.2 Areas within which this Bylaw applies

This Bylaw applies to all navigable waters within the region as shown on Map 1 including the Nelson Haven inside the Boulder Bank, and all navigable rivers.

1.3 Definition of terms

In this Bylaw, unless the context otherwise requires:

Access lane

Means any area of water identified on the maps as set aside to provide access to a specified reserved area.

Accident

Means an occurrence that involves a vessel and in which:

- a) A person is seriously harmed as a result of
 - i) Being on the vessel; or
 - ii) Direct contact with any part of the vessel, including any part that has become detached from the vessel;
 - iii) Direct contact with any accessory attached to a vessel, but not part of the vessel;
 - iv) Direct exposure to the wash of the vessel or interaction (other than direct contact) between two vessels; or
 - v) Being involved in the salvage of any vessel; 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 vessel sustains damage or structural failure that:
 - i) Adversely affects the structural strength, performance, or seaworthiness of the vessel; 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 vessel; or

- c) There is a complete or partial failure of machinery or equipment that affects the seaworthiness of the vessel; or
- d) There is a loss of, or damage to, or movement of, or change in the state of, the cargo of the vessel which poses a risk to the vessel or other vessels; or
- e) There is a significant loss of, or significant damage to, property (not being the cargo carried by the vessel) or the property of any person (whether or not on board the vessel), whether or not the loss or damage arises from an interaction between two vessels; or
- f) There is a loss or escape of any substance or thing that may result, or has resulted, in serious harm to any person; or
 - 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 vessel or other vessel; or
 - iii) May pose a risk, or has resulted in damage, to any property (whether or not on board the vessel); or
- g) A person is lost at sea (whether or not subsequently found) or is missing; or
- h) The vessel 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:

Anchorage

Means a place (enclosed or otherwise) used for the anchoring of vessels, whether the place is reserved for such purpose by the Council or not.

Anchoring

Means the securing of a vessel to the bed of the navigable waters by means of an anchor, cable or other device that is removed with the vessel when it leaves, and includes the beaching of any vessel.

Beacon

Means a light or mark set up in a prominent position as a navigation mark or a warning to vessels.

Berth

Means any structure erected and maintained for the permanent or temporary mooring of any vessel and includes any berth, pile or other structure provided for the mooring of vessels within any marina, or other reserved area.

Body board

Means a short foam or inflatable board, also known as a boogie board, designed to be ridden in a prone or kneeling position and not to be ridden standing up.

Buoy

Means an anchored float serving as a navigation or location mark, or to indicate a mooring, reef or other hazard.

Buoyancy aid

Means:

- i) a buoyancy aid as defined in NZ Standard 5823:2005, or
- ii) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (i) and that provides a minimum of 53 newtons of buoyancy.

Chief Executive

Means the person for the time being appointed to the position or exercising the powers and authorities of the Chief Executive of the Nelson City Council.

Class 3.1 oil products

Means oil having an initial boiling point of less than 35 degrees C and a flashpoint below -18 degrees C; and includes motor spirit, aviation spirit, benzene, benzol, methylated spirits, and low-flash distillate.

Class 3.2 oil products

Means oil having a flashpoint below 23 degrees C; and includes kerosene and burning oil, and also such alcohols and crude oils as have such a flashpoint.

Class 3.3 oil products

Means oil having a flashpoint from 23 degrees Centigrade up to and including 61 degrees Centigrade and an initial boiling point greater than 35 degrees Centigrade.

Coastal Marine Area

Means the foreshore, seabed, and coastal water, and the air space above the water –

- i) Of which the seaward boundary is the outer limits of the territorial sea:
- ii) Of which the landward boundary is the line of the mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of –

- i) One kilometre upstream from the mouth of the river; or
- ii) The point upstream that is calculated by multiplying the width of the river mouth by 5; or
- iii) In the case of the Maitai River at the point shown on Map 3

Commercial Raft

Means a raft that is not a recreational vessel.

Commercial vessel

Means a vessel that is offered or used for hire or reward, and includes:

- i) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- ii) a vessel that is used on any voyage for recreational pleasure if it is normally used or intended to be normally used as a fishing vessel or the carriage of passengers or cargo for hire or reward;
- iii) a vessel that is operated or provided by any club, incorporated society, trust, or business for commercial purposes but does not include any vessel operated by a Yachting NZ affiliated yacht club within Nelson Harbour in support of a club event or promotion for that Club.

But does not include

- i) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- ii) a vessel that is used on any voyage for recreational pleasure if it is normally used or intended to be normally used as a fishing vessel or the carriage of passengers or cargo for hire or reward;
- iii) a vessel that is operated or provided by any club, incorporated society, trust, or business.

And includes:

- i) a motorised vessel; or
- i) solely powered manually; or
- ii) solely powered by sail.

Commercial Wharf

Means any wharf, jetty or other berthing structure located within the Port Nelson operational area. (See definition p8).

Council

Means the Nelson City Council, and any committee or person who has been delegated authority to exercise any powers or discretion vested in the Council pursuant to this Bylaw.

Crew

Means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port.

Dangerous goods

Means any substance, in packaged form or in solid form in bulk, listed and classified according to its hazards in the International Maritime Dangerous Goods (IMDG) Code.

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.

Distress Signal

Means a distress signal as prescribed in Maritime Rule 23 (www.maritimenz.govt.nz/Rules/List-of-all-rules/List-of-rules)

Dredged Channel

Means the maintained depth of the outer approach and inner harbour channels.

Emergency Service Vessels

Means vessels operated by Coastguard New Zealand and Nelson Surf Lifesaving Club or vessels designated as emergency service vessels by the Harbourmaster.

Enforcement Officer

Means a person appointed as an Enforcement Officer under Section 650B of the Local Government Act 1974, or under section 177 Local Government Act 2002, and includes an honorary Enforcement Officer.

Fairway Beacon

Means the north cardinal mark which is located in position 41-14N 173-14.2E".

Flag A

Means Flag A (Divers Flag) of the International Code of Signals, a burgee (swallow-tailed) flag or a rigid equivalent, coloured in white and blue, with white to the mast, of not less than 600mm by 600mm.

Flag B

Means Flag B (taking on or discharging explosives) of the International Code of Signals, a burgee (swallow-tailed) flag or a rigid equivalent, coloured in red, of not less than 600mm by 600mm.

Foreshore

Means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.

Harbour

Means Nelson Harbour as defined in an Order-in-Council published in "The New Zealand Gazette" dated the sixth day of December, 1934, at page 4128: identified on Map 2.

Note: The seaward limit of the Harbour is the arc of a circle radius 5 miles centred on the eastern extremity of Rabbit Island (41 degrees 17 minutes South; 173 degrees 12 minutes East).

Harbourmaster

Means the person(s) appointed by the Council as Harbourmaster under section 650B of the Local Government Act 1974 and includes any Deputy Harbourmaster.

Harbour transit lane

Means that area of the harbour defined within clause 2.4 and identified on Map 3 of this Bylaw as the preferred route for small commercial and recreational vessels between the Maitai Channel and The Cut.

Infringement offence

Means an offence of a type provided for by s259(a) of the Local Government Act 2002 and specified in Regulations made by Order in Council.

Kite Board

Has the same meaning as Sail Board.

Length

In relation to a vessel, means overall length.

Lifejacket

Means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- i) type 401, 402, 403, 404.405 or 408 in NZ standard 5823:2005

- ii) a national or international standard that the Director is satisfied substantially complies with the standards in (a) above.

Maritime rule

Means a rule made under the Maritime Transport Act 1994.

Master

Means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel, and in the case of a vessel undergoing maintenance or repair includes the person who at any relevant time has control of the place of work.

Marina

Means that area of the Harbour defined in Map 3.

Marina Supervisor

Means the person appointed by the Council as Marina Supervisor for the Marina or any other person who may be appointed by the Council to act for and on behalf of the Marina Supervisor.

Mean high water spring

Means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is greatest.

Mile

Means a standard nautical mile of 1852 metres.

Mooring

- i) means any weight or article placed in or on the foreshore or the bed of navigable waters for the purpose of securing a vessel, raft, aircraft, or floating construction/object; and includes any wire, rope, buoy, or other device attached or connected to the weight or article;
- ii) but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the anchorage.

Mooring area

Means any area from time to time set aside by the Council as a mooring management area, where moorings meeting the standards set out in Appendix 1 may be placed; but does not include an anchorage.

Navigable waters

Means any waters whether coastal or inland which are able to be navigated and includes harbours.

Navigate

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

Nelson Harbour

Means that area of coastal waters within the Nelson region shown in Map 2 that is landside of the pilotage limit line and the Nelson City boundary and includes all the waters of Nelson Haven and Waimea Inlet within the City boundary.

Nelson pilotage area

Means that area described in Maritime Rule 90, being that area bounded by the seaward arc of a circle radius 3 miles, centred on the Boulder Bank old lighthouse (41°15.3' S, 173°15.9' E) and shown in Map 2.

Oil

Means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994).

Owner

- i) in relation to a vessel, means the registered owner of the vessel, or where the registered owner is not responsible for the management of the vessel, or the vessel is unregistered or does not have a registered owner, means the charterer or other person who is for the time being, responsible for the management of the vessel; and
- ii) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway.

Paddle craft

Means a vessel powered solely by the vessel's occupant(s) using a single or double bladed paddle without the aid of a fulcrum provided by rowlocks, thole pins, crutches or like arrangements, but does not include a raft manoeuvred solely by paddles.

Person in charge of a vessel

Means the master.

Pilot

In relation to any vessel, means any person not being the master or a member of crew of a vessel who has the conduct of that vessel.

Port Nelson Operational Area

Means that area of the harbour which is taken up by berths or wharves under the operational control of Port Nelson Ltd, or any other commercial

operation, and includes the slipway basin, and slipway and the fishing wharf which parallels Vickerman Street.

Proper speed

Means speed through the water.

Public notice

Means a notice published in a newspaper circulating generally in the Nelson region.

Recreational Vessel

Means a vessel that is used exclusively for the owner's recreational pleasure or is the owner's residence, and is not offered or used for hire or reward, but does not include:

- i) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- ii) a vessel that is used on any voyage for recreational pleasure if it is normally used or intended to be normally used as a fishing vessel or the carriage of passengers or cargo for hire or reward;
- iii) a vessel that is operated or provided by any club, incorporated society, trust, or business.

And includes:

- iv) a motorised vessel; or
- v) a vessel solely powered manually; or
- vi) a vessel solely powered by sail.

Region

Means the territorial area of Nelson City as defined within Part 2 Schedule 2 to the Local Government Act 2002.

Repair grid

Means the piles identified on Map 4, "the Repair Grid" as a site where vessels may be moored on a temporary basis for the purpose of repair.

Reserved area

Means any area, as shown on the maps which has been set aside by the Council for a specified navigation safety purpose.

Reward

Means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of any person; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members.

Sail board

Means any type of board which is propelled on water by the wind via a detachable sail apparatus and which is operated by a person sitting or standing on the board, and includes kite boards and windsurfers.

Seaplane

Means a flying boat or any other aircraft designed to manoeuvre on the water, and which is capable of landing on and taking off from the water.

Seaworthy

Means being in a fit condition or readiness to safely undertake a sea voyage.

Shore

When referring to distance from shore, means distance from the waters edge.

Structure

Means any building, equipment, device, or other facility made by people and which is fixed to land, including such things as slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms and other like objects whether these are above or below the waterline.

Sunrise

The time of sunrise as stated in the New Zealand Nautical Almanac, NZ 204 for Nelson.

Sunset

The time of sunset as stated in the New Zealand Nautical Almanac, NZ 204 for Nelson.

Tanker

Means any vessel which is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and either;

- i) has on board or is about to take on board a cargo the whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or

- ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartment of which have not been rendered or certified gas-free; and
- iii) includes any tanker designed for the carriage of bulk liquid hazardous substances.

Vessel

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

- i) a barge, lighter, or other like vessel;
- ii) a hovercraft or other thing deriving full or partial support in the atmosphere for the reaction or air against the surface of the water which it generates;
- iii) a submarine or other submersible; or
- iv) a seaplane while it is on the surface of the water.

Waters

Means all navigable waters within the Nelson region.

Wind surfer

Has the same meaning as Sail Board.

2. Operation of vessels

2.1 Reporting procedures

- a) The master of any vessel of 20 metres or more in length or any tug engaged in towing shall report to Nelson Harbour Radio on VHF channel 12 indicating their intentions and requesting information of other movements in the following instances:
 - i) at least ten minutes prior to departure from any berth, mooring or anchorage;
 - ii) at least ten minutes prior to shifting from one berth, mooring or anchorage to another;
 - iii) at least 30 minutes prior to entering The Cut inbound or at least 30 minutes prior to passing the Fairway Beacon if using the outer dredged channel inbound;
 - iv) at least one hour prior to arrival at the pilot station for vessels requiring a pilot; or
 - v) the master of any vessel carrying Dangerous Goods shall declare the type and quantity of goods being carried to the Harbourmaster prior to entering The Cut.
- b) The master of any vessel of 20 metres or more in length or any tug engaged in towing shall make a position report to Nelson Harbour Radio on VHF channel 12 upon passing the Fairway Beacon inbound or outbound.

2.2 Harbour recreational zoning

- a) Certain areas of the harbour are set aside or zoned for specified predominant recreational purposes as indicated on Maps 3, 5 and 6.
 - i) Rowing/Waka zones
 - ii) Water Ski, Biscuiting and Wakeboarding zone
 - iii) Sailing/Swimming/Non-motorised activity zone
 - iv) Tahunanui Beach swimming only zone
- b) These zones do not give those undertaking the specified activity sole right of use in those zones, however, when the specified activity is being undertaken other harbour users should act appropriately in that zone.
- c) When the specified activity is undertaken in these zones other harbour users should if possible avoid entering the zones and avoid the creation of excessive wake in the areas adjacent to the zones.
- d) When any of the specified activities are being undertaken in this zone other harbour users, in particular swimmers and kayakers, should avoid entering the zone.
- e) When any of the specified activities are being undertaken in this zone other harbour users, in particular motorised vessel users, should, when proceeding through the zone, proceed at an appropriate speed and maintain a proper lookout for small vessels, kayaks and persons swimming in the water.
- f) The zone inside the area marked by the black buoys to the north of Tahunanui Beach is a swimming only zone. Non-motorised may traverse the area using the access lane at the eastern end of the marked area in order to access or to launch from the beach. Sail boards are excluded from the swimming zones.

2.3 Moving Prohibited Zone/Total Exclusion Zone

- a) A Moving Prohibited Zone extending to 100m astern and 100m to each side of a vessel, and continued at such width to 500m ahead, following the line of the buoyed channel when changing course, is reserved around any vessel of 3000 gross registered tonnage (grt) or greater, when that vessel is underway within the Nelson pilotage area.
- b) When navigating within a marked channel, the Moving Prohibited Zone to the side of the vessel reduced to the width of the marked channel and the zone ahead of the vessel shall follow the line of the marked channel.
- c) The area indicated on Map 3 in the vicinity of The Cut will become a Total Exclusion Zone upon the passage of a vessel in excess of 3000 grt in that area. At such times no vessel other than those assisting the vessel over 3000 grt, as directed by the pilot or pilot exempt master, shall enter the Total Exclusion Zone.

- d) No person shall navigate their vessel within the Moving Prohibited Zone of any vessel of 3000 grt or greater, within the Nelson pilotage area.
- e) The provisions of sub-clause c) and d) of this section shall not apply to any vessel having authority from the Harbourmaster or the Pilot or the pilot exempt master, of the vessel in respect of which the zone exists, to enter a Total Exclusion Zone or Moving Prohibited Zone.
- f) In the context of this Clause, a tug and barge shall be considered as a single vessel.

2.4 Harbour Transit Lane

- a) A Harbour Transit Lane is established bounded by a line joining red port hand marks no's 12, 9, 8, 7, 6, and 5, being 80m in width extending into the Maitai Channel, and the maintained depth harbour channel, and The Cut as depicted on Map 3.
- b) When the Total Exclusion Zone established under clause 2.3 c) is NOT in effect the Transit Lane shall extend past beacons No's 4, 3, 2, and 1 and out through The Cut as shown on Map 3.
- c) When the Total Exclusion Zone is in effect all outbound vessels shall remain inside beacon 5 until the Moving Prohibited Zone vessel has passed beacon 5 inbound or beacon 3 outbound.
- d) When the Total Exclusion Zone is in effect all inbound vessels shall wait to the north of a transit line between the Approach Beacon and beacon 1 until the Moving Prohibited Zone vessel is past and clear of The Cut.
- e) The master of any vessel using the Harbour Transit Lane shall ensure that the vessel keeps to the starboard side of the lane and travels at a speed which minimises the wake created by the vessel and which otherwise is appropriate to the activity in the lane.
- f) The use of this Harbour Transit Lane shall not relieve the master of any vessel of the obligation to comply with Maritime Rule Part 22: Collision Prevention (www.maritimenz.govt.nz/Rules/List-of-all-rules/List-of-rules), or clause 2.19 of this Bylaw.

2.5 Exclusion zone around vessels at wharves

- a) All vessels are required to remain outside of a rectangular area measuring 50m from the wharf face and extending 50m ahead of the bow and 50m astern of the stern of any vessel lying at a wharf whether such vessel at the wharf is working cargo or not.
- b) Sub-clause a) does not apply to:
 - i) any vessel assisting the berthing or unberthing of the vessel, and
 - ii) any vessel engaged in pilot, cargo or bunker transfer operations, and
 - iii) any vessel carrying out or assisting with the maintenance of berthed vessels.

2.6 Obstructions

- a) No person may except in an emergency, obstruct the navigation of any navigable waters or the access to any wharf, landing place, boat ramp, slipway, or mooring.
- b) No person may place any obstruction, including any fishing apparatus, in any navigable waters, that has the potential to:
 - i) restrict navigation; or
 - ii) cause loss of life or injury to any person; or
 - iii) cause damage to any vessel or any property.
- c) No person being the master, or otherwise in charge, of any vessel less than 500 gross registered tonnage shall impede the navigation of any vessel greater than 500 gross registered tonnage. Impede shall include any action or inaction which requires the master or person in charge of the vessel greater than 500 gross registered tonnage to take avoiding action.

2.7 Lifejackets

- a) No person in charge of a recreational vessel may use it or allow it to be used unless it carries at the time of use, and in a readily accessible location, sufficient lifejackets appropriate for each person on board.
- b) No person in charge of a vessel may use it to tow any person, and no person may cause himself or herself to be towed by a vessel, unless the person being towed wears a properly secured life jacket of an appropriate size for that person.
- c) Sub-clause b) does not apply to:
 - i) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
 - ii) persons participating in a sporting event that is administered by a national sporting organisation approved by the Director.
- d) The person in charge of a recreational vessel that is less than six metres in length shall ensure that every person shall wear a properly secured lifejacket unless:
 - i) the person in charge of that vessel has expressly given permission for lifejackets not to be worn; and
 - ii) the person in charge of that vessel considers that conditions are such that there is no significant risk to the safety of any person through not wearing a lifejacket.
- e) No person in charge of a recreational vessel may use that vessel, or allow it to be used, in circumstances where:
 - i) tides, river flows, rough seas; or

- ii) adverse weather, adverse visibility or emergencies cause a danger or a risk to the safety of persons on board, unless each person on board is wearing a lifejacket appropriate to each person on board.
- f) Sub-clauses a) and e) shall not apply to:
- i) any surf boarder or user of a similar un-powered vessel;
 - ii) any sailboarder, kite boarder or windsurfer, if a wetsuit or buoyancy vest is worn at all times;
 - iii) a diver on a vessel of six metres or less in length that is used for recreational diving within five miles of the shore, if a full body suit is worn at all times;
 - iv) a person training for or participating in a sport event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;

Note: The Director may approve a national sporting organisation 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 lifejackets.

- v) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that foreign water sports team's country;
 - vi) a commercial raft.
- g) Sub-clause a) and e) shall not apply in respect of any sporting event, training activity or ceremonial event if
- i) a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational vessel and the recreational vessel or support vessel, or both, carry lifejackets or buoyancy aids appropriate for each person on board the recreational vessel, or
 - ii) the Harbourmaster has granted an exemption in writing for the specified period if he or she is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- h) For the purposes of sub-clauses a) and e), in the case of a paddle vessel, a life jacket shall include a buoyancy aid not certified by a recognised authority, provided that buoyancy aid:
- i) meets type 406 of New Zealand Standard NZS 5823:2005 as demonstrated by prototype testing, except that the device is not required to:
 - (a) be tested for resistance to petroleum
 - (b) meet the colour requirements

and

- ii) is manufactured in accordance with a quality system acceptable to the Director that ensures product conformity to that standard; and
 - iii) is legibly and indelibly marked in block letters not less than 6mm high "MARITIME PRODUCT CONFORMING TO THE REQUIREMENTS OF MARITIME RULES PART 91. RESTRICTED USE: PADDLE CRAFT APPLICATIONS ONLY".
- i) In the case of a paddle craft, a serviceable buoyancy aid not certified by a recognised authority and not meeting the requirements of sub-clause 2.7 may be used for the purposes of sub-clauses a) and e) until 1 October 2014.

2.8 Minimum age for operating powered vessels

- a) The owner of a powered vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of, operate or navigate that vessel without supervision by a person over the age of 15 who is in immediate reach of the controls.
- b) No person under the age of 15 years may be in charge of, operate or navigate a powered vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 who is in immediate reach of the controls.
- c) Sub-clause a) does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events.
- d) The Harbourmaster, when considering whether or not to grant such an exemption, shall have regard to the competence of the person, the level of supervision, and the awareness of that person of all relevant navigation safety matters.

2.9 Speed of vessels

- a) Subject to clause 2.9 f) no person may operate or navigate any vessel (including a vessel towing a person or some object) at a proper speed exceeding five knots:
 - i) within 50 metres of any other vessel, floating structure, or person in the water; or
 - ii) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - iii) within 200 metres of any vessel or floating structure that is flying Flag A; or
 - iv) within 200 metres of any area set aside or zoned by the Harbourmaster for specified activities; or

- v) when knowingly or deliberately approaching within 200 metres of a marine mammal.
 - vi) within any zone set aside as a five knot zone or as a swimming area.
- b) Notwithstanding sub-clause a) no person shall operate or navigate a vessel in any marina at a proper speed exceeding three knots, including between any berths or "fingers".
 - c) No person may operate or navigate a powered vessel at a proper speed exceeding five knots while any person is sitting at or on the fore part or bow of that vessel with any portion of their body extending over the fore part, bow, or side of that vessel.
 - d) No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other towed object) at a proper speed exceeding five knots in any circumstances specified in any of paragraphs i) to vi) of sub-clause a).
 - e) No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or other object which may cause danger to any other person or vessel, without first taking action to recover it.

Sub-clauses a) to d) do not apply to

- i) a commercial vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - ii) a vessel solely powered by sail participating in a yacht race or training or coaching administered by a club affiliated to Yachting New Zealand, or a non profit organisation involved in sail training or racing: with the exception of sub-clause a) iii) which will continue to apply; or
 - iii) a vessel used in training for or participating in competitive rowing or paddling; or
 - iv) a tug, pilot vessel, emergency service vessel, Harbourmaster vessel or police vessel when the vessel's duties cannot be performed in compliance with sub-clauses a) to e); or
 - v) any vessel using any area, zone or transit lane which is set aside for the purposes of allowing vessels, or vessels towing water skis, aquaplanes, or other similar objects, to travel at a proper speed exceeding five knots; or
 - vi) any vessel using any access lane or transit lane unless the purpose of the access lane or transit lane specifically requires a proper speed not exceeding five knots.
- f) Neither sub-clause a) ii) nor sub-clause c) shall apply to a vessel operated by a surf lifesaving club affiliated to Surf Lifesaving New Zealand, where that vessel is being operated in accordance with an Inflatable Rescue Vessel training procedure that has been approved by the Director.

2.10 Wake or wash

Notwithstanding clause 2.9 of this Bylaw every person who operates or navigates a vessel must ensure that the wake or the wash of that vessel does not cause damage or risk of damage to other vessels or place in danger any other vessel, person or structure, or break against the shore in any marina, or other enclosed anchorage, mooring, or berthing area.

2.11 Lookouts on vessels used for water skiing and towing any person

- a) No person in charge of a vessel may use it, or allow it to be used, to tow any person at a speed exceeding five knots, unless at least one additional person is on board to act as a "lookout" to be responsible for immediately notifying the person operating or navigating the vessel of any mishap that occurs to the person who is being towed.
- b) No person may cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board to act as a "lookout" to be responsible for immediately notifying the person operating or navigating the vessel of any mishap that occurs to that person being towed.
- c) No person who is under the age of 10 years shall be permitted to act as the lookout as required by sub-clauses a) and b).

2.12 Water skiing or towing between sunset and sunrise

- a) No person may operate, between sunset and sunrise, a vessel that is towing any person, whether that person is on water skis, aquaplane, or similar object, or who is barefoot skiing or who is on a paraglider or similar object.
- b) No person may allow himself or herself to be towed in the circumstances described in sub-clause a) between sunset and sunrise.

2.13 Conduct in access lanes

- a) No person may in any access lane, operate, navigate, or manoeuvre a vessel except by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.
- b) No person may, while being towed by a vessel in any access lane in which skiing or towing is permitted, cause himself or herself or any water ski, aquaplane or other object, on or by which he or she is being towed, or cause any object that is being towed by a vessel in any access lane, to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.
- c) No person within an access lane may operate or navigate any vessel in a manner that is dangerous in relation to any other vessel or other person in the access lane.
- d) No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.

- e) No person may use an access lane for any purpose other than the purpose for which it has been declared while it is being used by any person for the purpose for which it was declared.

2.14 Reserved areas

- a) The Council may, from time to time, by resolution publicly notified, set aside any area as a reserved area for any special purpose which it considers should be provided for, and in the case of:
 - i) A permanent reserved area, mark such area on shore, by pairs of posts in transit. These posts will be white with black horizontal bands.
 - ii) A reserved area marked at sea; mark such area by black buoys with white vertical stripes.
- b) No person may obstruct any other person while that other person is using a reserved area for the purpose for which it has been reserved.
- c) If one or more persons are using a reserved area for the purpose for which it is reserved, no person may enter, remain in or use the area for any other purpose.
- d) Notwithstanding sub-clause a):
 - i) A Surf Life Saving New Zealand Patrol Captain, may, from time to time, subject to subclause ii), set aside areas of beaches as flagged areas for the purposes of swimming and body boarding only.
 - ii) Flagged swimming areas on beaches shall consist of two red/yellow flags forming the area boundary. These flags shall meet NZ Standard NZS8690:2003-5.1 Design of flags and 5.2 Use of flags.
 - iii) No person may carry out any activity other than the activities for which the area has been flagged. This shall not prevent Surf Life Saving or other rescue services operating in this area in case of an emergency.
 - iv) The areas which may be subject to be flagged areas signifying swimming only areas are detailed on Map 5.

2.15 Prohibited anchorages

- a) No person may, except in an emergency, anchor any vessel in any navigable waters so as to obstruct the passage of other vessels or obstruct the approach to any wharf, pier, jetty or mooring.
- b) No person may, except in any emergency, anchor or moor any vessel within any of the following prohibited anchorages:
 - i) within 20 metres of any dredged channel;
 - ii) within the Marina Area shown on Map 4;

- iii) within 50 metres of any underwater power or telephone cable;
- iv) within any dredged area set aside for construction;
- v) within the path of any vessel entering or leaving the harbour.
- vi) within the Harbour Transit Lane shown on Map 3, and the Wharf Exclusion Zone (clause 2.5).

2.16 Damage to navigational aids

- a) No person may tie a vessel to any buoy, beacon, marker, or other device or structure erected as a navigation aid or warning without the prior permission of the Harbourmaster, unless such is necessary to avoid damage to or loss of any vessel, or injury to any person.
- b) No person may damage, remove, deface or otherwise interfere with any buoy, beacon, marker, or other device or structure erected as a navigation aid or warning.
- c) No person may erect, maintain or display any beacon, buoy or other device which may be used as or mistaken for a recognised navigation aid without the written permission of the Harbourmaster and the Director.
- d) Provided that nothing in sub-clause c) shall apply in respect of any buoys or other devices which are erected or installed in conjunction with any temporary or special event or other activity which is being undertaken with the approval of the Harbourmaster.

2.17 Distance from oil tankers and other vessels showing Flag B

Where possible the master of any vessel, or the pilot, must not allow that vessel to approach within 200 metres of an oil tanker or any other vessel that is showing Flag B by day or an all round red light by night.

2.18 River safety rules

Any person in charge of any vessel which is navigating any river must:

- a) Ensure that the vessel keeps to the starboard (right) side of the river channel; and
- b) If navigating a vessel upstream give way to any vessel proceeding downstream; and
- c) not operate the vessel on the river unless river and weather conditions permit safe operation of the vessel.

2.19 Collision prevention

No person may operate any vessel in breach of Maritime Rule Part 22: Collision Prevention made under the Maritime Transport Act 1994. (www.maritimenz.govt.nz/Rules/List-of-all-rules/List-of-rules)

2.20 Flags and Signals

- a) Explosive Cargo

- i) The master of any vessel having on board, or who intends to load or unload, 27kg or more of explosives in the harbour must display on the vessel Flag B by day and an all round red light by night.
- ii) On or immediately before the arrival in port of any tanker and for so long as the tanker remains in port, the master must display by day Flag B and by night an all round red light at the masthead or where it can best be seen from all directions.

b) Dive Operations

- i) The Master of every vessel from which diver operations are in progress must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.
- ii) Every person diving from a vessel must ensure that Flag A is displayed in such a manner that it can be clearly identified by the watch keeper of another vessel at a distance in excess of 200 metres.

2.21 Vessels not to sound whistles

- a) No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any Nelson harbour area, except
 - i) as a navigation safety signal; or
 - ii) for the testing of such a whistle, siren or horn before the vessel leaves any wharf.
- b) Sound signals that are associated with sailing activities are permitted and not considered a vessel whistle or horn. Such activities or sound signals are not to be made in the vicinity of commercial vessels greater than 40m in overall length.

2.22 Use of distress signals

- a) No person shall make a distress signal, or cause or permit a distress signal to be made, unless that person is satisfied that:
 - i) the vessel that is on the water (or any person from that vessel) to which the person belongs is in serious and imminent danger and requires immediate assistance; or
 - ii) another vessel (or any person from that vessel) is in serious and imminent danger and they cannot make the signal and requires immediate assistance.
- b) A person must not use any signal which may be confused with distress signals unless in distress.
- c) The Director may, for the purpose of allowing instruction in the use of distress signals, authorise in writing the making of distress signals at such times and places, and subject to such other conditions, as the Director thinks fit.

2.23 Seaplanes

- a) No person navigating a vessel may impede a seaplane in the process of landing or taking off.
- b) No person may, except in an emergency, take-off, land or attempt to take-off or land any seaplane within the Harbour without the permission of the Harbourmaster.

2.24 Vessels to be licensed

- a) No person shall operate for hire or reward a vessel that is NOT subject to Maritime Rules unless that vessel is licensed by the Council for use in hire and reward.
- b) The Council may issue a licence in respect of sub-clause a) if, in the opinion of the Harbourmaster, the operation is safe and the vessel is fit for its intended purpose.
- c) The Council may issue a licence in respect of sub-clause a) if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route.
- d) Every licence issued by the Council under this Bylaw shall apply only to that vessel and the operator(s) named in the licence.
- e) Every licence issued by the Council must be available for inspection at any time by the Harbourmaster, or Enforcement Officers or Safe Boating Advisor, or any prospective client of the operation.
- f) A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.
- g) The terms and conditions of any commercial vessel licence issued by the Council may include, but are not limited to:
 - i) defining points of embarkation/disembarkation;
 - ii) defining the area or route of operations;
 - iii) limiting the number of passengers or quantity of freight;
 - iv) limitations in respect of weather or operating hours;
 - v) requirements for rescue vessel;
 - vi) requirements for safety equipment;
 - vii) the level of instruction to be given to persons hiring the vessel;
 - viii) the qualifications required by the person in charge of the vessel.

2.25 Vessels to carry navigational charts and equipment

- a) Every vessel shall have on board appropriate means of navigating safely at all times for any intended voyage.

- b) Operators or users of paddle craft while on the water should use and display visibility aids appropriate to the weather conditions such as flags, high visibility vests or hats, or lights.

2.26 Vessels to be identified

- a) The master and owner of any vessel shall ensure the vessel is marked with its name or similar identifying marks on each side of the vessel.
- b) The number or name shall be a minimum height of 90 millimetres and each character shall be legible.

Provided in the case of any sailing vessel affiliated to Yachting New Zealand the Rules of that organisation, which state "Yachts shall clearly display in legible characters at least 50mm, but preferably at least 100mm, in size their registered name and sail number" may apply.

- c) Sub-clause a) shall not apply to non-mechanically powered vessels of less than six metres in length. However such vessels shall be marked with a name, or the owners name or contact details, somewhere on the vessel.
- d) Sub-clause a) shall not apply to mechanically powered vessels of less than four metres in length. However such vessels shall be marked with a name, or the owners name or contact details, somewhere on the vessel.

3. Moorings, berths, marina and other structures

3.1 Moorings

- a) No person may place any mooring in any navigable waters covered by this Bylaw, whether in a mooring area or not, unless a coastal permit under the Resource Management Act 1991 has been granted for that purpose by the Nelson City Council. (Appendix 2 for application form).
- b) The Harbourmaster may, on instruction from Nelson City Council, remove or authorise the removal of any unauthorised mooring and all costs of so doing will be a debt to the Council by the owner of the mooring, or if they are unknown, the owner of the vessel using the mooring.
- c) No person may transfer their interest in any mooring without the Nelson City Council approving such a transfer under the Resource Management Act 1991. (Appendix 3 for application form)
- d) No person shall allow the use of a mooring held under a coastal permit in their name for a length of vessel that is not provided for by the conditions of that permit.
- e) No person shall use a mooring for a length of vessel that is not provided for by the conditions of the relevant coastal permit.
- f) The Harbourmaster may remove to a safe mooring or berth any unauthorised vessel that occupies a mooring that is not consented for that length of vessel. The costs of such action will be at the vessel owner's expense.

- g) No person may anchor any vessel so as to obstruct the use of any mooring, unless they are holders of a coastal permit to use that mooring.
- h) Any owner of a mooring held by a coastal permit intending to leave a mooring vacant or unattended for a period in excess of six months shall advise the Harbourmaster.
- i) Where the owner of a mooring has left it vacant or unattended for a period in excess of six months without advising the Harbourmaster, the Harbourmaster may deem that the mooring is no longer required, in which case he may arrange for the mooring to be removed at the owner's expense.

3.2 Control of Marina

All persons in, on or using the Marina and every vessel in the Marina shall obey the orders and directions of the Marina Supervisor.

3.3 Alcohol

No person shall consume liquor within the Marina except on vessels or premises where the consumption of liquor is permitted by law.

3.4 Fees and charges

- a) The fees and charges specified in Appendix 6 and at www.nelsoncitycouncil.co.nz/marina for functions undertaken by the Council under this Bylaw must be paid on demand by the specified person to the Council.
- b) The Council may, by resolution, amend these fees and charges.
- c) The fees and charges specified exclude GST and are maximum charges. Council may on application reduce such charges when in its opinion special circumstances warrant a lesser charge being made.

3.5 Berths

- a) No person shall use or occupy any berth in any Marina or other reserved area without first obtaining from the Council a licence permitting that person to use or occupy such berth.
- b) No person shall use or occupy any berth except as may have been allocated and with the vessel specified in the licence.

Provided that with the consent of the Council, which consent may be subject to any new or changed conditions, the holder of a licence in respect of a berth may occupy the berth with a vessel other than that specified in the licence.

- c) No person shall transfer, sublet or otherwise dispose of their interest in a licence or any interest they may have in a berth except to the Council.
- d) Every person holding a licence issued pursuant to this Bylaw in respect of any berth shall notify the Council in writing of any change to their address or other contact details.

- e) Every person to whom a licence has been issued in respect of any berth shall comply with the terms of such licence.
- f) Where any person fails to comply with the terms of the licence or with the provisions of this Bylaw relating to the berth and who continues the failure to comply after being provided with a reasonable opportunity to remedy the non-compliance, the Council may cancel the licence and remove the vessel which is the subject of the licence, from the berth. The cost of such removal shall be a debt due by the licence holder to the Council.

3.6 Visiting vessels

- a) No person shall use or occupy a berth which has been set aside by the Council within any marina or other reserved area for visiting vessels except with the consent of the Marina Supervisor and then only on such terms and conditions including payment of any fee set by the Council, and for such duration as specified by the Marina Supervisor.
- b) The owner or master of any visiting vessel shall not anchor or moor such vessel in any prohibited anchorage area identified in Clause 2.15 of this Bylaw.

3.7 Sharing of berths

No person shall tie a vessel to any other berthed vessel except in such area or areas which may have been set aside by the Council for that purpose.

3.8 Commercial vessels in the Marina

No person shall without the consent of the Marina Supervisor, use or permit to be used any berth within the Marina to berth a commercial fishing vessel, work vessel or other commercial vessel.

3.9 Removal from a berth, mooring or anchorage.

- a) The Council may at any time require the master or owner of any vessel to vacate any anchorage, berth or mooring either on a temporary basis or for the remainder of the term of any licence or coastal permit and to take up another anchorage, berth or mooring.
- b) In the case of a re-location for the remainder of a permit or licence term the Council shall ensure that the new berth or mooring is of a size suitable for, and accessible to, the vessel.
- c) The Marina Supervisor or Harbourmaster may, in the event of an emergency, require any person to remove a vessel from any berth, mooring or anchorage, or they may remove or cause to be removed any vessel from such berth, mooring or anchorage.
- d) The Council shall not be liable to pay any compensation in respect of any requirement or removal or relocation of a vessel affected pursuant to this clause.
- e) The Harbourmaster or Marina Supervisor may require any person to move a vessel which is berthed, moored or anchored in contravention of this Bylaw, to another berth, mooring or

anchorage. Any person who refuses to comply with such a requirement commits an offence.

3.10 Person on board to ensure vessel berthed safely

- a) The owner or master of a vessel berthed at any wharf, dock or other landing place must ensure that it is securely fastened at all times and, if required by the Harbourmaster or Marina Supervisor, must maintain a person on board to keep watch.
- b) When a vessel is berthed at or alongside a wharf, dock or other landing place, the owner or master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured, and adjusted to suit all tidal conditions.

3.11 Vessels to be seaworthy or removed

- a) The master and owner of any vessel anchored or moored in any waters, or berthed at any berth, must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster or Marina Supervisor has given prior written approval for it to be anchored, moored, or berthed in an un-seaworthy state.
- b) If any vessel is a hazard to navigation by reason of it being un-seaworthy
 - i) the Harbourmaster may give a written direction to the owner and/or master of the vessel to move it to an alternative location, or to remove it from the waters within a reasonable time specified in the direction; and
 - ii) The owner and master are jointly and severally responsible for ensuring the direction is complied with.
- c) If the owner or master of the vessel fails to move the vessel in accordance with a direction given under sub-clause b), the Harbourmaster may cause that vessel to be moved to a position where it is no longer a hazard, or remove it from the water. The costs incurred may be recovered from the owner, master, or agent of the vessel as a debt due to the Council.

3.12 Alteration of Berth

No person shall alter or modify any structure or thing associated with or forming part of any berth (excluding fendering and mooring lines) without the permission of the Harbourmaster or Marina Supervisor.

3.13 Damage to mooring or berth

All damage, excluding normal wear and tear, to a public mooring or any berth, or any part of any public mooring or berth, shall be made good by the person causing or responsible for such damage. The cost of making good such damage shall be determined by the Council.

3.14 Fishing

No person shall fish in any part of the Marina in contravention of any direction given by the Marina Supervisor from time to time either

generally or as to any particular part or parts of the Marina or as to any particular time or times.

3.15 Use of vessel engine around wharves, ramps and marinas

- a) 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 way that it may damage any property, scour the bed of the navigable waters, or injure any person. Provided that this does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.
- b) The master of any commercial vessel must:
 - i) ensure that crew members are stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - ii) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
 - iii) notify the Harbourmaster before testing a propulsion system while that vessel is lying at any wharf.
- c) No person shall create excessive noise from the operation of any vessel in a marina.
- d) No person shall cause excessive noise by accelerating or racing the engine of any vessel while the same is stationary at any wharf, ramp, or marina.

3.16 Nuisance

- a) No person shall on or about a mooring, anchorage or berth, or on or about any vessel occupying any mooring, anchorage or any berth, use abusive or improper language or commit any act, or cause any noise which is calculated to or likely to provoke or result in a breach of the peace or likely to constitute a nuisance for any other person.
- b) The holder of a licence issued pursuant to this Bylaw shall ensure that all halyards, lines, ropes, rigging and sheets on the licensee's vessel whilst berthed in the Marina are secured so that they shall not create any excessive noise.

3.17 Living on board

- a) No person shall, except in accordance with the Council's "Live Aboard" or "Visitor" rules (Appendix 4 of this Bylaw), live or reside on any vessel when moored or berthed in the Harbour.
- b) Sub-clause a) shall not apply to vessels visiting the harbour.
- c) The Council may from time to time, by resolution publicly notified, amend, add to or delete any of the "Live Aboard" or "Visitor" rules in Appendix 4 of this Bylaw.
- d) The Chief Executive on the advice of the Marina Supervisor may waive compliance with any of the "Live Aboard" or "Visitor" rules in those instances where he is satisfied that strict application of the

requirement would be unreasonable or cause unnecessary hardship to any person.

3.18 Safety in the marina

- a) Any person berthing or tying up any vessel in any Marina shall ensure that:
- i) the vessel is properly and safely secured to whatever it is berthed or tied;
 - ii) all access ways and navigable waters are kept clear;
 - iii) the vessel is in a good and safe state of repair;
 - iv) in the event of any accidental spillage into the Marina which poses a threat to any other vessel, property, wildlife or thing, immediate steps are taken to notify the Marina Supervisor and to remedy any damage caused;
 - v) the name of the vessel is clearly displayed on the vessel;
 - vi) there is on the vessel an adequate fire extinguisher or fire fighting appliance.
- b) No person shall bring into or keep in the Marina any motor spirit, petroleum products, fuel oil, liquefied petroleum gas, compressed natural gas, kerosene or goods of a similarly dangerous or similarly flammable character without the permission of the Marina Supervisor.
- Provided that nothing in this sub-clause shall prevent the bringing into the marina, or the keeping on any vessel small quantities of any of the goods mentioned in sub-clause b), in safe containers and in quantities reasonably required for the vessel's engines, stoves or similar appliances.
- c) No person shall commence or carry out any repairs, alterations or work on or to any vessel in the Marina involving welding or flame cutting operations, grinding, or the prolonged use of any other power tools, or air spray apparatus without first obtaining the permission of the Marina Supervisor, and complying with any conditions imposed by the Marina Supervisor in respect of the operations or any resource consent.
- d) Every person carrying out any repairs, alterations or other works on or to any vessel in the Marina shall ensure that such is carried out in a safe and proper manner and in accordance with the provisions of the Health and Safety in Employment Act 1992, and that no rubbish or material used in the work, or removed as part of the works is allowed to fall into the water.
- e) If the Marina Supervisor is of the opinion that any repairs, alterations or works are not being carried out in a safe and proper manner he may order that all work cease and every person carrying out such work shall thereupon cease to do so until the Marina Supervisor authorises the continuation of such work.

3.19 Repair grid

- a) No person shall use or occupy, moor to, tie to, or place a vessel on the Repair Grid without first obtaining the permission of the Marina Supervisor and only then on such terms and conditions as the Marina Supervisor may impose.
- b) The primary purpose of the Repair Grid shall be the inspection and/or repair of a vessel, or the washing of the hull to remove primary fouling as agreed with the Marina Supervisor in advance and subject to the terms of any resource consent for discharge to the Coastal Marine Area.
- c) No person shall use or occupy the Repair Grid for a period in excess of two consecutive high tides without the permission of the Marina Supervisor.

3.20 Use of landing stages

- a) No person shall use the Marina landing stages for any purpose other than for embarking or disembarking passengers or stores except with the prior approval of the Marina Supervisor and then on such conditions as the Marina Supervisor may impose.
- b) No person shall use any water supply in or around the Marina landing stages other than for domestic or culinary purposes.

3.21 Use of boat ramps

- a) No person shall use any boat ramp otherwise than in accordance with any rules which the Council may from time to time, by resolution, establish and which are displayed at the ramp.
- b) No person shall use any boat ramp for the launching of any trailer boat without having first paid any fees or charges which may be fixed by the Council from time to time in respect of such use, and displaying the appropriate ticket, label, sticker or other proof of such payment in a prominent and easily seen position on the trailer or in or on the towing vehicle.

3.22 Swimming or diving around wharves or moorings

No person may dive, bathe or swim within 50 metres of:

- a) Any structure in the Port Nelson Operational Area; or
- b) Any mooring area, except for the purpose of cleaning or maintaining the underwater parts of a vessel or the mooring; or
- c) In the waters of any Marina except for the purpose of cleaning or maintaining the underwater parts of a vessel; or
- d) In any other such area as the Harbourmaster may from time to time determine.

unless the person does so in accordance with the prior written consent of the Harbourmaster or Marina Supervisor.

4. Commercial operations including, hazardous cargoes, hazardous works and dangerous materials

4.1 Hot work operations

- a) Within the Nelson Harbour, the person carrying out the hot work and the master of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the vessel or not, must obtain from the Harbourmaster a Hot Work Permit in accordance with requirements set out in Appendix 5 of this Bylaw not less than two hours before commencing the work.
- b) The person carrying out the hot work, or the master or the Chief Engineer if available, of every vessel on or in which hot work operations are proposed must ensure that, before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere while the work is undertaken, and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the work is completed. Monitoring of the space in which the work has taken place, and all adjacent spaces, shall continue for at least one hour after the completion of welding or flame-cutting.
- c) No person may commence hot work without having seen and understood the terms of a current Hot Work Permit for the work to be undertaken
- d) The Harbourmaster may grant a written exemption from compliance with those provisions to the master or owner of any vessel lying at any vessel-repairing establishment or at any berth where work is being undertaken by a company whose Hot Work procedures have been approved by the Harbourmaster.
- e) No hot work shall commence until such time as the Harbourmaster is satisfied that the pre-condition requirements of a Hot Work Permit have been met in full.

4.2 Explosives anchorage

- a) The master of a vessel having on board or intending to load explosives in quantities greater than 27kg must ensure that:
 - i) the vessel remains within the explosives anchorage outside the harbour entrance to be specified on each occasion by the Harbourmaster; and
 - ii) no person loads or unloads explosives outside the explosives anchorage, unless otherwise permitted by the Harbourmaster; and
 - iii) the Harbourmaster is provided with the Dangerous Goods declaration for the explosives at least 48 hours prior to the loading or discharging. For weekend loading or discharging documentation shall be provided no later than 12 noon on the preceding Friday.

- b) Nothing in this clause shall apply to any vessel which:
- i) is carrying less than 27kg of explosives; or
 - ii) is carrying, or intending to load, only explosives of Safety Ammunition Class 1.4S as defined under the Hazardous Substances (Classes 1 to 5 controls) Regulations 2001, or Fireworks of classes 1.3G, 1.4G or 1.4S as defined under the Hazardous Substances (Fireworks) Regulations 2001, in quantities which do not require a Hazardous Substance and New Organisms Approved Handler.
- c) The master of any vessel having on board or who intends to load or unload 27kg or more of explosives in the harbour must display on the vessel Flag B by day and an all round red light by night.
- d) On or immediately before the arrival in port of any tanker and for so long as the tanker remains in port, the master must display by day Flag B and by night an all round red light at the masthead or where it can best be seen from all directions.
- e) Where possible the master of any vessel, or the pilot, must not allow that vessel to approach within 200 metres of an oil tanker or any other vessel that is showing Flag B by day or an all round red light by night.

4.3 Signals to be displayed by any vessel taking in or discharging or carrying Dangerous Goods

On or immediately before the arrival in harbour of any vessel carrying Dangerous Goods and for as long as that vessel remains in harbour, the master must display by day Flag B and by night a red light at the masthead where it can best be seen from all directions.

4.4 Distance from vessels showing Flag B

Where possible the master of a vessel on passage must not allow that vessel to approach within 200 meters of an oil tanker or any other vessel, while it is at anchor or underway that is showing Flag B by day or a red all round light by night.

4.5 Duties of master while tanker is in port

- a) While in port, the master of an oil tanker must operate in accordance with the current edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT).
- b) The master must:
 - i) berth or moor the tanker only at the Main Wharf or McGlashen Quay South or as otherwise authorised by the Harbourmaster; and
 - ii) keep the tanks containing Class 3.1 or 3.2 oil cargo securely closed, except when opened for loading or discharging; and
 - iii) unless exempted by the Harbourmaster, ensure that sufficient motive power is available at all times to enable the

vessel to be moved from the berth in case of fire or other emergency.

- iv) submit to the Harbourmaster a plan showing the layout of the vessel's tanks and contents, giving the products and approximate quantities that will be on board when alongside in Nelson Harbour, at least 6 hours prior to arrival.

4.6 Loading or discharge of cargo

- a) No person shall discharge, drop, or cause or allow to be discharged or to escape from any vessel, structure, or land into any navigable water within the Region any cargo, or any other thing that would or might constitute a hazard to navigation safety.
- b) Any person who so discharges, drops or causes or allows to be discharged or to escape from any vessel, structure, or land any cargo or other thing into navigable waters shall, in addition to any fine which might be imposed, be liable for the cost or recovery or removal of the said cargo or other thing from the waters.
- c) Any person who intends to load logs shall ensure that a plan has been submitted to the Harbourmaster outlining the manner of the loading and providing for the recovery of lost logs. Such plan shall also include details as to how the loading will be monitored to identify lost logs and to track them for recovery.
- d) The person overseeing the loading of logs shall notify Nelson Harbour radio immediately any log is found to be missing or observed overboard in the water, and shall repeat such notification once the log has been recovered.

5. Pilotage

Maritime New Zealand Rule Part 90 is the governing rule relevant to pilotage in the Port of Nelson.

5.1 Compulsory Pilotage

- a) Pilotage is compulsory within the limits of the Nelson pilotage district for all vessels of more than 40 m overall length.
- b) In the Nelson pilotage district, the master of any such vessel of more than 40 m overall length shall, unless he holds a Pilotage Exemption Certificate suitable for that vessel, employ a pilot appointed or licensed in respect of the Harbour.

5.2 Pilotage Fee

- a) The master or owner of any vessel requiring pilotage shall be liable to pay the Council or its authorised agent any relevant fee unless the pilotage is supplied by any third party independent pilot.
- b) All outward pilotage fees shall be paid by the master or owner of the vessel to the Council or its authorised agent either before or at the time of making the application for pilotage unless the pilotage is supplied by any third party independent pilot.

5.3 Use of Pilotage Exemption Certificates

- a) Where the master of a vessel holds a Pilotage Exemption Certificate in respect of the Harbour, the following provisions shall apply:
 - i) direct communication between the Master and the Nelson Harbour Radio shall be established in accordance with standard reporting procedures; and
 - ii) the master shall obtain the advice of Nelson Harbour Radio on relevant conditions and matters such as scheduled shipping movements.
- b) Notwithstanding the possession of a Pilotage Exemption Certificate, the master of any vessel shall not attempt to enter or leave the harbour until the information specified in clause 2.1 of this Bylaw has been obtained.

(see Maritime Rule Part 90 at www.maritimenz.govt.nz/Rules/List-of-all-rules/List-of-rules)

5.4 Expenses of Pilot detained on board

- a) If a Pilot is detained on board a vessel, whether by stress of weather, quarantine, or otherwise, there shall be payable (in addition to the pilotage fee in clause 5.2) by the master or the owner to the Council or authorised agent a charge for every day during which the pilot is absent from his/her station.
- b) If the pilot has been carried to another place, the master and the owner of the vessel shall be liable to pay to the Council or authorised agent reasonable travelling expenses incurred in returning him/her to his/her station.

5.5 Complaints against Pilots

Any complaint against a pilot by the master of any vessel shall be made in writing to the Harbourmaster.

5.6 Accidents occurring to vessel in charge of Pilot

Any accident occurring to a vessel that is in the charge of a pilot shall be reported immediately by the pilot in writing to the Harbourmaster.

6. General

6.1 Special or temporary events

- a) Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which this Bylaw applies, may apply to the Harbourmaster to:
 - i) temporarily suspend the application of clause 2.9 and/or any other clause of this Bylaw in that area during the conduct of the race, speed trial, competition or other organised activity; and
 - ii) temporarily reserve the area for the purpose of that activity.

- b) Where the Harbourmaster is satisfied, on considering an application under this Bylaw, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and subject to such conditions (if any) as he or she may specify.
- c) Every grant of an application under this Bylaw shall, subject to sub-clause d), have effect according to its tenor.
- d) No grant of an application under this Bylaw shall have effect unless, not less than 7 days or more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- e) The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under sub-clause d).

6.2 Notification of collisions or accidents

- a) The master of any vessel that:
 - i) has been involved in a collision with any vessel or property where more than minor damage is caused, or has been sunk, or has grounded or become stranded in any navigable waters, other than as a transitory event; or
 - ii) 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; or
 - iii) in any manner gives rise to an obstruction; or
 - iv) causes any damage to any navigation aid or structure or to anything on the structure;

must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the occurrence to the Harbourmaster and within 24 hours, provide the Harbourmaster with full written details of the occurrence.

- b) A report under sub-clause a) must include:
 - i) a full description of any injury to persons and their names and their addresses; and
 - ii) a full description of any damage to vessels or structures; and
 - iii) the names and addresses of persons in charge of the vessel; and
 - iv) the time and date of the occurrence; and
 - v) an outline of events relating to the occurrence.
- c) If an incident described in sub-clause a) involves damage to a vessel that makes or is likely to make it un-seaworthy the master may not move the vessel except:

- i) to prevent the vessel from creating a hazard to navigation;
or
- ii) in accordance with the directions of the Harbourmaster, or an enforcement officer.

6.3 Discharge of pollutants, litter and rubbish

- a) No person shall discharge, cast or dispose of or cause to be discharged, cast or disposed of (directly or indirectly) into any water any rubbish or other substance or liquid of an objectionable or offensive nature or which is likely to pollute, detract from or cause deterioration of the waters.
- b) No person shall in any part of the Harbour:
 - i) break or cause to be broken or throw or abandon, cast or leave, whether broken or not any glass or pottery object, tins, bottles, paper, paper wrappings, plastic bottles, bags or containers, plastic sheet, litter, rubbish, oil or other articles or thing likely to be unsightly or to cause any nuisance or danger to public health or safety; or impede or endanger the operation of any vessel.
 - ii) scale, clean or gut any fish or throw cast or leave or deposit any fish, or any portion of a fish or a carcass of any dead animal, or fowl or any vegetable matter likely to cause a nuisance, injury or danger to public health or safety.
- c) No person shall allow any material described in clauses 6.3 a) and b) above from the washing down or scrubbing of the hull of any vessel to enter any water covered by this Bylaw.

6.4 Fouled vessels

No person shall anchor, berth or moor, or allow to remain anchored, berthed or moored, within the Harbour (including within any marina) any vessel which is subject to significant secondary fouling with marine growth.

6.5 Application to master/owner

- a) Where any clause in this Bylaw imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
- b) Where any clause of this Bylaw imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against this Bylaw.
- c) If any such clause is complied with by either the master or the owner, then, for the purposes of this Bylaw, compliance by one is deemed to be compliance by the other.

6.6 Penalties, offences and infringements

- a) Any person who breaches, or fails to comply in any respect with, any provision of this Bylaw commits an offence.
- b) Any person who fails to obey a lawful order or instruction given for navigation safety purposes by the Harbourmaster commits an offence.
- c) The Harbourmaster, Deputy Harbourmaster, Enforcement Officer and Honorary Enforcement Officer may require the master of any vessel who is found committing an offence against the Bylaw to supply their name and address.
- d) The penalty or fine related to any offence is set out in Appendix 1 of this Bylaw.

6.7 Serving of Infringement Notices

- a) If a person is observed committing an infringement offence by the Marina Supervisor, Harbourmaster or an Enforcement Officer, or the Marina Supervisor, Harbourmaster or Enforcement Officer have reasonable cause to believe such an offence has been committed by that person, an infringement notice in respect of that offence may be served on that person.
- b) The Harbourmaster or Enforcement Officer may deliver the infringement notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence or business.

6.8 General Defence

- a) It shall be a defence to any prosecution for a breach of this Bylaw if the defendant proves that:
 - i) the action or event to which the prosecution or infringement relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property; and
 - ii) the conduct of the defendant was reasonable in the circumstances; and
 - iii) the effects of the action or event were adequately mitigated by the defendant after it occurred.
- b) It shall be a defence to any prosecution for a breach of this Bylaw that the action or event to which the prosecution relates was due to an event beyond the control of the defendant, including natural event, mechanical failure, or sabotage, and in each case either:
 - i) the action or event could not reasonably have been foreseen or been provided against by the defendant; and
 - ii) the effects of the action or event were adequately mitigated or remedied by the defendant after it occurred.

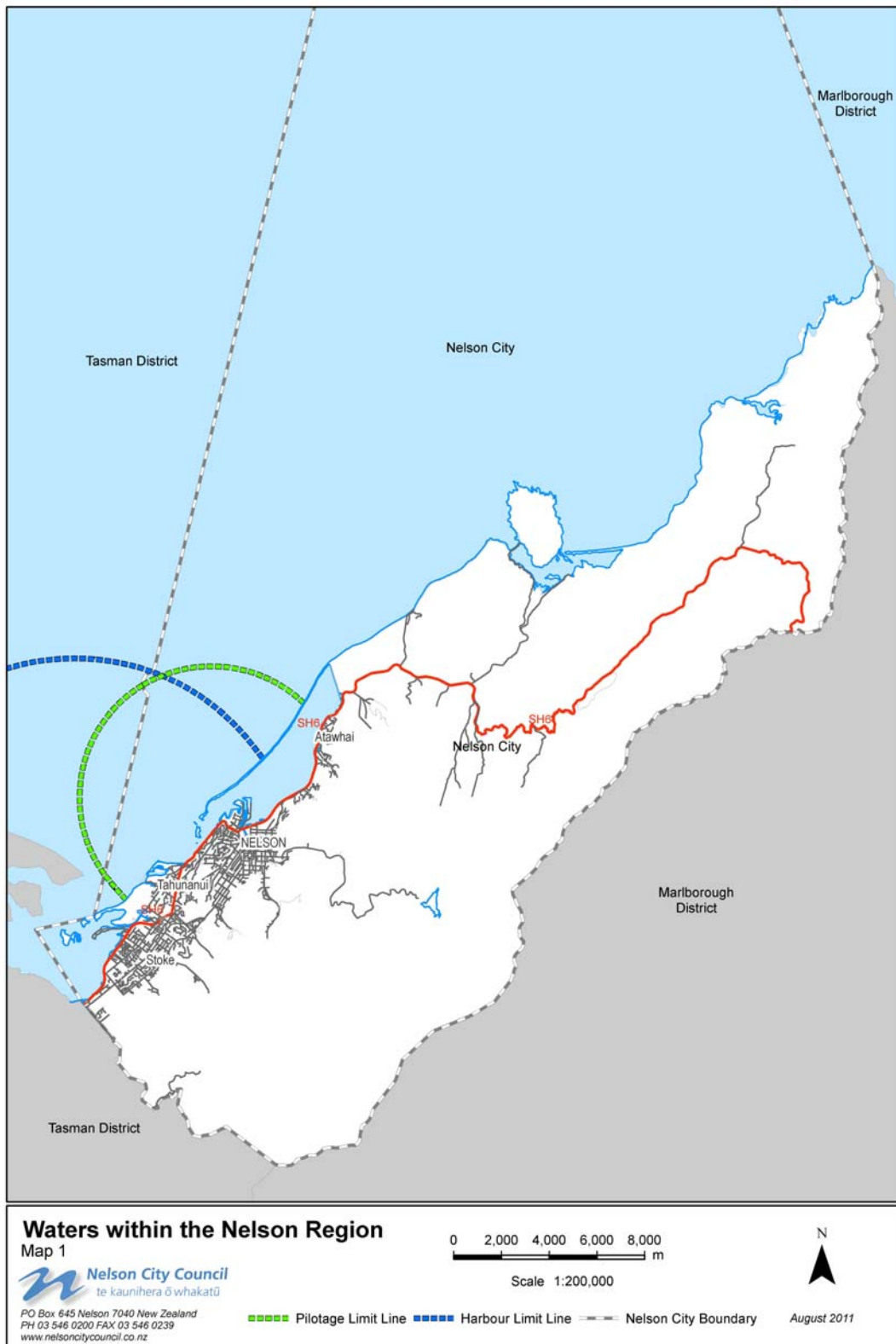
- c) Except with the leave of the Court, clause 6.8 a) and 6.8 b) of this Bylaw does not apply unless, within seven days after the service of summons or within such further time as the Court may allow, the defendant delivers to the Council a written notice:
 - i) stating that he or she intends to rely on sub-clause 6.8 b) i) or 6.8 b) ii); and
 - ii) specifying the facts that support his or her reliance on clause 6.8 b) i) or 6.8 b) ii).

6.9 Appointment of Harbourmaster, Enforcement Officers and Marina Supervisor.

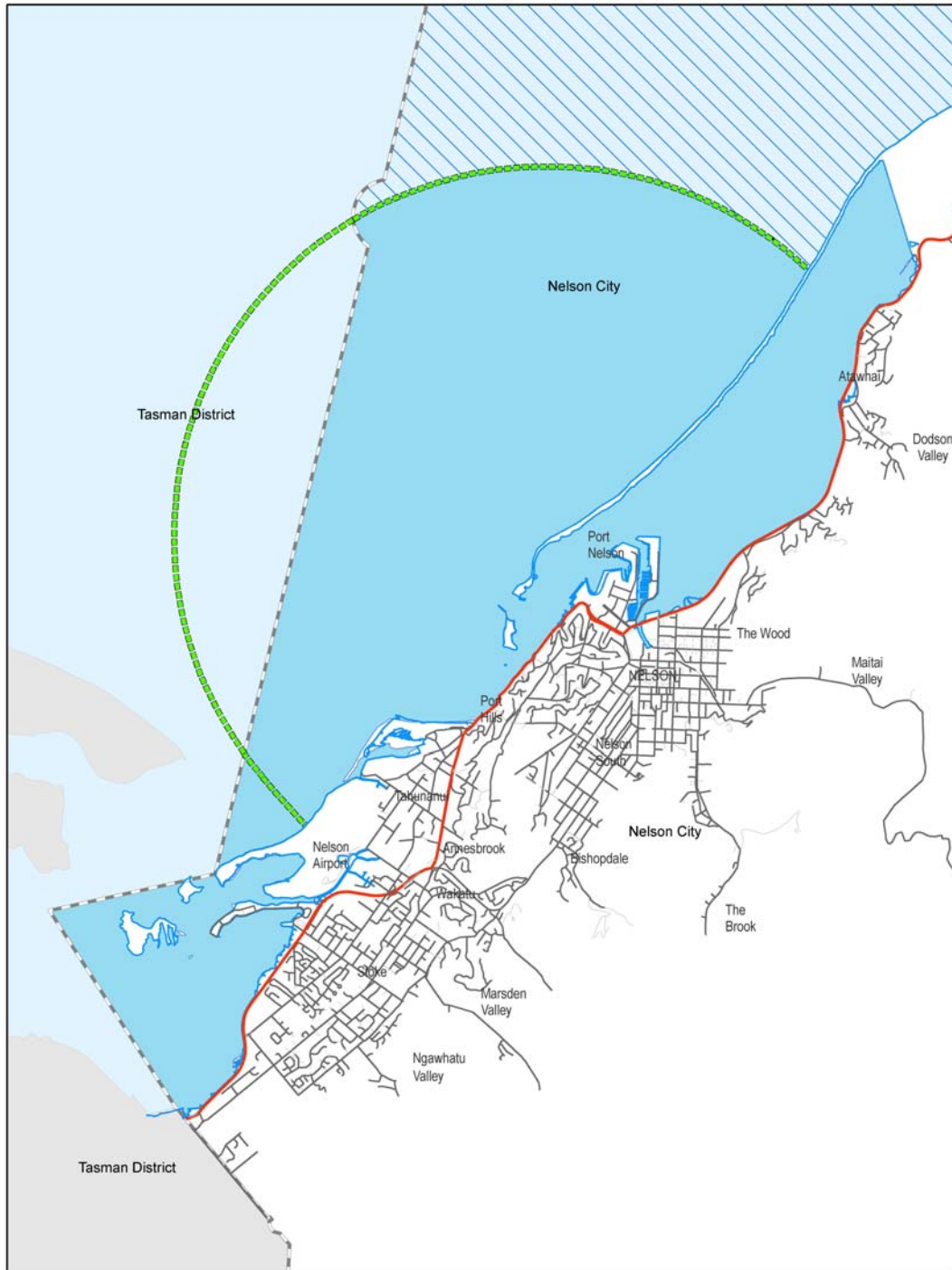
- a) The Council may appoint a Harbourmaster for the purpose of enforcing the provisions of this Bylaw.
- b) The Council may appoint a Deputy to the Harbourmaster or an enforcement officer for the purpose of enforcing the provisions of this Bylaw.
- c) The Council may appoint an Honorary Enforcement Officer for the purpose of this Bylaw.
- d) The Council may appoint an officer/individual as Marina Supervisor for the purpose of enforcing this bylaw where it relates to management of the Marina.

7. Maps

MAP 1 WATERS WITHIN THE NELSON REGION



MAP 2 WATERS WITHIN THE NELSON HARBOUR



The map is approximate only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, its employees, agents and contractors will not be liable for any costs, damages or losses suffered as a result of the data or plan, and no warranty of any kind is given as to the accuracy or completeness of the information represented by the GIS data. The publication is copyright reserved by Nelson City Council. Cartorial information derived from the CRS. CROWN COPYRIGHT RESERVED. U.T. Original map size A4.

Waters Within the Nelson Harbour
 Map 2

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 te kaunihera o whakatū

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 PH 03 546 0200 FAX 03 546 0239
 www.nelsoncitycouncil.co.nz

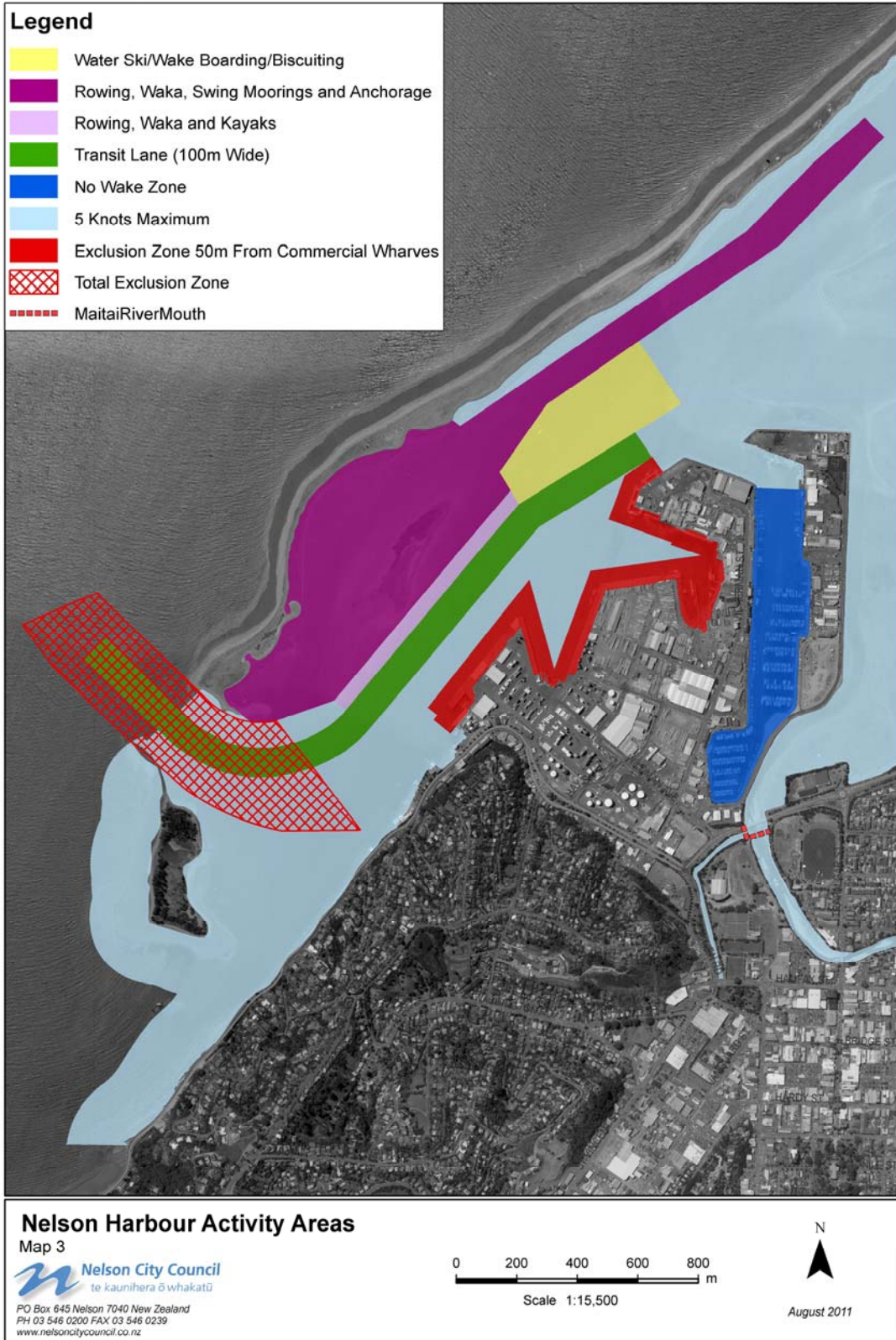
0 1,000 2,000 3,000 4,000 5,000 m
 Scale 1:75,000

Nelson Harbour
 Pilotage Limit Line
 Waters of the Nelson Region
 Nelson City Boundary

N

 August 2011

MAP 3 NELSON HARBOUR ACTIVITY AREAS



MAP 4 NELSON MARINA



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Nelson Marina Map 4  Nelson City Council te kaupuni o whakatū PO Box 845 Nelson 7040 New Zealand Pw 03 548 0200 FAX 03 548 0239 www.nelsoncitycouncil.co.nz	0 50 100 150 200 250 m Scale 1:8,000	N  February 2012		
	<table border="0"> <tr> <td> Repair Grid</td> <td> MaitaiRiverMouth</td> </tr> <tr> <td> Marina Area</td> <td> 5 Knot Maximum Zone</td> </tr> </table>		 Repair Grid	 MaitaiRiverMouth
 Repair Grid	 MaitaiRiverMouth			
 Marina Area	 5 Knot Maximum Zone			

MAP 5 TAHUNANUI BEACH RECREATION AREAS



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Tahunanui Beach Recreation Areas
Map 5

Scale 1:12,500

0 100 200 300 400 500 m

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Access Lane for Non-motorised Small Craft
 Kite Boarding Access Lane

Area Reserved for Swimmers and Body Boarders
 5 Knot Maximum Zone

Black and White Pole Marker

August 2011

MAP 6 MONACO ACTIVITY AREAS



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<p>Monaco Activity Areas Map 6</p> <p>Nelson City Council te kaunihera o whakatū</p> <p><small>PO Box 645 Nelson 7040 New Zealand PH 03 546 0200 FAX 03 546 0239 www.nelsoncitycouncil.co.nz</small></p>	<p>Scale 1:10,000</p>	<p>N</p>	Monaco Ski Area
<p>August 2011</p>			

8. APPENDICES

APPENDIX 1 PENALTIES, OFFENCES AND INFRINGEMENTS

Description of Bylaw Provision	Bylaw Clause Number	Offence Description	Fine
Reporting procedures	2.1	Failure to follow reporting procedures	\$500
Harbour recreation zones	2.2b), c), d), e)	Failure to act appropriately in specified zone	\$100
Harbour recreation zones	2.2f)	Operating motorised craft within Tahunanui exclusion zone without prior permission	\$100
Moving prohibited zone/Total exclusion zone	2.3	Failure to comply with operating requirements of zones	\$200
Harbour transit lane	2.4	Failure to comply with operating requirements of lane	
Exclusion Zone around vessels	2.5	Failure to stay clear of exclusion zone	\$100
Obstructions	2.6a), b)	Placing an obstruction likely to restrict navigation or cause damage to vessels or property, or injury or death to any person	\$100
	2.6c)	Impeding navigation of vessel greater than 500grt	\$200
Lifejackets	2.7a), b)	Failure to provide sufficient accessible personal flotation devices	\$100
	2.7d), e)	Failure to wear personal flotation devices in accordance with requirements	\$100
Minimum age for operating powered vessels	2.8	Owner of a power driven vessel that is capable of a proper speed exceeding 10 knots allowing a person who is under the age of 15 years to be in charge of or propel or navigate that vessel, in contravention of this provision	\$100
Speed of vessels	2.9a) i)	Exceeding 5 knots within 50 metres of another vessel or person in the water	\$200
	2.9a) i)	Exceeding 5 knots within 200	\$200

		metres of shore or of any structure	
	2.9a) iii)	Exceeding 5 knots within 200 metres of a vessel or floating structure flying Flag A (divers flag)	\$200
	2.9a) iv)	Exceeding 5 knots within 200 metres of any area set aside or zoned	\$200
	2.9a) v)	Exceeding 5 knots when knowingly or deliberately approaching within 200m of a marine mammal	\$200
	2.9a) vi)	Exceeding 5 knots within any zone set aside as a 5 knot zone or as a swimming area	\$200
	2.9b)	Exceeding 3 knots within any marina	\$100
	2.9c)	Exceeding 5 knots while any person has a portion of their body extending over the fore part, bow or side of a vessel	\$200
	2.9d)	Person allowing themselves to be towed by a vessel at a speed exceeding 5 knots in breach of clause 2.9a) i)-vi)	\$200
	2.9e)	Failure to recover any object dropped by any person being towed	\$100
Wake or wash	2.10	Operation of vessel that creates damaging wake or wash	\$100
Lookouts on vessels used for water skiing or towing any person	2.11a)	Towing a water skier or person in breach of requirements	\$100
	2.11b)	Allowing oneself to be towed by a vessel in breach of requirements	\$100
Waterskiing or towing between sunset and sunrise	2.12a)	Towing a water skier or person in breach of requirements	\$200
	2.12b)	Allowing oneself to be towed by a vessel in breach of requirements	\$200
Conduct in	2.13a), b)	Failing to manoeuvre a vessel in	\$100

access lanes		an access land other than the most direct route and on the starboard side of the access lane	
	2.13c), d)	Obstructing, or creating danger to, persons or vessels making legitimate use of the access lane	\$100
	2.13e)	Undertaking an activity in an access lane other than the priority activity while the priority activity is taking place	\$100
Conduct in reserved areas	2.14b)	Obstructing persons or vessels making legitimate use of the reserved area	\$100
	2.14c)	Undertaking an activity in a reserved area other than the priority activity while the priority activity is taking place	\$100
Prohibited anchorages	2.15	Anchoring or mooring a vessel in a prohibited anchorage	\$100
Damage to navigation aids	2.16a)	Tying a vessel to a navigation aid without written permission from the Harbourmaster	\$100
	2.16b)	Damaging, removing, interfering or defacing navigation aids	\$100
	2.16c)	Erecting, displaying or maintaining any beacon, light, mark, buoy or device without permission	\$100
Distance from oil tankers showing Flag B	2.17	Failure to stay 200m clear	\$200
River safety rules	2.18	Failure to comply with operating requirements for rivers	\$100
Collision prevention	2.19	Operating a vessel in breach of Maritime Rule Part 22 (www.maritimenz.govt.nz/rules)	\$100
Flags and signals	2.20a)	Failure to display Flag B (explosives)	\$500
	2.20b) i)	Master of a vessel from which dive operations are in progress and not displaying flag A clearly as required	\$200

	2.20b) ii)	Person diving from a vessel and not displaying flag A clearly as required	\$200
Vessels not to sound whistles	2.21	Sounding whistle in breach of requirements	\$100
Use of distress signals	2.22	Improper use of distress signals	\$100
Seaplanes	2.23a)	Impeding a seaplane from taking off or landing	\$200
	2.23b)	Operating a seaplane without permission in locations they are prohibited	\$200
Vessels to be licensed	2.24	Unauthorised operation for hire or reward a vessel that is not subject to Maritime Rules	\$500
Navigation charts and equipment	2.25a)	Failure to carry appropriate navigation aids	\$100
	2.25b)	Failure to use and display visibility aids	\$100
Vessels to be identified	2.26	Failure to identify vessel with appropriate markings	\$100
Moorings and structures	3.1d)	Use of a mooring by unauthorised vessel	\$100
	3.1g)	Anchoring of a vessel that obstructs a mooring	\$100
Alcohol	3.3	Unauthorised consumption of liquor	\$100
Berths	3.5b), c)	Unauthorised use, occupation, transfer, sublet or disposal of berth	\$200
	3.5e)	Failure to comply with terms of licence	\$200
Visiting vessels	3.6a)	Unauthorised occupation of visiting vessel berth	\$100
	3.6b)	Anchoring or mooring in prohibited anchorage area	\$100
Sharing of berths	3.7	Tying up to a berthed vessel in marina	\$100
Commercial vessels in marina	3.8	Use of marina berth by a commercial vessel	\$200
Safe berthing	3.10	Failure to securely fasten vessel and to ensure safe and	\$100

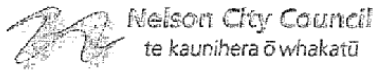
		adequate means of access	
Seaworthy vessels	3.11a)	Not maintain a vessel in seaworthy condition without a written permission	\$200
Alteration of berth	3.12	Unauthorised alteration or modification	\$500
Damage to mooring or berth	3.13	Failure to make good damage to mooring or berth	\$200
Fishing in marina	3.14	Failure to follow instructions from Marina Supervisor	\$50
Use of vessel engine around wharves and ramps	3.15	Operating propulsion system in breach of requirements	\$100
Nuisance	3.16	Failure to abate nuisance	\$100
Safety in marina	3.18a)	Failure to maintain a safe marina environment	\$100
	3.18b)	Bringing in dangerous or inflammable goods outside requirements	\$200
	3.18c)	Failure to obtain approvals for repairs, alterations or work	\$100
	3.18d)	Safe means of work and proper disposal of rubbish	\$100
Repair Grid	3.19	Unauthorised use of grid or use outside requirements	\$100
Use of landing stages	3.20a)	Goods landed or left upon a marina landing stage without Marina Supervisor permission	\$50
	3.20b)	Improper use of water supply	\$100
Boat ramps	3.21	Use of ramps outside requirements	\$100
Swimming or diving around wharves or moorings	3.22	Swimming or diving within 50m of nominated structures without written consent of Harbourmaster or Marina Supervisor	\$50
Hot work operations	4.1a), b), c)	Failure to obtain hot work permit from Harbourmaster	\$500
	4.1e)	Failure to secure Harbourmaster's agreement that pre-condition requirements of a hot work permit are met in full	\$500
Explosives	4.2	Failure to meet requirements	\$1000

anchorage			
Dangerous goods signs	4.3	Failure to display Flag B	\$500
Distance from vessels displaying Flag B	4.4	Failure to stay 200m clear	\$500
Duties of master of tanker	4.5	Failure to meet requirements	\$750
Loading or discharge of cargo	4.6	Failure to meet requirements	\$750
Special temporary events	6.1	Failure to obtain Harbourmaster approval prior to event	\$200
Notification of collision and accidents	6.2	Failure to report	\$200
Discharge of pollutants, litter and rubbish	6.3	Failure to meet requirements	\$100
Fouled vessels	6.4	Anchoring, berthing or mooring a vessel subject to significant secondary fouling with marine growth	\$750
Instructions and orders by Harbourmaster	6.6b)	Failure to obey any lawful instruction or order given by the Harbourmaster for navigation safety purposes.	\$200
	6.6c)	Failure to supply name and address	\$200

- a) Every person who breaches any of the following provisions in Part 2 (Operation of Vessels) of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- b) Every person who breaches any of the provisions in Part 3 (Moorings, Berths, Marina and other Structures) or Part 6 (General) of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$500:
- c) Every person who breaches any provision in Part 4 (Commercial Operations) of this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000.
- d) Every person who breaches any provision of this Bylaw for which no penalty is provided for elsewhere in this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$500.

APPENDIX 2 APPLICATION FOR RESOURCE CONSENT (RAD 830960)

Appendix 2



**APPLICATION FOR
RESOURCE
CONSENT**

OFFICE USE	
Consent No.	RM
Initial payment	\$
Receipt number	
Date stamp	

Applicant & Contact Details

Full name of applicant(s) _____
 Contact person or agent _____
 Address for service * (see note below) _____
 _____ Post Code _____
 Phone _____ Mobile _____
 Fax _____ Email _____
 Address for Invoicing – if different from above *(see note below) _____

 Signed _____ Date _____

(Signature of applicant/person authorised to sign on behalf of applicant)

* All correspondence including the Decision Letter and Invoice will be sent to the "Address for Service". If the invoice is to be sent to a separate address, please specify.

Property Details

Address: Number _____ Street/Road _____
 Legal Description _____
 Owner's name _____

Activity Details

Provide a brief description of the activity to be undertaken; a full description of the activity must be provided as part of the application (see item 4 of the Checklist on next page)

If there is an associated building consent, please quote Building Consent Number: BC _ _ _ _ _

Type of Resource Consent(s) Sought

- Land Use Consent Subdivision Consent Coastal Permit
- Discharge Permit: Water Land Air
- Water to take/dam/divert Certificate of Compliance
- Other
- Change of condition (s.127) - Existing RM No:.....
- Extension of time (s.125) - Existing RM No:.....

Form: RC01

n.830960

Please refer overleaf for items to be provided with application form → → →

CHECKLIST: Have you included all of the following items?

The following items must be provided with the application form (see note (i) below)

		✓ x N/A
1	An INITIAL PAYMENT in accordance with the Nelson City Council Schedule of Fees & Charges (see Note (vi) below)	
2	Copy of CERTIFICATE OF TITLE <i>(Search Copy must be less than 3 months old and must include a Title Plan)</i>	
3	PLANS & DIAGRAMS - 2 copies <i>Relevant to the activity being proposed, (eg. site plan, location plan, elevations), and to a recognised scale, (eg. 1:100 or 1:200 if appropriate), and showing the boundaries, North point, and any other relevant information.</i>	
4	A FULL DESCRIPTION of the proposed activity – 2 copies	
5	An ASSESSMENT OF ENVIRONMENTAL EFFECTS – 2 copies <i>The AEE must correspond with the scale and significance of the effects that the activity may have on the environment (Fourth Schedule Resource Management Act 1991).</i>	

Important Notes

- (i) The application will not be lodged for processing by Nelson City Council unless all the above items are included with the application form.
- (ii) This application will be checked for completeness, under Section 88 of the Resource Management Act 1991 (the Act).
- (iii) If the application is deemed to be **complete**, the application will be formally received as from the date of lodgement. The applicant will receive an acknowledgement letter within 5 working days advising that the application is formally received, and advising of the name of the Planner who will be processing the application.
- (iv) If the application is deemed to be **incomplete** (at the Section 88 check) it will be **rejected** and returned to the applicant, within 5 working days, along with details of the missing information (or information that is needed in order for it to be deemed complete).

If the rejected application is re-lodged with the Council, it is treated as a new application, i.e. the processing clock starts from the date the application is re-lodged.

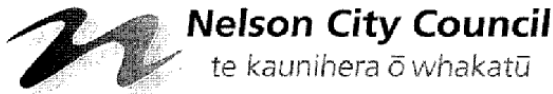
If the applicant does not re-submit the rejected application, the initial payment (deposit) will be returned to the applicant, minus the charges incurred to date (eg. for the Section 88 check by the Planner, and for administration time).

- (v) After the application is formally received, the Council may make further requests, including: more information; additional consents; and/or written approvals from people that the Council considers are adversely affected by the proposal.
- (vi) Further charges may be imposed for processing the application, including public notification, and/or consideration by the Hearings Panel (Section 36 of the Act). If the application proceeds to limited or full notification, the notification fee must be paid prior to notification.
- (vii) Once this application has been formally received by the Council, it is available for public inspection.

Form: RC01

n.830960

APPENDIX 3 NOTICE OF TRANSFER OF RESOURCE CONSENT TO ANOTHER PERSON (RAD 1052901)



NOTICE OF TRANSFER OF RESOURCE CONSENT TO ANOTHER PERSON

OFFICE USE	
Consent No.	RM
Initial payment	\$
Receipt number	
Date stamp	

Type of Resource Consent(s) To Be Transferred

- Land Use Consent (use of beds of lakes and rivers)
- Coastal Permit
- Discharge Permit : Water Land Air
- Water to take/dam/divert

Transfer Details

Resource Consent Number to be transferred: RM _____
Site(s) to which this application this application relates is described as:
Address: Number _____ Street/Road _____

 Legal Description (or for water/coastal permits, Map Reference NZTM): _____
 Date Transfer is Effective From: _____

Existing Consent Holder Details

Full name of **existing consent holder(s)** _____
Contact person or agent _____
Address for service * (see note below) _____
 _____ Postcode _____
 Phone _____ Mobile _____
 Fax _____ Email _____
Address for Invoicing – if different from above *(see note below)

**All correspondence including the Decision Letter and Invoice will be sent to the "Address for Service". If the invoice is to be sent to a separate address, please specify.*

Existing Consent Holder Declaration

The consent holder declares that to the best of their knowledge the resource consent is in full compliance with all terms and conditions of the resource consent and as such, the consent holder's interest in the consent is hereby transferred, subject to the provisions of the Resource Management Act and any relevant consent conditions.

Signed _____ **Date** _____
(Signature of consent holder/person authorised to sign on behalf of applicant)

New Consent Holder Details

Full name of new consent holder(s) _____

Contact person or agent _____

Address for service * (see note below) _____

Post Code _____

Phone _____ Mobile _____

Fax _____ Email _____

Address for Invoicing - if different from above *(see note below)

* All correspondence including the Decision Letter and Invoice will be sent to the "Address for Service". If the invoice is to be sent to a separate address, please specify.

New Consent Holder Declaration

I/we the undersigned have reviewed the consent conditions and we acknowledge that the consent is to be transferred as described above, and undertake to comply with all conditions of the resource consent. I/we undertake that I/we will be liable for annual charges and other monitoring and supervision charges associated with the consent, effective from the date of transfer.

Signed _____ Date _____

(Signature of applicant/person authorised to sign on behalf of applicant)

Please refer overleaf for items to be provided with application form → → →

CHECKLIST: Have you included all of the following items?

The following items must be provided with the application form (see note (i) below)

		✓ x N/A
1	An INITIAL PAYMENT in accordance with the Nelson City Council Schedule of Fees & Charges (see Note (vi) below)	
2	Copy of CERTIFICATE OF TITLE <i>(Search Copy must be less than 3 months old and must include a Title Plan)</i>	
3	PLANS & DIAGRAMS - 2 copies <i>Relevant to the activity being proposed, (eg. site plan, location plan, elevations), and to a recognised scale, (eg. 1:100 or 1:200 if appropriate), and showing the boundaries, North point, and any other relevant information.</i>	
4	A FULL DESCRIPTION of the proposed activity (including new site details for transfers under s136(2)(b)(ii) and s137(3)(b) - 2 copies	
5	An ASSESSMENT OF ENVIRONMENTAL EFFECTS - 2 copies <i>For transfers for water permits under s136(2)(b)ii and transfer of discharge permits under s137(3)(b) (to another person on another site or to another site).</i> <i>The AEE must correspond with the scale and significance of the effects that the activity may have on the environment (Fourth Schedule Resource Management Act 1991).</i>	

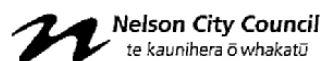
Important Notes

- (i) The application will not be lodged for processing by Nelson City Council unless all the above items are included with the application form.
- (ii) Once this application has been formally received by the Council, it is available for public inspection.

For transfers for water permits under s136(2)(b)ii and transfer of discharge permits under s137(s)(b)

- (iii) This application will be checked for completeness, under Section 88 of the Resource Management Act 1991 (the Act).
- (iv) If the application is deemed to be **complete**, the application will be formally received as from the date of lodgement. The applicant will receive an acknowledgement letter within 5 working days advising that the application is formally received, and advising of the name of the Planner who will be processing the application.
- (v) If the application is deemed to be **incomplete** (at the Section 88 check) it will be **rejected** and returned to the applicant, within 5 working days, along with details of the missing information (or information that is needed in order for it to be deemed complete).
If the rejected application is re-lodged with the Council, it is treated as a new application, i.e. the processing clock starts from the date the application is re-lodged.
If the applicant does not re-submit the rejected application, the initial payment (deposit) will be returned to the applicant, minus the charges incurred to date (eg. for the Section 88 check by the Planner, and for administration time).
- (vi) After the application is formally received, the Council may make further requests, including: more information; additional consents; and/or written approvals from people that the Council considers are adversely affected by the proposal.
- (vii) Further charges may be imposed for processing the application, including public notification, and/or consideration by the Hearings Panel (Section 36 of the Act). If the application proceeds to limited or full notification, the notification fee must be paid prior to notification.

APPENDIX 4 LIVEBOARD APPLICATION (RAD 931958)



NELSON CITY MARINA - LIVEBOARD APPLICATION

NOTE: This is an application only

Boat Name:	Length:
	Width:
Pier and Berth No:	Date of application:
Name of Berth Holder:	Number of persons to liveboard:

LIVEBOARD RULES

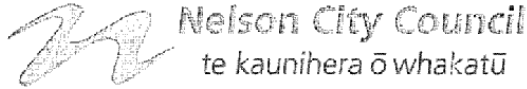
1. Permanent liveboards will be permitted in the Nelson City Council Marina by permit only, which may be revocable by the Marina Supervisor or NCC at their discretion.
2. Liveboard numbers will be set and regulated by the Marina Supervisor and NCC Marina Committee.
3. Electricity consumption should be limited to battery charges and small household appliances (ie. TV, radio) – **NO ELECTRICAL HEATERS.**
4. Piers and finger piers must be kept clear at all times. Laundry, bicycles, building projects should be kept to a minimum and cleaned up at the end of each day.
5. Pets – dogs and cats are not permitted as full time residents of liveboard boats.
6. Occupants are limited to owners of the vessel and immediate family.
7. Shore-side toilet and showers will be used at all times.
8. Noisy or unsocial activities are not permitted.
9. A waiting list for liveboards will be established for those wanting space. All applicants will be treated in chronological order, except when a pontoon is full; then an applicant on that pontoon may be offered liveboard status.
10. Applicants granted a permit must live aboard their vessels. Any applicant with a permit who does not live aboard will lose their right to live aboard.
11. Applicants offered a permit and who consequently cannot accept it or do not want to liveboard at the time, will be placed at the bottom of the list.
12. Applicants will not be offered a berth that is not suitable for their vessel, ie. 9m berth for a 12m vessel.
13. Persons not complying with liveboard rules/regulations will have their permit revoked.

LIVEBOARD RESPONSIBILITES

1. Help monitor security on piers and parking lots. Phone police (phone) or Port Company (VHF16) in the event of suspicious activities.
2. Report to Marina Supervisor any unusual conditions or activities (i.e. broken street lights, mooring lines, water pipes) needing attention.
3. Assist visiting yachts by directing them to visitors' area.
4. Any persons living aboard without a permit will be charged as a visitor.

Permittee Signature _____ Date ____/____/____ RAD 931958
 \\HOMER\DMNFSL\1\RAD\931958\1\RAD_n931958_v1_Liveboard_applications_2004.doc

APPENDIX 5 – HOT WORK PERMIT (RAD1239193)



HOT WORK PERMIT
Not for use on Tankers/Pipeline

Permit No.

Permission is hereby given pursuant to Clause 4.1 of the Nelson City Council Navigation Safety Bylaws for Gas Cutting/Burning/Welding (electric/gas) to be carried out in the said locations:

on board vessel-----at Berth-----

Subject to the following conditions:

1. All combustible materials within surrounding areas removed or made safe.
2. No flammable liquid vapours, gases or dusts present.
3. No Hot Work while any bunkering operations are in progress.
4. Suitable Fire Extinguishers/hoses provided onsite and fully operational.
5. Operator knows how to use fire equipment.
6. Operator knows how and where to raise fire alarm.
7. An inspection of the surroundings of the work area/s is carried out at least one hour after hot work is completed.
8. Other specified condition.

Gas Free Certificate Yes/No Issued by-----

I/We agree with the above conditions and will ensure that they are complied with for the duration of this permit.

Signed

For the Vessel----- position ----- date -----

For the Contractor ----- position ----- date -----

Permit issued by ----- position ----- date -----

This permit is valid from ----- hours-----date

until -----hours -----date

THIS PERMIT MUST BE DISPLAYED AT WORK AREA

If more than one work area, original to be kept in ships office/wheel house and a duplicate to be displayed at each work area.

APPENDIX 6 SCHEDULE OF FEES AND CHARGES (WWW.NELSON CITY COUNCIL.CO.NZ/MARINA)



[Services](#) » [Facilities](#) » Marina

Marina

Recreational boat harbour annual licencing and mooring fees as from 1 July 2010, Liveaboard rules for marina residents, marina supervisor contact details and other marina information.

Application charges

Deposit

A non-refundable deposit of \$150 must be paid with each application. This deposit will be credited to the applicant's first Annual Licence account, on allocation of a permanent mooring.

Development levy

A once-only levy of \$120 + GST per metre of vessel length will be charged to first time licence holders and will be added to the first year's Annual Licence fee.

Marina berths

Annual licence

\$210 + GST per metre of vessel or part thereof per annum, or berth size, whichever is the greater.

Visitors - peak rates

Less than 18 metres - \$27.00 (inc GST) per day*.
17 metres - 20 metres - \$42.00 (inc GST) per day*.
More than 20 metres - \$4.00 (inc GST) per metre of vessel per day*.

Multi-hulls will be charged at 1.5 - 2.0 x single berth Visitor Rate inc GST.

*A surcharge of \$5 per person, per day will apply where a vessel is carrying more than two persons over the age of ten years. The surcharge will apply only to the additional persons carried.

Visitors - off peak rates, 1 June - 30 September

Less than 18 metres - \$22.00 (inc GST) per day*.
17 metres - 20 metres - \$35.00 (inc GST) per day*.
More than 20 metres - \$3.50 (inc GST) per metre of vessel per day*.

Temporary berth

\$0.85 plus GST per metre of vessel or part of a metre thereof per day (to be charged to those waiting for a permanent berth).

Multi-hull

Multi-hull vessels in designated berths will be charged at 1.5 - 2.0 x single berth rate for a vessel of the same size, plus GST. The applicable rate will be determined by the Marina Supervisor on length and width of vessel or berth whichever is the greater.

Commercial recreational berths

A commercial or charter berth or storage park, if provided, shall be charged at a rate of 50% greater than the equivalent recreational berth or storage park fee.

Administration charge

A \$50 administration charge is payable for changes of berth or details.

Pile moorings annual licence

\$120.00 plus GST per metre of vessel or part of a metre thereof per annum.

Boat storage park

Deposit

A non-refundable deposit of \$75 must be paid with each application. This deposit will be credited to the applicant's first Annual Boat Storage account on allocation of a permanent parking lot.

Annual storage

\$900 plus GST per space. Includes annual ramp fee.

Daily Storage

\$5 plus GST per space

Showers

Coin operated \$2 coin.

Note about boat length

All fees and charges relating to the length of a vessel shall be based on the "overall length". The "overall length" shall be determined as being from bow to stern (including all fixtures such as bowsprits, self steering gear, davits, etc). The minimum charge shall be based on 8 metre vessel.

Public boat ramp charges

Fees for use of the Akersten Street marina boat ramp (includes GST)

Akersten Street boat ramp fees

Dates covered by fee	Fees
Annual Fee 1 July to 30 June	\$90
1 October to 30 June	\$80
1 January to 30 June	\$70
1 April to 30 June	\$60
Daily charge	\$5

[Find out more about other Nelson-area boat ramps](#)

Seasonal scallop licence required

A season licence is probably the answer for the area's more intrepid scallopers. The licence will be required to be displayed on the boat trailer in clear view. Licence forms are available at the Marina Manager's office or at Civic House, Ground Floor Reception. All annual licences expire 30th June each year.

Living on board

Live Aboard Charge

\$135 plus GST per month, plus annual mooring fee.

Liveaboard Rules - Key Points

Permanent live-aboards will be permitted in the Nelson City Council Marina by permit only, which may be revocable by the Marina Supervisor or NCC at their discretion.

The maximum number of 'Liveaboard' berths is three per pontoon.

A list of berth holders waiting to live on board their boats will be maintained in order of application date priority and available for public inspection in the Marina Supervisor's office.

The order of allocation shall be to the highest priority boat on the 'Waiting List' that best fills a berth on the available pier.

Only owners and their immediate families are permitted to stay aboard.

All liveaboard vessels must have and will be deemed to have a current 'electrical warrant of fitness' where the

<http://www.nelsoncitycouncil.co.nz/marina/>

11/07/2011

electrical supply is connected directly or fixed into the vessel's system, switchboard or bulkhead.
Electricity consumption is to be limited to battery chargers and small household appliances (like TV, radio) - NO ELECTRICAL HEATERS.
Piers and finger piers must be kept clear at all times. Laundry, bicycles, buildings projects should be kept to a minimum and cleaned up at the end of each day.
Animals (excluding birds) are not permitted on 'Liveaboard' boats.
Shore-side toilets and showers are to be used and no material is to be deposited overboard.
Any liveaboard tenant who is away from the marina with their boat for more than (3) months, but who continues to pay a permanent berth fee, shall, on their return to the marina, if they request to go on the liveaboard waiting list, be placed at the bottom of that list.
Any liveaboard tenant who does not live aboard their boat for more than (3) three months, shall lose their liveaboard status.
Any permanent berth holders staying on board their boat for more than five nights per month will be charged 'visitor' rates.
'Liveaboard' tenants shall pay a 'liveaboard' fee of \$120 plus GST per month, over and above their permanent mooring rate. This fee will be subject to regular review.

Liveaboard responsibilities

Help monitor security on piers and parking lots. Telephone police (phone 546 3840), or Port Company (VHF16) in the event of suspicious activities. Report to Marina Supervisor any unusual conditions or activities (like broken street lights, mooring lines, water pipes) needing attention. Assist visiting yachts by directing them to visitors' area.

Liveaboard application

[Download the Liveaboard application \(PDF @ 20KB\) \(20KB PDF\)](#)

The Slipping News

The Marina newsletter, 'Slipping News', is published quarterly for marina users and visitors. [Go to marina newsletter page.](#)

Marina staff

Marina Supervisor

Chris Hawkes
+64 3 546 7768 or 0274 43 1234
Fax 546 7940
[Email the Marina Supervisor](#)

Marina Warden

Graham Cotton
+64 3 547 9083

Harbourmaster

Dave Duncan
+64 3 539 3891

Navigation

For more information about the services available at the Marina go to www.hydro.lin.govt.nz/tides/majports.asp where you will also find navigational information for visiting boats and Nelson's daily tide times

Large Berth Pontoon for the marina

All large berth pontoons are currently allocated.

Last updated: 20/12/2010 11:33am
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