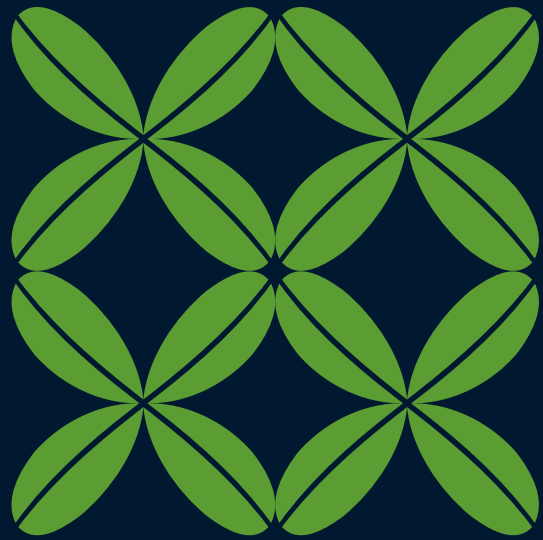
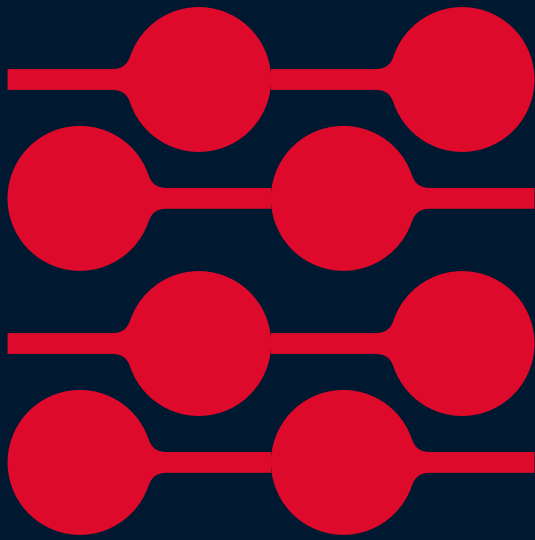




Auckland Council
Navigation Bylaw 2021

2025 Review Findings and Options Report



18 August 2025



Contents

Summary of Key Findings	2
1 Background to the Bylaw and Control review	3
2 Wider regulatory and strategic framework	6
3 The Bylaw and Control	8
4 Implementation of the Bylaw and Control	11
5 Is there still a problem and has it changed?.....	13
6 Is our objective and outcome the same?.....	15
7 Have the Bylaw and Controls helped to achieve our objective and outcome?	16
8 Is a Bylaw still the best way to address the problem (no better alternatives)?.....	18
9 Does the Bylaw comply with legislation?.....	19
10 Is the Bylaw fit for purpose?.....	21
11 Statutory Review Findings.....	22
12 Options analysis	23

Summary of Key Findings

Vessel use on Auckland's navigable waters continue to cause problems

- Vessels on Auckland's navigable waters provide enjoyment, enriching cultural experiences and sporting events, and benefit the economy through tourism, shipping and allowing commuters to move around using public transport.
- However, these activities create an ongoing risk of fatalities, injuries, nuisance, accidents, collisions and damage. These risks are due to individuals not wearing personal flotation devices on small vessels, irresponsible vessel operation and non-compliance, conflicts arising from shared use of waterways and inherent risks due to large numbers of vessels in certain parts of Auckland's harbours.

The Bylaw and Control have helped address the problems

- The Navigation Bylaw 2021 has helped to minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters:
 - is consistently used to reduce risk of fatalities, encourage voluntary compliance and to issue infringements (173 infringements issued between June 2021 and June 2025)
 - has been used to adopt 62 Controls about specific areas where certain activities may be restricted or prohibited and to issue or transfer 276 mooring licences in 2024.

A bylaw is still necessary, but could be improved

- The Bylaw is actively used by the Harbourmaster and fills gaps not covered by national legislation, including mandatory lifejacket use, anchorage time limits and regionally specific rules for high-risk areas like the Manukau Bar and Auckland Ferry Terminal Basin.
- While compliance is generally high, serious incidents still occur. In 2024, 94 per cent of fatalities in craft-related incidents involved individuals not wearing lifejackets, with three of these deaths occurring in Auckland waters.
- The current rule allowing skipper discretion on small vessels is seen by safety organisations as undermining safety. Improving the Bylaw, by mandating lifejacket use on all vessels six metres and less in length when underway, could further reduce risks and improve outcomes.
- Other improvements have been suggested to minimise maritime safety risks, including to:
 - mandate the wearing of PFDs in vessels over 6 metres if instructed by the person in charge
 - introduce rules to protect the public from risks associated with emerging technology and novel craft such as flight boards and tow foiling
 - update the moorings licencing terms and conditions, and add a requirement to have vessel insurance to use a Council owned mooring
 - formalise longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin
 - add an 'exclusion zone' around Auckland Airport, to prevent power-driven vessels from operating in the area creating risks for aviation and maritime safety.

Glossary of acronyms

DPA – Drowning Prevention Auckland

LGA – Local Government Act 2002

MTA – Maritime Transport Act 1994

PFD – Personal Flotation Device (Lifejacket)

WSNZ – Water Safety New Zealand

1 Background to the Bylaw and Control review

Summary

- This is the first statutory review of the Bylaw since it was adopted in 2021. The review must be completed by June 2026 and any confirmation or changes to the Bylaw should be made by mid 2028.
- The scope of the review focuses on navigation safety, including PFD rules and emerging issues but excludes implementation (such as public facing user guides) and Maritime New Zealand matters.
- The review applies statutory review requirements under the Local Government Act 2002.
- The review analyses six key questions to comply with legislative requirements. Research and engagement methodology inform the analysis, noting there are limitations to information collected.

1.1 This report reviews council's Navigation Bylaw 2021 and associated Control

This report presents findings and options from the review of the Auckland Council Ture ā-Rohe Urungi Āhuru 2021 | Navigation Bylaw 2021 (**Bylaw**) and its associated control, the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021 (**Control**).

1.2 This is the first statutory review of the Navigation Bylaw 2021

The Bylaw was adopted by the Governing Body on 24 June 2021 ([GB/2021/68](#)). The Regulatory and Safety Committee (**committee**) must complete this first statutory review of the Bylaw (**findings**) by 24 June 2026. Following the review, a decision on whether to confirm, amend, replace or revoke the Bylaw (**options**) should be made by the committee and implemented, by 24 June 2028.

1.3 The scope of the review is limited to navigation safety

The scope is limited to navigation safety on Auckland's navigable waters and includes:

- a high-level review of the Bylaw and Control in accordance with statutory requirements about its appropriateness, form and New Zealand Bill of Rights Act 1990 implications and consistency
- an investigation of a December 2024 request from water safety organisations who sought amendments to the rules about the compulsory use of personal floatation devices (PFDs or lifejackets) on recreational vessels that are 6 metres or less in length
- investigation into new issues that came to light over the course of consultation process
- any necessary updates to infringement regulations to align with the outcome of the Bylaw review.

This review does not include:

- a review of existing licenses or approvals that have been issued by the Harbourmaster
- implementation and promotion of the Bylaw and operational functions, including public-facing user guides (these are the responsibility of the Harbourmaster)
- a first principles analysis of each clause of the current (this report presents the results of a high-level review that focuses on key issues such as the use of personal floatation devices)
- issues regulated by the Maritime New Zealand Rules, to avoid duplication.

Out-of-scope feedback provided by stakeholders during this review has been referred to relevant council staff or the Harbourmaster for their information and action, at their discretion.

1.4 Specific legislative requirements must be met

This report uses statutory bylaw review criteria and options under the Local Government Act 2002 and Maritime Transport Act 1994 to complete the findings and options.

To complete the review findings, the Committee must first determine whether a bylaw is still the most appropriate way of addressing the problem. If it is, council must then determine whether the current Bylaw is the most appropriate form of bylaw, whether it gives rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990, and is not inconsistent with the [Resource Management Act 1991](#), [Auckland Unitary Plan](#) or other matters in the Maritime Transport Act.¹

There are no specific legislative requirements to review controls made under a bylaw. This report applies the statutory bylaw review requirements as a best practice approach to the review of the Control.

To complete the options analysis, statutory requirements include the need to:²

- decide whether to confirm, amend, replace or revoke any part or all of the Bylaw or Control
- assess each option in terms of advantages, disadvantages, effectiveness, efficiency and validity in relation to the desired objective (See Section 6).

General decision-making requirements for the review require council to consider options and community views in proportion to the significance of the decision and alignment with any council policy or plan.³

1.5 Six key questions are analysed to comply with legislative requirements

The review asked the following six key questions to meet council's statutory review requirements:

- Is there still a problem and has the problem changed?
- Are council's desired objectives and outcomes the same?
- Has the Bylaw helped to achieve the desired objectives and outcomes?
- Is a Bylaw still the best way to address the problem (no better alternatives)?
- Is the Bylaw fit for purpose' (no change required)?
- Does the Bylaw comply with legislation?

To provide context to the above key questions, this report gives an overview of:

- the regulatory and strategic framework the Bylaw operates within
- what the Bylaw and Controls allows and requires people to do
- how the Bylaw is implemented.

¹ Section 160(1) of the Local Government Act 2002 and Section 33M(2) of the Maritime Transport Act 1994

² Relevant statutory requirements include for example, sections 160(3), 14, 77 and 155 of the Local Government Act 2002.

³ Section 79 and 80 of the Local Government Act 2002.

1.6 Research and engagement methodology inform the analysis

Staff undertook research and engagement to answer the six key questions, including:

- interviews with Auckland Transport's Harbourmaster, deputy Harbourmaster and Maritime Officers
- interviews with Waikato Regional Council's Harbourmaster and Bay of Plenty Regional Council's Harbourmaster and Senior Project Manager
- interviews with Maritime New Zealand, Water Safe New Zealand, Drowning Prevention Auckland, Coastguard Northern Region, SafeKids Aotearoa, New Zealand Police Maritime Unit, and four ferry operators: Sealink, Fullers, Belaire and Explore
- received advice from Wai Ora Tāmaki Makaurau and Council's Ethnic Communities Advisory Panel and Pacific Peoples Advisory Panel
- data analysis including of Harbourmaster infringement and call-outs, ACC claims data relating to both recreational and commercial vessel incidents, Coroners reports of each vessel related fatality in New Zealand between 2021 and 2024, and Water Safety New Zealand PFD and craft split data
- notification to iwi, mana whenua, Ports of Auckland and Island Direct
- environmental scans including of domestic and international rules
- literature review of domestic and international research and trends for vessels in navigable waters.

1.7 There are limitations to the information collected

There are limitations to the information and data collected through this review, including:

- the way Harbourmaster data is recorded and categorised makes it difficult to analyse (for example duty officer call-outs are recorded by the number of phone-calls answered but the nature of the incidents the phone calls are about is not recorded)
- limited data related to commercial vessel compliance or accidents
- limited data related to compliance with Controls
- limited responses to questions from some commercial vessel operators, iwi and mana whenua
- wider stakeholders (including boating clubs, yacht clubs, fishing fraternity and other on-water sporting groups) who were not engaged due to the high-level nature of this review.

2. Wider regulatory and strategic framework

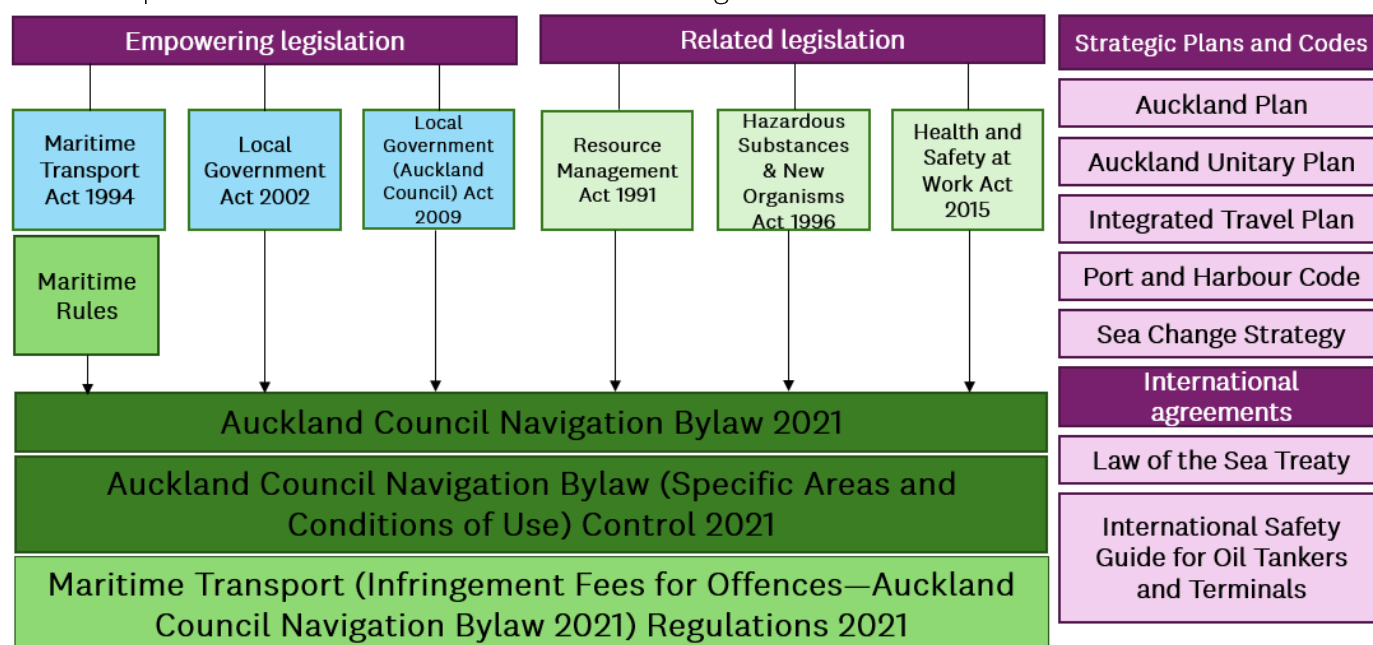
Key findings

- The Bylaw forms part of a wider regulatory and strategic framework, including legislation, strategies, plans and codes that the Bylaw seeks to align with and not duplicate.
- A central government Bill about lifejacket rules for children under 15 has been drawn from the Members' Bill ballot but, at this time, the schedule for when it would be considered is unknown. If the Bill is passed, the Bylaw would need to align with any changes in legislation.

2.1 The Bylaw and Control are part of a wider regulatory and strategic framework

The Bylaw and Control form part of a wider regulatory and strategic framework about navigation safety (see Figure and Tables below). A bylaw should:

- align with - and not duplicate - regulations in related legislation, plans, codes or agreements
- help achieve the Auckland Plan and other strategies.



Legislation authorising the Bylaw

Empowering legislation	Relationship to the Bylaw
Local Government Act 2002	Empowers local authorities to make bylaws to: • protect the public from nuisance • protect, promote and maintain public health and safety, minimise the potential for offensive behaviour in public places Provides local authorities with enforcement powers, including prosecution.
Local Government (Auckland Council) Act 2009	Empowers Auckland Council and Auckland Transport to make / enforce bylaws.
Maritime Transport Act 1994	Empowers Auckland Council to make a bylaw to regulate navigation safety and prevent nuisance.
Maritime Transport (Infringement Fees for Offences – Auckland Council Navigation Bylaw 2021) Regulations 2021	Empowers Auckland Council and Auckland Transport to issue infringement fines and fees. Auckland Navigation Bylaw 2021 infringement offences are made under the Maritime Transport Act 1994.

Legislation and regulation informing the Bylaw

Legislation	Relationship to the Bylaw
Maritime Rules	Nationwide maritime safety rules under the Maritime Transport Act 1994 for vessels and activities. Infringements and court penalties apply. The Maritime Rules are also referred to as 'national rules'.
Hazardous Substances (Classification) Regulations 2001	The Bylaw uses the definition of 'hazardous substances' in this regulation in relation to 'hazardous and explosive substances'.
Resource Management Act 1991	Bylaws made under section 33M of the Maritime Transport Act may not be inconsistent with the Resource Management Act 1991 or Auckland Unitary Plan.

Auckland Council Plans supporting the Bylaw

Local plans	Relationship to the Bylaw
Auckland Plan 2050	The Bylaw and its associated Controls support the Plan's outcomes by prioritising the safety of recreational vessel users and those using on-water transport, enabling people to safely access cultural, recreational and economic activities, and managing navigable waters in alignment with Treaty provisions. It ensures the safe and efficient use of shipping lanes for large vessels, such as cruise and container ships and requires passage plans to minimise risks and disruptions to support growth in exports.
Māori Plan for Tāmaki Makaurau	Identifies the priorities and aspirations of Mana Whenua and Mataawaka to ensure that Auckland Council considers issues of significance to Māori, and acts in accordance with Te Tiriti o Waitangi / the Treaty of Waitangi. The Bylaw aligns with the Māori plan by ensuring there is a balanced approach to safety on Tāmaki Makaurau's navigable waters, to cater to the diverse needs of Māori. Wai is a taonga of deep spiritual, cultural, and ancestral significance to Mana Whenua. Decisions affecting it must be made with respect, recognising its role in sustaining whakapapa, identity and the wellbeing of both people and whenua.
Schedule of Issues of Significance to Māori 2021-2025	Advocate for the priorities of Māori in Tāmaki Makaurau. The Bylaw provides regulations that help prioritise the safety and wellbeing of people and the environment to foster safe and connected Māori communities.

2.2 Central government may introduce lifejacket rules for children

The 'Life Jackets for Children and Young Persons Bill' was drawn from the Members' Bill ballot on 10 April 2025. The Bill would make lifejackets compulsory for children under 15 on vessels that are six metres or less in length.

The Bill seeks to improve water safety by:

- addressing inconsistencies in current regulations, which leave lifejacket use largely to the discretion of skippers
- respond to drowning rates among children
- reducing fatalities in recreational boating
- prompting further consideration of lifejacket requirements for all ages.

If the Bill is passed, the Bylaw would need to align with any changes in legislation. However, the timing for when this Bill will be introduced for its first reading is unknown at this time.

3 The Bylaw and Control

Summary

- The Bylaw regulates vessels and aquatic activities on Auckland's navigable waters to ensure maritime safety and minimise risks through licensing, permits and safety rules.
- The Bylaw empowers the Harbourmaster to set specific navigation controls, including restricted areas and anchorage rules.
- The Bylaw requires approval from the Harbourmaster for certain activities and provides the framework that establishes the approvals process for moorings licences and events.

3.1 The Bylaw regulates vessels and aquatic activities on Auckland's waters

The Auckland Council Ture ā-Rohe Urungi Āhuru 2021 | Navigation Bylaw 2021 regulates vessels and aquatic activities on Auckland's navigable waters.

Auckland's first navigation bylaw was adopted on 31 July 2014 (GB/2014/66) and was replaced by the current Bylaw on 24 June 2021 (GB/2020/68).

The current Bylaw was made under the Maritime Transport Act 1994 and the Local Government Act 2002.

The Navigation Bylaw 2021 has three distinct elements; direct provisions, controls and approvals.

- Direct provisions are the provisions of the Bylaw that state the general responsibilities of persons operating a vessel within Auckland's navigable waters and specific responsibilities, for example about personal flotation devices, activities, operational requirements and large and commercial vessels. These provisions do not rely on other Bylaw provisions to be implemented or enforced.
- Controls are rules that council can make at any time under a bylaw without using the Local Government Act 2002 special consultative procedure. Controls are a more responsive way to update rules between bylaw reviews (for example, to identify restricted areas or access lanes).
- Approvals are a type of permission for a specific activity that council may allow subject to general or specific conditions or to decline (for example to hold an event).

The following sections and Tables describe the Bylaw's current direct provisions, controls and approvals.

3.2 Direct provisions regulate vessels and activities on Auckland's navigable waters

The Table below provides a summary of the direct provisions of the Bylaw.

Subpart	Direct provisions
Subpart 1 – General responsibilities of person within navigable waters	• Vessel operators must take responsibility and follow speed and collision rules. • Minimum age to operate a powered vessel is 15. • Accidents must be reported. • Approval may be needed for berthing, mooring or anchoring. • Vessels must be secured when not in use and must not pose safety risks. • Avoid creating hazards, obstructions, or damaging wakes. • Do not interfere with navigational aids.
Subpart 2 – Responsibilities for carriage and wearing of personal	• PFDs must be carried on recreational vessels. • PFDs must be worn in heightened risk situations.

Subpart	Direct provisions
flotation devices (PFDs) on recreational vessels	• PFDs mandatory on vessels 6 metres or less. • PFDs must be worn when being towed.
Subpart 3 – Responsibilities of persons undertaking certain activities	• No swimming, diving or jumping in restricted areas. • Paddle craft must be visible beyond sheltered waters. • Safety rules apply for towing, diving and support vessels. • Events and training may require approval. • Aircraft need approval to operate on navigable waters. • Activities must follow any restrictions or prohibitions.
Subpart 5 - Responsibilities to ensure the vessel is seaworthy, identifiable and have appropriate equipment on board	• Vessels must be seaworthy and clearly identifiable. • Vessels must carry appropriate navigation and communication equipment. • Must use vessels lights and sirens only for their intended purpose.
Subpart 8 - Subpart 8 – Responsibilities of a person in charge of a large vessel	• Automatic Identification Systems (AIS) must be used in certain cases. • Report and seek approval for operating with faulty equipment. • Fast commercial vessels may need a safety plan. • Restrictions apply to transiting areas like the Manukau Harbour bar.
Subpart 9 – Responsibilities of a person in charge of a vessel carrying explosive substances or bulk oil, or undertaking bunkering or hot works operations	• Notify arrival of vessels carrying hazardous or explosive substances. • Display correct signals and maintain safe distances. • Use approved berths and follow port safety duties. • Bunkering and hot works must be carried out safely.
Subpart 10 - Responsibilities of a person near large vessels, vessels carrying explosive substances or bulk oil, or Explosive Safety Zones	• Do not impede large vessels in pilotage areas. • Stay clear of vessels carrying explosives. • Avoid Explosive Safety Zones.
Subpart 11 - Responsibilities of pilot and pilot exempt master operations	• Navigate within marked channels. • Use and follow passage plans. • Keep a log of transits in pilotage areas.

3.3 The Bylaw allows the Harbourmaster to make Controls

Clause 60 of the Bylaw enables the Harbourmaster to make controls for matters listed in the Table below.

These controls are currently specified in the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021 (the Control). The Control identifies 13 restricted areas, 24 access lanes, ten prohibited anchorages, one restricted anchorage and 14 reserved areas.

Type of Control	Explanation or conditions of use
Restricted area	An area where conditions such as speed restrictions or access may be restricted to large vessels only (for example to protect public safety in high-risk commercial vessel areas such as the Port of Auckland).
Access lane	A lane with a purpose of allowing power-driven vessels and power-driven vessels towing water-skiers, wake boards or sea biscuits to navigate from a beach or launching area.
Prohibited anchorage	An area where anchorage is prohibited to not impede (get in the way of): - the route of a large vessel coming into port - in the area surrounding a naval base - areas where high vessel traffic exists - areas where underwater cables and pipelines exist.
Restricted anchorage	An area where a vessel must not anchor or moor unless various conditions are met. Examples of these conditions include that the vessel must be kept ready to depart at all times or that a vessel is directed by the Harbourmaster to temporarily anchor in the area.
Reserved area	An area where space is reserved for certain activities such as swimming, vessels towing water skiers or sea biscuits, and motorised water sports.

3.4 The Bylaw requires approval from the Harbourmaster for certain activities

The Bylaw currently requires approval from the Harbourmaster for the activities listed in the Table below.

The Bylaw also provides the framework (Part 3, subpart 2, clauses 61 to 68) that the Harbourmaster uses to establish and administer the approval process relating to moorings an events, using their delegated authority (see Section 5 of this report).

Clause	Activity
11	Berthing, mooring, anchoring or leaving a vessel in certain areas.
28	Events, training or other organised water activities (e.g. sporting, ceremonial, customary).
29	Aircraft taking off or landing on navigable waters, vessels or structures in the coastal marine area.
38	Laying, using or leaving unoccupied any mooring.
43	Operating a large vessel with inoperative equipment in a pilotage area.
44	Operating a commercial fast vessel that may require a Navigation Safety Operating Plan.
46	Entering certain restricted areas or anchoring in them.
50	Berthing or anchoring vessels carrying explosive substances or bulk oil.

4 Implementation of the Bylaw and Control

Key findings

- Auckland Council has delegated administration of the Bylaw and Control to the Harbourmaster.
- The Harbourmaster enforces the Bylaw and Control through patrols, planning and campaigns, working with other agencies to promote safe navigation and by responding to non-compliance.
- Other organisations such as NZ Police work alongside the Harbourmaster to ensure maritime safety.
- Enforcement of the Bylaw is supported by powers under the Maritime Transport Act and Local Government Act, with fines up to \$20,000.

4.1 Administration of the Bylaw is delegated to the Harbourmaster

Council has delegated responsibility for administration of the Bylaw and Control to the Harbourmaster and a team of Maritime Officers within Auckland Transport.⁴

However, only the Auckland Council Governing Body may make, amend, revoke a bylaw.

4.2 Harbourmaster and Maritime Officers implement and ensure compliance

The Harbourmaster and their team of Maritime Officers undertake activities to implement the Bylaw and ensure compliance through a combination of strategic planning, cross-agency collaboration and operational oversight such as patrolling. The following list provides examples of these activities:

- As a member of the working group supporting the Port and Harbour Safety Code (a voluntary standard), the Harbourmaster applies the Code's principles into Navigational Safety Management Plans. These plans are supported by detailed procedures and processes that ensure safe navigation and maritime operations.
- The Harbourmaster maintains a Memorandum of Understanding with Ports of Auckland, facilitating regular engagement and information exchanges to clarify roles, manage risks, and ensure the Port operates smoothly.
- To ensure compliance with the Bylaw, the Harbourmaster participates in initiatives such as the annual 'No Excuses' on-water enforcement campaign, which targets unsafe boating behaviour in collaboration with Maritime New Zealand and regional councils.
- The Harbourmaster also works closely with the Maritime Police, Coastguard, and Harbourmasters in other regions to share intelligence, coordinate responses and promote best practices.
- Reports of non-compliance or criminal behaviour are escalated to the appropriate authorities, reinforcing a proactive and cooperative approach to maritime safety.
- Harbourmaster enforcement actions include issuing warnings or infringements for breaches such as speeding or failure to carry personal flotation devices.

⁴ Part 7, Auckland Council Chief Executive's Delegation Register, July 2025

The Table below lists other organisations working alongside the Harbourmaster to ensure maritime safety.

Agency/Organisation	Implementation Roles and Responsibilities
Auckland Harbourmaster	- Appointed by Auckland Council via Auckland Transport - Administers Navigation Bylaw - Ensures maritime safety in Auckland's waters - Patrols parts of Auckland's navigable waters year round - Manages moorings, oil spill responses, and vessel movements - Oversees cargo handling and navigation for unusual maritime traffic
Ministry of Transport	- Principal government policy advisor - Supports development of legislation, regulations, and rules.
Maritime New Zealand	- Regulation and compliance (safety, security, environment) - Licensing, education, auditing, investigations, enforcement - Maintains navigational aids and emergency services - Leads the response to maritime incidents.
Maritime Police	- Investigates maritime crime and disorder - Conducts security checks on vessels - Search and rescue - Oversees public events and national security coordination - Enforces marine legislation and Navigation Bylaw.
Ports of Auckland	- Operates commercial wharves in Auckland CBD - Provides container and bulk cargo handling, cruise facilities, and freight hubs.
Coast Guard	- Voluntary organisation - Primary provider of maritime search and rescue services.
Transport Accident Investigation Commission	- Investigates marine, aviation, and rail accidents - Determines causes to prevent future incidents.

4.3 The Maritime Transport Act provides powers to enforce the Bylaw

The council may use its powers under the Maritime Transport Act 1994 and the Local Government Act 2002 to enforce the Bylaw. A person who is convicted of an offence against a bylaw is liable to a fine of:

- up to \$1000 for any infringement offence prescribed by Maritime Transport (Infringement Fees for Offences—Auckland Council Navigation Bylaw 2021) Regulations 2021
- up to \$2,500 under section 33N(1) and (2) of the Maritime Transport Act 1994 for every person who breaches a navigation bylaw
- up to \$20,000 under section 242 of the Local Government Act 2002 for every person who breaches a bylaw.

5 Is there still a problem and has it changed?

Key findings

- Yes. The problem remains similar to the review findings in 2020. The risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters has continued.
- Preventable fatalities continue due to low levels of lifejacket use on small vessels, poor boating competency and inconsistent rules nationally.
- Increasing numbers of recreational and commercial vessels, including novel craft are continuing to pose safety risks in high demand and sometimes complex parts of Auckland’s navigable waters.
- In general, problems for recreational boating can have a very high impact such as fatalities, injury and damage.
- Problems for commercial and large vessels appear to be very low frequency, but there is limited data available to form this conclusion.

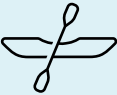
The following Table shows how the overall problem identified in the 2020 Bylaw review and the current review is the same. The 2025 problem better articulates the main causes.

Overall problem	
2020 Bylaw Review	2025 Bylaw Review
The risk of fatalities, injuries, accidents, collisions and damage on Auckland’s navigable waters.	The risk of fatalities, injuries, accidents, collisions, and damage on Auckland’s navigable waters is increased by non-compliance with maritime safety practices, including failing to wear personal flotation devices on small vessels, irresponsible vessel operation, and conflicts among users in shared waterways.

The review in this report categorised the Bylaw and Controls in four topics. The following Table summarises the key problems identified for each topic. These topics are not directly comparable to those identified in the 2020 Bylaw review. The 2020 review was a ‘first principles analysis’ of the 2014 Bylaw, while this review is a high-level review that focuses on specific issues of concern. More details are contained in Appendix 1.

Topic	Problem	Examples of the problem
1. Personal Flotation Devices 	Risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters... ... from individuals failing to wear personal flotation devices (PFDs) while on vessels, especially those six metres and less in length.	• Preventable drowning fatalities continue to occur due to people not wearing PFDs on recreational vessels. • Smaller vessels that are six metres and less in length are more prone to accidents given their lack of weight and instability. However, fatalities have occurred in vessels over six metres in length too. • 94% (17 out of 18) of fatalities in craft-related incidents country-wide in 2024 were not wearing a PFD.⁵ • Of these 18 fatalities, three occurred in Auckland’s navigable waters. • There is currently a lack of national consistency in PFD rules. Auckland has different rules to neighbouring regions.

⁵ 2024 New Zealand National Drowning Prevention Report, Water Safety New Zealand, 2024 - <https://www.watersafetynz.org/2024-national-drowning-prevention-report>

Topic	Problem	Examples of the problem
2. User Responsibilities and Operational Requirements 	... from irresponsible vessel use and failure to comply with operational requirements such as seaworthiness and having adequate navigation equipment.	- Between April 2019 and March 2025 there were, on average, 900 ACC claims annually related to recreational boating, nationally. Auckland consistently accounted for around one-third these claims, indicating a persistent issue with unsafe practices. - Research commissioned by MNZ suggests 63% of fatal boating incidents involved human factors such as not wearing PFDs, alcohol use, poor understanding of regulations and lack of boating competency. - New or unconventional vessels are increasingly operating in high-risk zones: near swimming areas and large ships, which raises concerns about collisions and public safety. - Only 66 per cent of recreational boaters carry two forms of communication, limiting their ability to respond effectively in emergencies.⁶
3. Commercial and Large Vessel Operating Requirements 	... from failure to comply with operating requirements for large and commercial vessels. ... from inherent conflict between users of shared navigable water.	- Over 1,600 commercial vessels and 100 cruise ships visit Auckland's ports and over 2.8 million passenger movements on ferries occur, annually, increasing the complexity and risk of managing shared harbour spaces. - Ferry operators believe the current 12-knot speed limit in the Inner Waitemata Harbour is unsafe and inefficient for passenger ferries. These vessels produce less wake and operate safely at 18-knots, lower speed can generate larger wakes posing safety risks to nearby vessels. - Large vessels like container ships and cruise ships cannot stop or turn quickly, making navigation through congested waters hazardous when smaller or recreational vessels do not follow safe operating practices. - Some large vessels fail to take appropriate safety measures when anchoring in busy or narrow parts of Auckland's harbours, increasing the risk of accidents and operational disruption. - While the frequency of incidents involving large vessels may be rare, the risk still exists.
4. Controls and Approvals 	... from hazards within Auckland's navigable waters and inherent conflict between users of shared navigable water.	- Certain locations within Auckland's navigable waters pose a heightened risk due to factors such as complex geography, the presence of large vessels, submerged hazards like rocks, sandbars or reefs, and submarine (underwater) cables. - Some areas have spatial conflicts due to high demand and limited safe navigable space, requiring regulation to ensure fair access and reduce the risk of collisions or damage.

⁶ N=600. Maritime New Zealand Quarterly Topline, Ipsos and Maritime New Zealand, September 2024 - <https://www.maritimenz.govt.nz/media/rghdipcf/ipsos-maritimenzq3-2024-report.pdf>

6 Is our objective and outcome the same?

Key findings

- Yes. The objectives and outcomes are similar to those identified in 2020. However, the objectives could be better aligned to the 2025 topics, and the outcome better aligned to the Auckland Plan.
- The overall objective is to minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
- The overall outcome sought is that 'Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.'

The following Table shows:

- how the overall objective identified in the 2020 Bylaw review and this review is the same
- the objectives for each topic identified in section 5 (problem)
- shows how the outcome in 2020 Bylaw review could be better aligned to the Auckland Plan.

All topics	2020 Bylaw review	2025 Bylaw review
Overall Objective	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
1. Personal Flotation Devices 	Not specified.	... from individuals failing to wear personal flotation devices (PFDs) while on vessels, especially those six metres and less in length.
2. User Responsibilities and Operational Requirements 	Not specified.	... from irresponsible vessel use and failure to comply with operational requirements.
3. Commercial and Large Vessel Operating Requirements 	Not specified.	... from failure to comply with operating requirements for large and commercial vessels. ... from inherent conflict between users of shared navigable water.
4. Controls and Approvals 	Not specified.	... from hazards within Auckland's navigable waters and inherent conflict between users of shared navigable water.
Outcome	To help protect public safety, protect the public from nuisance and protect public assets from damage.	Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.

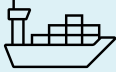
7 Have the Bylaw and Controls helped to achieve our objective and outcome?

Key findings

- Yes. The Bylaw has helped to achieve the objective and outcome.
- The Bylaw is used to reduce risk of accidents, collisions, nuisance, and damage and to manage vessel movements in Auckland's busy navigable waters.
- The Bylaw fills a regulatory gap by providing more effective rules for personal flotation devices (PFDs), regionally specific rules, speed restrictions, anchoring prohibited zones, registration requirements for personal watercraft and mooring licences which are not addressed in the Maritime Rules or in national legislation.
- However, there are challenges to effectiveness, for example limited on-water enforcement capacity.

The Table below summarises the analysis in Appendix 1 that shows the Bylaw and Control has helped to achieve the objective and outcome. There are however challenges to its effectiveness.

Topic	Bylaw effectiveness	Examples of challenges to effectiveness
1. Personal Flotation Devices 	✓ Yes, the Bylaw is used to reduce risk of fatalities, encourage voluntary compliance and to issue infringements (34 in 2024 and 12 as at early June 2025). ✓ The Bylaw fills a regulatory gap (Maritime Rule 91 requires enough PFDs per person to be on board a vessel but does not specify they must be worn on small vessels).	Incidents still occur • Preventable fatalities still occur in Auckland as a result of people not wearing PFDs on small vessels. • The 10-year average of fatalities occurring from small vessels on Auckland's navigable waters is 3.8 per year. At the time of the 2020 Bylaw review, the 10-year average was 4.2. While it has decreased very slightly, more can be done to reduce this number. Enforcement challenges • There is limited on-water enforcement capacity. The Harbourmaster team and NZ Police have a small number of vessels available for patrols and callouts. • NZ Police can respond to incidents on the water and record breaches to the Bylaw but cannot issue infringements.
2. User Responsibilities and Operational Requirements 	✓ The Bylaw is consistently used by the Harbourmaster and NZ Police to encourage compliance and to reduce risk of accidents, collisions, nuisance and damage, and is enforced (137 infringements issued between June 2021 and June 2025). ✓ The Bylaw fills a regulatory gap for specific rules such as speed restrictions, anchoring prohibited zones, registration requirements for personal watercraft and mooring licences which are not addressed in the Maritime Rules or in national legislation.	• Incidents and preventable fatalities still occur. • ACC has reported an average of 298 recreational boating accidents (claims) between 2019 and 2025 in Auckland. • High number of duty officer callouts (672 in 2024). • Limited on-water enforcement capacity (see Topic 1). • Some rules relating to swimming, jumping and diving off a platform are difficult to enforce as there is a lack of patrolling capacity for such a large and diverse area. • The Bylaw does not address risks from certain new and novel craft. • Anchorage rules allowing 14-day stays are being exploited, limiting fair access.

Topic	Bylaw effectiveness	Examples of challenges to effectiveness
3. Commercial and Large Vessel Operating Requirements 	✓ The Bylaw is consistently used by the Harbourmaster and commercial and large vessel operators, to manage vessel movements in Auckland's navigable waters, and is enforced (two formal infringements issued between June 2021 and June 2025). ✓ The Bylaw promotes regionally specific rules such as prohibiting large vessels from transiting Manukau Harbour Bar at night and specifying explosive safety zones (these include Motuihe Anchorage and Kauri Point Wharf) which are not addressed in the Maritime Rules or in national legislation.	• Incidents still occur at a low rate, but data is limited. • Large wakes from ferries and other large vessels occur in the busy Inner Waitemata Harbour as a result of the current speed limit. • Anecdotally, the Harbourmaster has identified that some large vessels are not taking precautionary safety measures such as having anchors ready to deploy in pilotage zones, which increases risks to public safety and of damage. • Some rules in the Bylaw are not certain and have been challenging to enforce – for example bunkering (refuelling ships) rules.
4. Controls and Approvals 	✓ The Bylaw's controls are consistently used to prevent and address problems through placing conditions on specific areas of Auckland's navigable waters, and are enforced (four infringements issued between June 2021 and June 2025). ✓ There are currently 62 controls under the Bylaw and three longstanding Harbourmaster Directions. ✓ Approvals are consistently used to issue moorings licences. 276 mooring licences were issued or transferred in 2024. ✓ The Controls fill a regulatory gap by providing regionally specific rules such as restricting certain types of vessels from specific areas, reserving areas for swimmers and non-power-driven vessels, and restricting areas for large vessels, which are not addressed in the Maritime Rules or in national legislation.	• Incidents still occur at a low rate, but data is limited. • The Auckland Ferry Terminal Basin experiences ongoing tension over space sharing between public transport ferries and cruise ships schedules managed by Ports of Auckland. • The Harbourmaster has identified several areas within Auckland's navigable waters such as Horne Rock, Tāmaki Rowing Precinct, the Harbour Bridge, and Simpson Rock, as needing to be placed under a control with conditions, due to their unique safety risks.

8 Is a Bylaw still the best way to address the problem (no better alternatives)?

Key findings

- Yes. The Bylaw is still the best way to address problems on Auckland's navigable waters.
- Alternatives are less effective as they do not address PFDs on small vessels, anchorages, mooring licences, speed limits, pilotage or regionally specific rules for high-risk areas. There are also better infringement powers under the Bylaw.

The Table below summarises how there is no feasible alternative to the Bylaw.

Alternative Regulation	Powers and Penalties	Effectiveness compared to the Bylaw
Maritime Transport Act 1994 and Maritime Rules	• Sets national standards for vessel safety, crew qualifications and operational rules. • Grants powers to inspect vessels, direct movements, detain unsafe vessels, issue directions and investigate incidents. • Includes infringement notices for minor breaches of typically \$100-\$200, prosecution for serious offences, court fines of up to \$10,000 (for an individual) or \$100,000 (for a body corporate), imprisonment and suspension or revocation of licenses and certifications.	• Less effective. • The Maritime Rules often set a lower infringement fine of \$100 for certain offences, compared to \$200+ under corresponding provisions in the Bylaw. • While the rules require people to wear PFDs in unsafe conditions, they do not require mandatory wearing of a PFDs on board a recreational vessel six metres or under (unless specifically exempted by the person in charge). • No specific anchorage durations; relies on general safety and navigational provisions. • The Rules do not set local speed limits; instead, they focus on rules that enable safe navigation and collision avoidance. • Does not require personal watercraft to be registered. • Does not set regionally specific rules for pilotage. • Does not set rules for regionally high-risk areas such as Motuihe Channel, Waitematā Harbour, Harbour bridge, Kawau Island, Auckland ferry terminal basin, Manukau Harbour and Manukau Bar.
Resource Management Act 1991	• While they contribute to aspects of safety and regulation, they do not provide a complete framework to address the specific risks associated with fatalities, injuries, nuisance, accidents, collisions, and damage on Auckland's navigable waters.	
Hazardous Substances and New Organisms Act 1996		
Health and Safety at Work Act 2015		

As Personal Flotation Device rules are a particular focus of this review, the Table below compares the Bylaw's PFD rules with the equivalent Maritime Rules.

PFD Rule	Bylaw Rule	Infringement Fine	MTA / Maritime Rule	Infringement / Court Fine	Comparative assessment
Carriage of PFDs.	✓✓	\$200	✓	\$100/ \$1000	No equivalent rule in the Act. Better Bylaw infringement power.
Wearing of personal flotation devices in times of heightened risk: Requires PFD to be worn during times of heightened risk.	✓✓	\$200	✓	\$100/ \$1000	Better Bylaw infringement power
Wearing of PFDs on small recreational vessels six metres or less in length.	✓	\$200	✗	✗	No exact equivalent rule or provision in the Act.
Wearing of PFDs by persons being towed.	✓✓	\$200	✓	\$100/ \$1000	No exact equivalent rule or provision in the Act. Better Bylaw infringement power

9 Does the Bylaw comply with legislation?

Key findings

Yes. The Bylaw:

- is authorised under the Maritime Transport Act 1994
- does not conflict with any other New Zealand legislation (is not repugnant) and is reasonable
- does not give rise to any implications under and is not inconsistent with the Bill of Rights Act 1990.

9.1 The Bylaw is authorised by statute

The Table below shows how the Bylaw is authorised by statute, in particular the Maritime Transport Act.

Topic	Authorising legislation to make a bylaw	
All	Local Government Act 2002 (s145)	Empowers local authorities to make bylaws to: • protect from nuisance • protect, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places • provide local authorities with enforcement powers, including prosecution.
	Maritime Transport Act 1994 (MTA1994) (s33M)	Empowers regional councils to make bylaws to: • regulate ship use and management • control moorings and maritime facilities • prevent nuisances from ships, seaplanes and people on or in the water • reserve water areas for specific users (for example events, commercial use) • manage events (control access and regulate vessel use) • regulate anchorages • prescribe traffic separation and management schemes • set safety gear requirements (for example lifejackets on pleasure craft) • require identification of personal watercraft.
Personal Flotation Devices	MTA1994 (s33M) clause 1(ii))	For the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director, make bylaws to— (i) specify requirements for the carriage and use of personal flotation devices and buoyancy aids on pleasure craft.

Topic	Authorising legislation to make a bylaw	
User Responsibilities and Operational Requirements	MTA1994 (s33M clauses 1(b), (c), (d), (f), (g), (j))	For the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director, make bylaws to— (b) regulate the placing and maintenance of moorings and maritime facilities: (c) prevent nuisances arising from the use of ships and seaplanes: (d) prevent nuisances arising from the actions of persons and things on or in the water: (f) in relation to boat races, swimming races, or similar events - (i) prohibit or regulate the use of ships: (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas: (g) regulate and control the use of anchorages (j) require the marking and identification of personal watercraft.
Large and Commercial Vessels	MTA1994 (s33M clauses (a), (h))	For the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director, make bylaws to— (a) regulate and control the use or management of ships: (h) prescribe ship traffic separation and management schemes.
Controls and Approvals	MTA1994 (s33M clause (e))	For the purpose of ensuring maritime safety in its region, a regional council may, in consultation with the Director, make bylaws to— (e) reserve the use of any waters for specified persons, ships, or seaplanes.

9.2 The Bylaw does not conflict with any other New Zealand legislation

The Table below shows the Bylaw is not repugnant as not repugnant as it does not conflict with any other New Zealand legislation and is reasonable.

Legislative Requirement	Description
Is not repugnant	✓ Council has a legislative mandate to make a Bylaw about navigation safety. ✓ The Bylaw is not inconsistent with its empowering legislation (Maritime Transport Act 1994), or with related primary or secondary legislation (Maritime Rules, Resource Management Act 1991, Hazardous Substances (Classification) Regulations 2001).
Is reasonable	✓ Any constraints on peoples' rights to use Auckland's navigable waters in their desired manner have a benefit to public safety by minimising risk of accidents, collisions and nuisance. ✓ The Bylaw complements other legislation in the wider regulatory and strategic framework of navigation safety and management of vessel use regionally.

9.3 The Bylaw has justified implications for Bill of Rights freedoms

The Bylaw may place limitations on some rights protected under the New Zealand Bill of Rights Act 1990, for example the right to freedom of movement, peaceful assembly and protection against unreasonable search and seizure.

These limitations are considered reasonable and “demonstrably justifiable in a free and democratic society”.

- The primary purpose of the Bylaw's restrictions is for public safety and maritime safety, particularly in busy and high-risk areas of Auckland's navigable waters.
- The Bylaw enables measures such as restricting access during events, reserving areas for specific uses, and allowing Harbourmasters to intervene where safety is compromised.
- These measures are rationally connected to their safety objectives, proportionate to the risks involved and are no more extensive than necessary to prevent harm, nuisance or incidents.
- Given the need for effective maritime management, the limitations serve an important purpose and align with the legal test for justifiability outlined in *Hansen v R* [2007] 3 NZLR 1 (SC).

10 Is the Bylaw fit for purpose?

Key findings

- In general, the Bylaw is fit for purpose but could be improved. Examples of key suggested improvements include to:
 - mandate the wearing of personal flotation devices (PFDs) while underway on vessels 6 metres or less in length, removing any discretion currently given to the person in charge
 - define ‘sheltered waters’, for clarity and certainty around paddle craft rules
 - increase the speed limit for passenger ferries in the Inner Waitemata Harbour
 - update the moorings licencing system to consolidate licences, streamline the terms and conditions and improve the administrative structure to be available digitally and easier to use
 - add a requirement to mooring licenses, for vessel owners using council owned moorings (piles) to have appropriate vessel insurance
 - formalise longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin by creating a control (with conditions) under the Bylaw with a related infringement fine
 - add an ‘exclusion zone’ around Auckland Airport, to prevent power-driven vessels from operating in the area creating risks for aviation and maritime safety.
- The Bylaw could also be improved to be more certain.

The Table below summarises the analysis in Appendix 1 about suggested improvements to investigate as part of any option to amend or replace the Bylaw.

Topic	Examples of Bylaw improvements
All	• General improvements including updates to wording to clarify and provide certainty, updated maps to be easier to read and updates to infringements in alignment with any bylaw updates.
Personal Flotation Devices	• Mandate the wearing of personal flotation devices (PFDs) while underway on vessels that are six metres or less in length, removing any discretion currently given to the person in charge. • Add a clause to mandate the wearing of PFDs in vessels over 6 metres if instructed by the person in charge. • Be consistent with neighbouring regions Bylaws, to avoid confusion for boaties who move between regions.
User Responsibilities and Operational Requirements	• Introduce rules to protect the public from risks associated with emerging technology and novel craft such as flight boards and tow foiling. • Define ‘sheltered waters’, for clarity and certainty around paddle craft rules. • Consider requiring small vessels to be registered, similar to the registration regime for personal watercraft. Stakeholders suggest registration of small vessels would be for education purposes, to educate boaties on the general user responsibilities and operating requirements of small vessels (this would be at the discretion of the harbourmaster because education and promotion of the bylaw are not part of the Bylaw review process). The Bylaw currently requires personal watercraft (jet skis) to be registered. The registration fee is \$67, and 1900 craft have been registered since January 2022. • Update the moorings approval framework to enable the Harbourmaster to consolidate licences, streamline terms and conditions, and make the administrative structure available digitally and easier to use. • Add a requirement to mooring licenses, for vessel owners using council owned moorings (piles) to have appropriate vessel insurance. This would ensure any cost recovery for wrecks on council owned moorings would not be at the Harbourmasters expense. • Reduce the maximum anchorage stay from 14 days to 7 days, in a 28-day period, to prevent misuse and promote fair access to anchorage areas.

Topic	Examples of Bylaw improvements
Large and Commercial Vessels	- Clarify rules to ensure they are certain and enforceable for example, clause 52(1) regarding bunkering is unclear and difficult to enforce. - Introduce a rule requiring large vessels to have anchors ready to deploy while operating in pilotage areas. Although this is currently a general maritime safety practice, formalising it in the Bylaw would reinforce expectations, support enforcement, and help mitigate risks.
Controls and Approvals	- Formalise longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin as a control (with conditions) within the Bylaw with related infringement fine. - Introduce new controls under the Navigation Bylaw to manage and protect specific high-use or sensitive areas, including Horne Rock, Tāmaki Rowing Precinct, the Harbour Bridge, and Simpson Rock. These areas present safety, navigational or operational concerns that may require tailored rules to support safe and efficient use. - Redesign Map 7.0: Waitemata Harbour Restricted Zone to allow a more angled approach into the harbour. - Increase the speed limit for passenger ferries within the Inner Waitemata Harbour to 18 knots. - Introduce a control prohibiting anchoring within 50 metres of a submarine cable. - Add an ‘exclusion zone’ around Auckland Airport, to prevent power-driven vessels from operating in the area creating risks for aviation and maritime safety.

11 Statutory Review Findings

The key statutory findings from a review of the Auckland Council Ture ā-Rohe Urungi Āhuru 2021 | Navigation Bylaw 2021 under section 160(1) of the Local Government Act 2002 are that:

- a bylaw is still the most appropriate way to address the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters
- the current Bylaw does not give rise to any implications under and is not inconsistent with the New Zealand Bill of Rights Act 1990
- the current Bylaw (and Controls) could be improved.

12 Options analysis

This section of the report identifies and assesses options for each topic in response to the findings in sections 8 to 10 of this report.

12.1 There are four statutory options in response to the review findings

[Section 160](#) of the [Local Government Act 2002](#) requires council to determine whether the most appropriate statutory response to a bylaw review is to confirm (Option 1), amend (Option 2), replace (Option 3) or revoke (Option 4) the current Bylaw and Control.

The results of the statutory review of the Bylaw and the Controls review found that a bylaw is still required, but that the current Bylaw and Controls could be improved.

This means Option 4 (Revoke) is not appropriate (as a bylaw is still required). Option 3 (Replace) is also not assessed further as the review identified in Section 10 that in general, the Bylaw is fit for purpose.

Option 1 (Confirm) and Option 2 (Amend) are the most reasonably practicable options. A comparative assessment of these options against criteria (effectiveness, efficiency, validity and risks) was carried out for each topic (See Appendix 1).

12.2 The most appropriate option is to amend the Bylaw and Control

In general, amending the Bylaw (Option 2) addresses the improvements identified in the findings report and would improve the rules to minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.

The Table below summarises the topic assessments in Appendix 1 and the rationale for amending the Bylaw and Control (Option 2) being the most appropriate option for all four topics.

Note: The ticks "✓" and crosses "✗" against each criterion is illustrative of the relative achievement against each criterion for each topic. The full assessment of each option is included in Appendix 1.

Options	Effectiveness	Efficiency	Validity
Topic 1: Personal Flotation Devices			
Option 1: Retain current Bylaw	✗	✗	✓
Option 2: Amend current Bylaw (recommended)	✓	✓	✓
Amendments include to: require wearing PFDs on vessels six metres or less in length when underway, align small vessel PFD requirements with Waikato Bylaw, enable mandatory PFD use on larger vessels at the skipper's discretion for safety to further minimise the risk of fatalities.			

Options	Effectiveness	Efficiency	Validity
Topic 2: User Responsibilities and Operational Requirements			
Option 1: Retain current Bylaw	x	x	✓
Option 2: Amend current Bylaw (recommended)	✓	✓	✓
Amendments include to: - introduce rules about novel craft to protect public safety and minimise risk of accidents, collisions, damage, and nuisance - clarify some definitions and rules to ensure certainty - update moorings licences to consolidate and streamline the Terms and Conditions and improve the administrative structure to be available digitally and easier to use - add a requirement to mooring licenses for vessel owners using council owned moorings (piles) to have appropriate vessel insurance - reduce the maximum anchorage stay from 14 days to 7 days in a 28 day period to prevent misuse and promote fair access to anchorage areas. Suggested improvement in findings not recommended at this time include: registration of small vessels (as personal watercraft are) for the purposes education. This improvement was suggested as a way to educate hard to reach communities. Current targeted community education, however, by water safety organisations better reach these communities than a blanket registration system.			
Topic 3: Commercial and Large Vessel Operating Requirements			
Option 1: Retain current Bylaw	x	x	✓
Option 2: Amend current Bylaw (recommended)	✓	✓	✓
Amendments include to: introduce new rules to require large vessels to have anchors ready to deploy when approaching and departing the Waitemata Harbour to better protect public safety and minimise risk of accidents, collisions damage and nuisance, and to clarify some definitions and rules to ensure certainty.			
Topic 4: Controls and Approvals			
Option 1: Retain current Bylaw	x	x	✓
Option 2: Amend current Bylaw (recommended)	✓	✓	✓
Amendments to Controls include to: - better manage and protect specific high-use or sensitive areas, including Horne Rock, Tāmaki River Rowing Precinct, the Harbour Bridge, and Simpson Rock. These areas present safety, navigational, or operational concerns that may require tailored rules to support safe and efficient use. - formalise longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin to ensure fair and equal access and reduce commuter disruption - clarify maps to be easier to interpret - amend map 7.0 to allow a wider approach for ferries in the Inner Waitemata Harbour - prohibit anchoring within 50 metres of a submarine cable to prevent damage to cables - make an ‘exclusion zone’ around Auckland Airport to prevent power-driven vessels from operating in the area creating risks for aviation and maritime safety. Suggested improvements in findings not recommended at this time include an 18-knot speed limit for passenger ferries within the Inner Waitemata Harbour. The Bylaw currently allows for ferry operators to apply for an exemption in the circumstances where a passenger ferry needs to exceed the 12-knot speed limit.			

Appendix 1: Topic Assessments

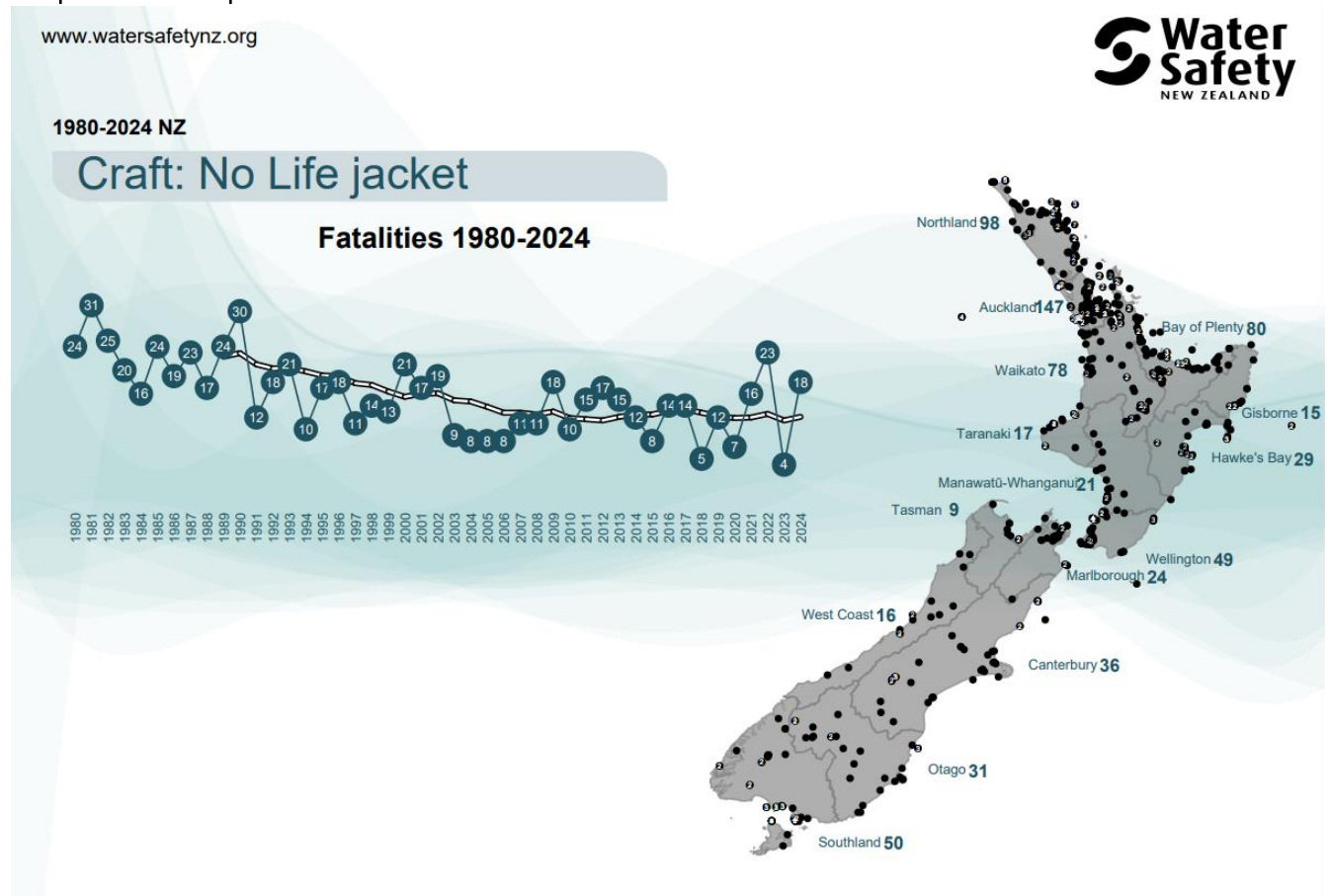
Topic 1: Personal Flotation Devices		
Explanation of Topic		
- Personal Flotation Devices (PFDs) or life jackets give buoyancy to help people stay afloat in the water. - PFDs help prevent people from drowning while navigating in vessels.		
Current Bylaw		
- The Auckland Council (AC) Navigation Bylaw 2021 (Bylaw) requires sufficient PFDs for each person on board a vessel to be carried, and that they must be worn in times of heightened risk and when being towed. - The Bylaw requires every person on board a recreational vessel six metres or less in length to wear a PFD at all times, unless the person in charge of the vessel states it does not need to be worn.		
Clause	Summary	Exceptions
18. PFDs must be carried	The person in charge must carry a PFD for every person on board, and the PFDs must be accessible, in good condition, and the right size.	Not required for: Stand-up paddle boards riding breaking waves (with leash), sailboards (e.g. windsurfers, kiteboards) if wearing a wetsuit and in situations covered by Maritime Rules.
19. PFDs must be worn in heightened risk	Everyone on board must wear a PFD during heightened risk (e.g. rough weather, low visibility, emergencies, crossing bars).	None stated.
20. PFDs must be worn on vessels 6m and less in length	PFDs must be worn at all times on recreational vessels six metres or less in length.	May be removed if: The person in charge assesses there is no safety risk or the Harbourmaster has directed otherwise.
21. PFDs must be worn when towed	Anyone being towed must wear a properly secured PFD.	Not required if an exception applies under Maritime Rules.
The Maritime Transport (Infringement Fees for Offences—Auckland Council Navigation Bylaw 2021) Regulations 2021 made under the Maritime Transport Act 1994 provides infringement offences for breaches of the Bylaw. Specifically, if a person breaches the following clauses they can receive a \$200 instant fine.		
Clause	Description of offence	
cl 18(1)	Failing to have sufficient personal flotation devices for each person on board a recreational vessel that are readily accessible, of appropriate size for each person on board, and in good working condition	
cl 19(1)	Failing to ensure that every person on board a recreational vessel is wearing a properly secured personal flotation device of an appropriate size for that person in situations of heightened danger or risk	
cl 20(1)	Failing to wear a properly secured personal flotation device of an appropriate size when on board a recreational vessel of six metres or less in length	
cl 21(1)	Failing to ensure that any person being towed by a vessel is wearing a properly secured personal flotation device of an appropriate size for that person	

Bylaw Implementation
• The Harbourmaster and Harbourmaster Team (officers) administer the Bylaw (GB/2021/68). Council uses a proactive and reactive approach to PFDs • The Harbourmaster and officers use a graduated enforcement approach to ensuring maritime safety. The Harbourmaster team only has one vessel on the water at any given time, undertaking proactive and reactive patrols of Auckland’s navigable waters. • From January 2021 through the end of May 2025, the Harbourmaster has issued 70 infringements relating to PFDs. Data is limited as records are not specific to which PFD rules have been breached. Other agencies can assist with PFD-related compliance • Alongside the Harbourmaster, Maritime Police can also administer the Bylaw. The Harbourmaster and Police have an operational agreement where the Police also enforce the Bylaw, but the Harbourmaster handles infringements. This approach enables Police resources to be directed toward higher-priority matters. • Other agencies that play an active role with respect to PFDs and work to achieve vessel water safety include Coastguard and Drowning Prevention Auckland. While Coastguard has more presence on the water with more vessels available, they do not enforce the Bylaw.
Is there still a problem and is the problem the same?
• Yes. The problem remains similar to 2020 and continues to be the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. • Preventable drowning fatalities continue to occur due to people not wearing PFDs on recreational vessels, especially those six metres and less in length. The problem is of moderate frequency and very high impact • Problems are occurring at a moderate frequency and very high impact (injuries and drowning fatalities). • Nationally, a total of 18 people lost their life in small-vessel-related drowning in 2024. This is significant and is 23 per cent above the 10-year average of 14.6 craft related drownings per year. • 94 per cent (17) of fatalities in craft-related incidents in 2024 were not wearing a PFD.⁷ • Three of the 18 fatalities occurred in Auckland’s navigable waters. • The 10-year average of fatalities from vessels in Auckland is 3.8 per year. At the time of the 2020 Bylaw review, the 10-year average was 4.2. While it has decreased very slightly, more can be done through regulatory measures to help reduce this number. • Drowning fatalities carry a significant economic impact. The estimated social cost of a single drowning fatality in New Zealand is \$4.729 million—and this figure is likely even higher for children under five, given their longer life expectancy.⁸ Annually multiple incidents and fatalities occur in Auckland • Fatalities from vessel incidents are densely populated in the Auckland region, as depicted in the graph below.

⁷ 2024 New Zealand National Drowning Prevention Report, Water Safety New Zealand, 2024 - <https://www.watersafetynz.org/2024-national-drowning-prevention-report>

⁸ National Beach and Coastal Safety Report, Surf Life Saving New Zealand, 2019 - <https://www.surflifesaving.org.nz/media/991900/slsnz-beach-coastal-safety-report-10-year-overview-2009-2019-1-year-overview-2018-2019-final-16-july-2020.pdf>

Graphic One: Map of fatalities from vessel incidents between 1980 – 2024.



- The Harbourmaster, Coastguard, Drowning Prevention Auckland (DPA), Maritime New Zealand and Water Safety New Zealand (WSNZ) have all highlighted the Manukau Harbour and Manukau Bar as areas of particular concern, with most fatalities in this area not wearing PFDs.
- WSNZ identified Manukau Harbour as the highest-risk 'blackspot' with 54 reported incidents, and the Manukau Bar with 29 reported incidents in 2024. Blackspots are locations with high rates of drowning incidents and fatalities, similar to high-risk areas on state highways and local roads.

Compliance with the rule to carry PFDs is 'high' but compliance with the wearing rules is not

- 2024 recorded the most PFD related infringements over a five-year period, with 34 infringements being issued.
- In 2025, the Harbourmaster, deputy Harbourmaster and their team have anecdotally reported high levels of compliance with PFD-related rules, particularly carriage of PFD's.
- Recent Maritime NZ Quarterly reports suggest 'safer boating behaviours' have been consistent over the last year. 94 per cent of 600 'boaties' surveyed ensure there are enough PFDs on board and 77 per cent wear their PFD.⁹ 40 per cent of those surveyed are Auckland-based boaties.

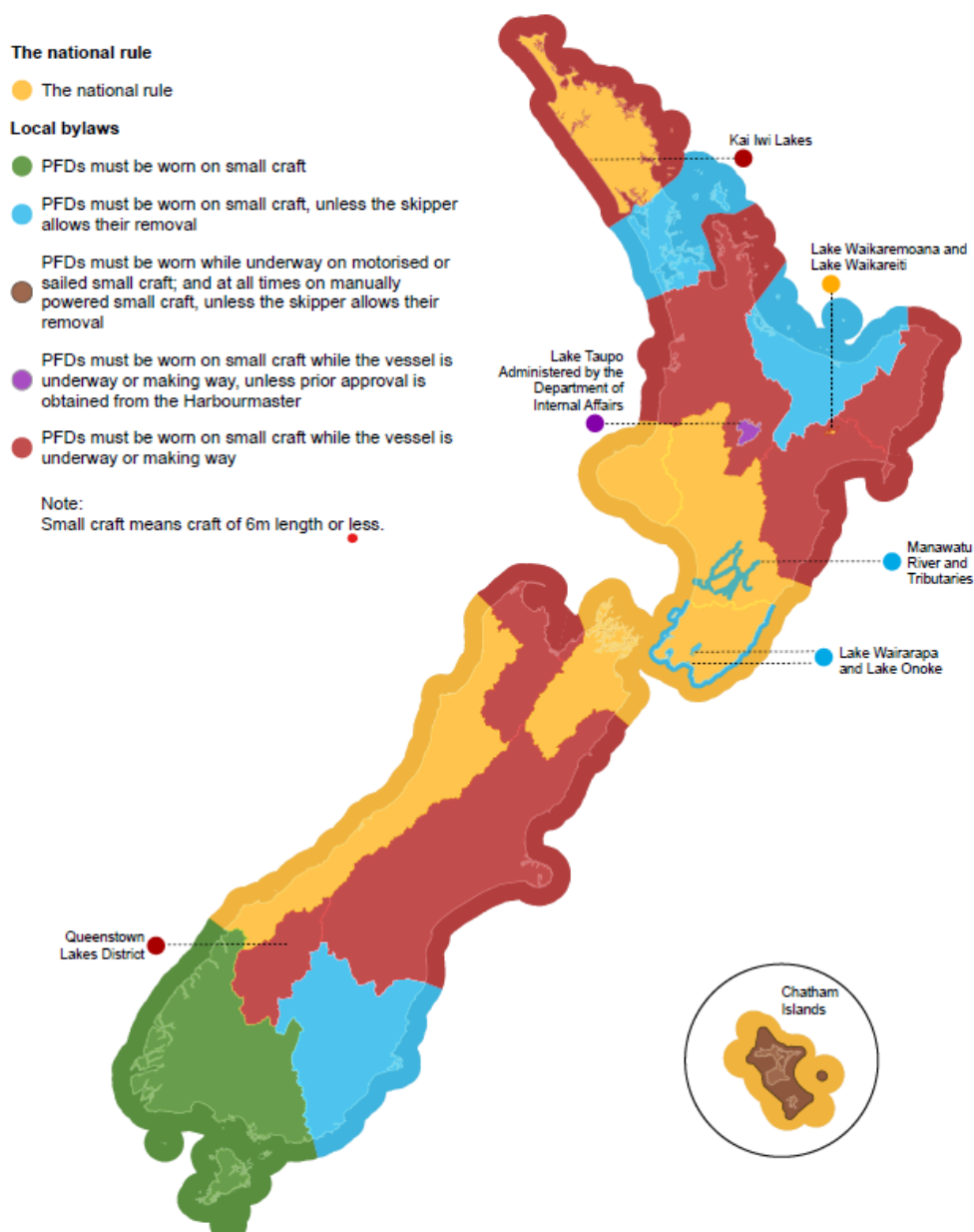
"Skipper discretion takes away the individual responsibility of those on a vessel" – Coastguard staff, 2025

Lack of national consistency makes PFD rules hard to follow

- There is currently no national consistency in the rules for carrying and wearing PFDs, making the rules difficult for recreational boaties to comply with.
- As trailer vessels are often used across multiple regions, differing regional requirements can create confusion and reduce compliance.

⁹ Maritime New Zealand Quarterly Topline, Ipsos and Maritime New Zealand, September 2024 - <https://www.maritimenz.govt.nz/media/rghdipcf/ipsos-maritimenzq3-2024-report.pdf>

Graphic two: Overview of requirements to wear PFDs across New Zealand



Most vessel fatalities occur on vessels six metres or less in length

- Of 133 vessel fatalities nationwide between 2014 and 2024, 91.6 per cent occurred on small vessels six metres and less in length.
 - Smaller vessels are more prone to instability and capsizing than larger vessels because they are lighter, narrower, and often underpowered.
 - Capsize or overboard accidents often involved small vessels and typically happened suddenly, resulting in unexpected immersion.¹⁰
 - Human factors contributed to 63 per cent of fatal incidents, such as carrying but not wearing PFDs, using alcohol, a lack of knowledge of maritime rules, or a lack of competency in using vessels.¹¹
- “Lifejackets give search and rescue operators time to get to you, impacting the likelihood of survival”*
– Coastguard staff, 2025

¹⁰ Recreational Craft Fatal Accidents – 2023 Updates, Maritime New Zealand, October 2024 -

<https://www.maritimenz.govt.nz/media/xqlh4luj/recreational-fatal-accidents-2023.pdf>

¹¹ Recreational Boating Literature Review: Boating Competency and Safety Decisions, Maritime New Zealand, 2021 -

<https://www.watersafetynz.org/2024-national-drowning-prevention-report>

- Some water safety organisations have anecdotally seen a rise in small vessels capsizing close to the shore when there are breaking waves.
- There are significant ethnic disparities in drowning fatality rates. Māori experience the highest rate at 1.76 per 100,000, followed by Asians at 1.54 and Pasifika at 1.44, while NZ Europeans have the lowest rate at 0.83.
- Advisory panels representing Pacific Peoples and Ethnic Communities have highlighted that many families rely on small, often overcrowded boats for fishing to support their households. These trips frequently occur in the early hours of the morning with poor visibility, and due to socio-economic constraints, many families cannot afford lifejackets, increasing the risk of drowning.

Is the Bylaw's desired objectives or outcomes the same?

- ✓ **Yes.** The objectives are similar to those defined in 2020.
- The outcome sought could be improved to be more topic specific.

	2020 Review	2024 Review
Objective	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
Outcome	To help protect public safety, protect the public from nuisance and protect public assets from damage.	Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.

Has the Bylaw helped achieve its desired objectives and outcomes?

- ✓ **Yes, with limitations.** The Bylaw has helped address the problem and contribute to achieving the objective and outcome.

- **The Bylaw is used** by the Harbourmaster and NZ Police.
 - The Bylaw is used to prevent and address problems (for example to require carriage of PFDs and wearing of PFDs at times of heightened risk or when crossing a bar).
- The Bylaw **fills a regulatory gap** (see Current Bylaw)
 - The Bylaw requires a person to wear a PFD on vessels six metres and less (unless the person in charge states it is safe not to), which is not addressed in the same manner in the Maritime Rules or in national legislation.
- **Compliance appears high**
 - Out of New Zealand's adult population of approximately 3.86 million, around 1.47 million are considered recreational boaties (defined by Maritime NZ as adults who have recently boated or currently own a boat).
 - Auckland is New Zealand's boating hub, with the highest concentration of boats nationally. According to Maritime NZ's 2024 Recreational Boating Survey, 36 per cent of respondents reported using their boats predominantly in the Auckland region.
 - Infringement data shows low volume of fines relative to the number of vessels (34 in 2024 and 12 as at early June 2025).

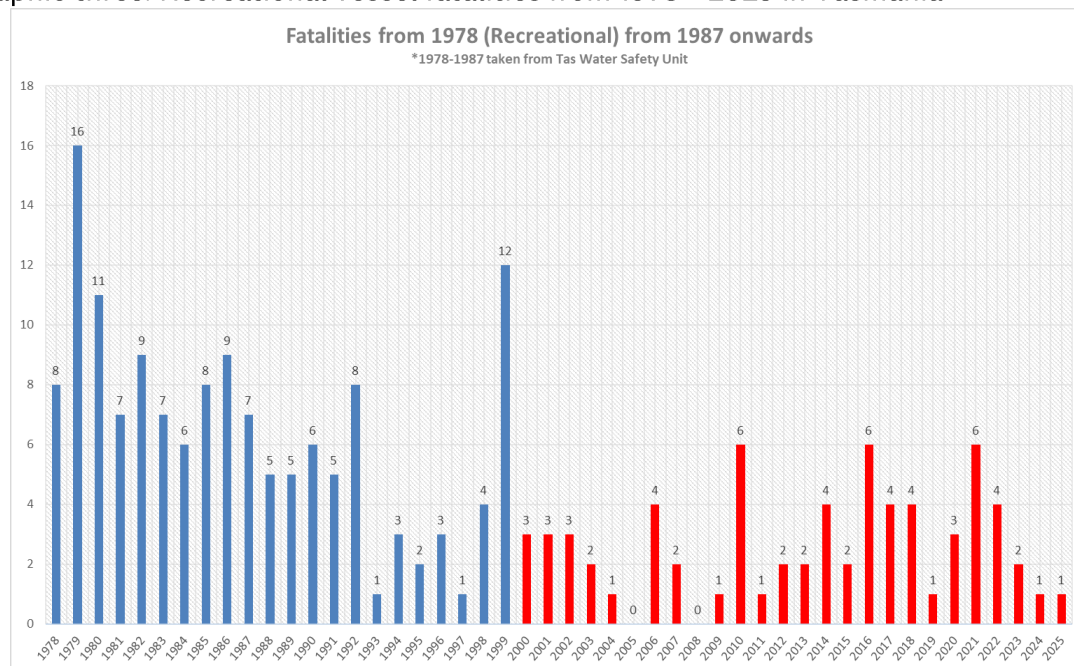
- ✓ However, there are challenges to the Bylaws effectiveness in achieving its objective.

- **There are still preventable fatalities occurring** in Auckland as a result of people not wearing PFDs on small vessels.
 - The 10-year average of fatalities occurring from small vessels on Auckland's navigable waters is 3.8.
- **Limited on-water enforcement capacity.**

	○ The Harbourmaster team and NZ Police have a small number of vessels available for patrols and callouts. ○ In busy summer months, patrols are stretched thin, often operating reactively, responding to incidents rather than proactively educating or preventing risk. ○ In 2024 alone, the Harbourmaster team attended 672 Duty Officer phone-line callouts, responding to incidents. ○ NZ Police can respond to incidents on the water and record breaches of the Bylaw, but their priority is high-level offending and Police matters. ● Water safety organisations support a stronger rule to prevent fatalities on small vessels. ○ Wai Ora Tāmaki Makaurau is Auckland’s Water Safety and Drowning Prevention Strategy. It is led by DPA and implemented by a steering group of water safety organisations and non-governmental organisations. ○ An amendment was sought in December 2023 to amend clauses 18-20, to remove skipper discretion in relation to wearing PFDs. ○ A working group (comprised of representatives from DPA, Coastguard, Water Safety NZ, Safety Collective Tāmaki Makaurau, Safekids Aotearoa, and Maritime Police) updated their position in May 2025: ‘WOTM is advocating for the amendment of Auckland Council’s Navigation Bylaw 2021, Section 20, to mandate the compulsory wearing of lifejackets on all recreational vessels six metres or less in length while the vessel is underway’.
Is a Bylaw still the best way to address the problem (no better alternatives)?	
	● Yes, the Bylaw is still the best way to address the problem. ● There are no feasible alternatives. The Maritime Transport Act 1994 relies on councils to make regionally-specific rules to ensure maritime safety. ● There is no existing legislation that makes rules for the wearing of PFDs on small vessels. The Maritime Rules (national rule) regulates the carriage of PFDs only. ● Neighbouring regions have rules for PFDs on small vessels, with anecdotally high compliance according to their Harbourmasters. Evidence shows stronger PFD rules reduce fatalities ● Waikato Regional Council’s Navigation Safety Bylaw 2013 mandates wearing of PFDs on vessels six metres or less in length when underway. ● Eight years after the introduction of the current Waikato Bylaw, the region sees high compliance. ● In the 2024/2025 peak summer season, the Harbourmaster and Maritime Officers has 1159 interactions with boat and personal watercraft users, with 94 per cent compliance for wearing lifejackets while underway. ● A mandate for compulsory wearing of PFDs on vessels six metres and less in length was introduced on 1 January 2001 in Tasmania.¹² ● Data over nearly four decades shows a significant reduction in fatalities as a result of this rule.

¹² **Marine and Safety (General) Regulations 2013, Tasmania -**
<https://www.legislation.tas.gov.au/view/whole/html/inforce/2021-03-19/sr-2013-100>

Graphic three: Recreational vessel fatalities from 1978 – 2025 in Tasmania



Is the Bylaw 'fit for purpose' (no change required)?

- **No.** The Bylaw could be improved. Suggested improvements for any option to improve the Bylaw include to:
 - mandate the wearing of personal flotation devices (PFDs) while underway on vessels 6 metres or less in length, removing any discretion currently given to the person in charge.
 - add a clause to mandate the wearing of PFDs in vessels over 6 metres if instructed by the person in charge.
 - amend the rules to make them consistent with neighbouring regions Bylaws, to avoid confusion for transient boaties.

Does the Bylaw comply with legislation?

- ✓ **Yes.** A Bylaw about Personal Flotation Devices is provided for in the Maritime Transport Act 1994, does not directly or indirectly conflict with any other New Zealand statutes and is not inconsistent with the New Zealand Bill of Rights Act 1990 (See Section 9).

Options Assessment

- Of the four possible options identified in Section 11, Options 3 and 4 are not evaluated further in this topic:
 - Option 3 (Replace) would not address the findings that the Bylaw is generally 'fit for purpose'.
 - Option 4 (Revoke) would not address the findings that have a Bylaw about navigation safety is still appropriate.
- Below is a comparative assessment of Option 1 (Retain) and Option 2 (Amend) against criteria including effectiveness, efficiency, validity, and risks and mitigations.

Option 1: Retain current Bylaw

- Retains current Bylaws rules about PFDs.
- Implementation**
- Current implementation would remain.
 - The Harbourmaster administers the Bylaw, patrols navigable waters where possible and responds to callouts and incidents, educates 'boaties', and issues infringements for breaches of the Bylaw.

Option 2: Amend current Bylaw (recommended)

- Amends the current Bylaw to improve personal flotation devices rules to:
 - Mandate wearing PFDs while underway on vessels 6 metres or less in length (removing skipper discretion).
 - Mandate wearing PFDs in vessels over 6 metres if instructed to do so by the person in charge.

Effectiveness ✓ Findings indicate that the current Bylaw is helpful. ✗ However, preventable fatalities continue to occur on Auckland's navigable waters. ✗ Water safety organisations support a stronger rule to prevent fatalities on small vessels. ✗ The Harbourmaster has limited on-water enforcement capacity and resourcing. ✗ Does not align with neighbouring regional council's bylaw rules. Efficiency ✓ In the short term, more efficient than Option 2 because the review process will require no further changes to existing rules and processes (no further expenditure or time) or further consultation. ✗ Less efficient as the Bylaw would not be preventing further fatalities. ✗ Less efficient in the long term as the Bylaw would not align with neighbouring regional council's rules. Validity ✓ Valid (See 'Does the Bylaw comply with legislation'). Risks and mitigation ✗ Council is seen not to be doing all it can to prevent small-vessel-related fatalities. Option 2 mitigates this risk. ✗ Water safety and emergency response organisations do not feel their message and evidence has been heard. Option 2 mitigates this risk.	Implementation • Same as option 1. Effectiveness ✓ More effective than Option 1. In addition to the findings that the Bylaw is currently helpful, amendments to the PFD rules would further minimise risk of fatalities on Auckland's navigable waters. ✓ Reduces double-handling between Harbourmaster / Maritime Officers and Maritime Police of enforcement of breaches of the Bylaw. Efficiency ✗ In the short term, less efficient than Option 1 because the special consultative procedure must be used by Council to amend the Bylaw. ✓ In the long term, more efficient than Option 1 because the Bylaw would further minimise the risk of fatalities on Auckland's navigable waters. ✓ More efficient than Option 1, as the Bylaw would align with neighbouring regional council's rules. ✓ (See Effectiveness). Validity ✓ Valid (See 'Does the Bylaw comply with legislation'). Risks and mitigation ✓ Some people may feel that compulsory wearing of a PFD on small vessels limits their freedoms. Limitations are justified under the BORA 1990.
Recommendations	
Based on the above assessment against the criteria, Option 2 to amend the current Bylaw is the most appropriate way to further minimise risks of preventable fatalities on Auckland's navigable waters. This option would: • improve PFD rules relating to persons in a vessels six metres and less in length • improve PFD rules for people in a vessel over six metres in length if the person in charge deems it necessary for safety • align PFD rules with neighbouring regions PFD rules (Waikato Regional Councils' Bylaw) • retain other existing PFD rules not as a proven approach • be authorised by statute, not be repugnant to other legislation, not be unreasonable, not give rise to any implications, not be inconsistent with the BORA and meet current bylaw drafting standards. • enable better implementation and enforcement of the Bylaw with a more effective partnership with Maritime Police.	

Topic 2: User Responsibilities and Operational Requirements	
Explanation of Topic	
- This topic relates to the key user responsibilities and operational requirements set out in the Bylaw. These responsibilities and requirements are for all persons who use Auckland's navigable waters – however, commercial vessel operations have additional responsibilities that reflect their higher risk (due to the larger sizes of these vessels and the nature of their operations). - These user responsibilities and operational requirements apply to all recreational vessel users. - Recreational vessels are also known as 'pleasure craft' and are boats or ships that are not used for commercial purposes (not for hire or reward). A recreational vessel is used only for personal enjoyment or recreation. - The Bylaw categorises these responsibilities and requirements into several subparts: - Subpart 1 – General responsibilities of persons within navigable waters - Subpart 3 – Responsibilities of persons undertaking certain activities - Subpart 4 – Use of restricted areas, access lanes, prohibited and restricted anchorages, reserved areas, and special reserved areas - Subpart 5 – Responsibilities to ensure the vessel is seaworthy, identifiable and has appropriate equipment on board - Subpart 6 – Responsibilities of a person to register personal watercraft - Subpart 7 – Responsibilities of a person in relation to moorings.	
Current Bylaw	
The Auckland Council (AC) Navigation Bylaw 2021 (Bylaw) requires all operators and users of Auckland's navigable waters to comply with key user responsibilities and operational rules, to ensure maritime safety (see table below).	
Subpart:	Explanation of subpart:
Subpart 1 – General responsibilities of persons within navigable waters	- The general responsibilities ensure maritime safety through key rules that include requiring vessel operators to be at least 15 years old, obey speed limits, follow collision prevention rules, and report any accidents or incidents to the Harbourmaster. - Vessel operators must not be under the influence of alcohol or drugs. - Vessel operators are also responsible for ensuring vessels are safely secured when not in use, do not obstruct other users, and avoid creating hazards, including through their wake. - Certain activities such as mooring, anchoring, or leaving a vessel require prior approval from the Harbourmaster. - The Bylaw prohibits interference with navigational aids.
Subpart 3 – Responsibilities of persons undertaking certain activities	- This subpart outlines safety requirements for specific activities. Swimming, diving, and jumping are prohibited in certain areas where there is high vessel usage. - Areas marked with Surf Life Saving flags are designated only for swimming, bathing and bodyboarding to ensure public safety. - Paddle craft used beyond sheltered waters must remain visible to other water users. - Anyone towing or being towed must take precautions to prevent harm. - Dive operations must display a Flag A, with support vessels in the vicinity. - Organised events, training sessions and other activities may need prior approval from the Harbourmaster. - Aircraft operations, such as take-offs or landings on water or coastal structures, also require approval.

Subpart 4 – Use of restricted areas, access lanes, prohibited and restricted anchorages, reserved areas and special reserved areas	• This subpart outlines rules for specific areas, including who can access them and under what conditions. • Restricted areas can have limited access or exclude certain vessels, such as large ships. • Access lanes are set aside for specific purposes, like towing, landing or transporting hazardous cargo. • Prohibited or restricted anchorages are anchoring prohibited zones unless the vessel can depart immediately. • Reserved and special reserved areas are for specific uses such as swimming, water sports or events.
Subpart 5 – Responsibilities to ensure the vessel is seaworthy, identifiable and have appropriate equipment on board	• This subpart outlines the responsibility to ensure all vessels are safe and properly equipped. • Vessels must be seaworthy and clearly display identification markings. • A person operating a vessel must carry appropriate navigational and communication equipment. • Any lights, sirens, or sound signals must be used only for their intended purpose to avoid confusion or danger.
Subpart 6 – Responsibilities of a person to register personal watercraft	• This subpart sets out rules for owning and operating personal watercraft, for example jet skis. • All personal watercraft must be registered with the Harbourmaster or other New Zealand local authority before use, and must display a current identification number. • If ownership changes, the registered owner must notify the Harbourmaster within 14 days.
Subpart 7 – Responsibilities of a person in relation to moorings	• This subpart sets out the rules for laying, using and maintaining moorings. • Approval from the Harbourmaster is required before laying or using a mooring, using it for a different vessel, transferring approval to someone else, or leaving the mooring unoccupied for over six months (unless it has a resource consent). • Anyone with an approval or resource consent must ensure the mooring is well-maintained, complies with any relevant control and has a current inspection certificate from an approved provider. • All maintenance costs must be covered by the mooring owner. • If an approval is cancelled, the mooring must be removed within the timeframe specified by the Harbourmaster.

- [The Maritime Transport \(Infringement Fees for Offences—Auckland Council Navigation Bylaw 2021\) Regulations 2021](#) made under the [Maritime Transport Act 1994](#) provides infringement offences for breaches of the Bylaw.
- Infringement fees for these offences range from \$200 to \$500.
- Where there is no applicable infringement offence, a person may be convicted and fined up to \$2,500.
- In addition to infringements, the Harbourmaster has powers under section 33F(1) Maritime Transport Act 1994 and sections 164, 167 and 168 of the Local Government Act 2002, which include giving directions, and powers of entry, removal and seizure of a vessel.
- There are no infringements or applicable fines for breaching clause 6(3) of the Bylaw which prohibits the person in charge from consumption of alcohol or drugs.

Bylaw Implementation

- The Harbourmaster and his team (Maritime Officers) administer the Bylaw ([GB/2021/68](#)).

Council uses graduated approach to enforcement

- The Harbourmaster and officers use a graduated enforcement approach to ensuring maritime safety. The Harbourmaster team only has one vessel on the water at any given time, undertaking both proactive and reactive patrols of Auckland's navigable waters.
- From January 2021 through the end of May 2025, the Harbourmaster has issued 137 infringements relating to general responsibilities of a vessel user, excessive speed, communication equipment, towing, navigational aids and registration (see table below).

Item	2021	2022	2023	2024	2025
Inner Harbour speeding over 12 knots	7	2	13	22	1
Speeding over 5 knots in a 5-knot zone	11	8	13	18	8
Failing to comply with conditions of use of an access lane	0	0	4	0	0
Failing to have appropriate navigational and communication equipment	0	0	0	2	0
Failing to maintain a proper lookout	0	0	0	1	0
Personal watercraft (jetski) not registered	5	2	2	3	3
Tied vessel to any navigation aid	0	0	0	1	0
Towing without an appropriate lookout	0	0	1	6	1
Vessel with no name	0	0	3	0	0
Total	23	12	36	53	13

- The Harbourmaster office has a phone-line people can call when incidents happen or to report unsafe water safety practices.
- The numbers of duty-officer calls per year are very high (see table below).

Year	2021	2022	2023	2024	2025
Duty Officer calls	628	849	791	672	305

Other agencies can assist with user responsibility and operational compliance

- Maritime Police can also administer and enforce the Bylaw.
- Other agencies that play an active role both on land and on the water, to achieve vessel water safety, include Coastguard, Drowning Prevention Auckland and Water Safety NZ.
- While Coastguard has presence on the water with more vessels available, they cannot enforce the Bylaw.

Summer campaigns help educate recreational boaties

- Water safety organisations such as Drowning Prevention Auckland, Coastguard and the Safer Boating Forum promote water safety through annual summer education campaigns.
- For example, the 'No Excuses' campaign is a joint nation-wide initiative between Maritime NZ, Safer Boating Forum and regional councils.¹³ It supports broader education efforts delivered as part of the annual Summer Boating Campaign. Enforcement action is taken against those who breach safety requirements, including rules around the carriage and wearing of PFDs and speed limits.

Registration of personal watercraft encourages compliance

- Registration of personal watercraft (PWCs), such as jetskis, has anecdotally supported compliance with the Bylaw, assisted the identification of users and Maritime Officers with Bylaw implementation.
- 1900 personal watercraft have been registered with the Harbourmaster between January 2022 and June 2025.

¹³ Water Safety, AT Harbourmaster, 2024 - <https://at.govt.nz/boating-marine/water-safety>

- Linking information about individual owners to the registration details of PWCs has enabled the Harbourmaster to follow up on reported incidents, issue warnings or infringements, identify repeat offenders, and deter unsafe vessel use.

Is there still a problem and is the problem the same?

- **Yes.** The problem remains similar to 2020 and continues to be the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
- Preventable drowning fatalities continue to occur, often due to a lack of compliance with or awareness about general user responsibilities and operating requirements, leading to poor water safety practices.

The problem is of moderate frequency and high impact

- Problems are occurring at a moderate frequency and have a high impact (injuries and drowning fatalities) (See topic 1 for data about fatalities in Auckland's waters).
- ACC claims related to recreational boating between 1 April 2019 and 11 March 2025 show a steady and high rate of accidents. Auckland annually makes up a third of the national ACC claims relating to recreational boating (see table below).¹⁴

	Levy Lodgement Year					
Accident region	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25 YTD
Northland Region	56	64	55	62	53	31
Auckland Region	319	309	242	284	317	319
Waikato Region	106	102	93	103	102	101
Bay of Plenty Region	80	97	72	84	96	57
Gisborne Region	4	8	5	4	3	1
Hawke's Bay Region	19	26	16	11	18	16
Taranaki Region	7	11	12	7	9	7
Manawatū-Whanganui Region	18	16	9	12	10	11
Wellington Region	55	50	60	60	52	29
Tasman Region	21	12	3	14	13	8
Nelson Region	14	24	22	26	22	12
Marlborough Region	27	33	35	16	21	16
Canterbury Region	74	106	87	105	98	78
West Coast Region	5	7	6	8	19	8
Otago Region	61	53	61	58	80	58
Southland Region	12	12	13	14	11	13
Area Outside Region	49	22	23	31	35	40

¹⁴ Number of new claims lodged for recreational boating accidents between 1 April 2019 and 11 March 2025, broken down by accident region and levy lodgement year. Recreational boating accidents have been identified where the sport on the claim is equal to 'Boating'.

No Location Selected	3			1		
Total	930	952	814	900	959	805

Maritime NZ Quarterly Topline reports challenging on-water conditions

- In the latest Maritime NZ Quarterly Topline survey, 600 surveyed ‘boaties’ reported that only 50 per cent of boat trips had ‘normal’ conditions. Large waves, nearby people, and difficult winds posed challenges for 16, 14 and 13 per cent of boaties respectively.¹⁵ Large swells and choppy waves are reportedly prevalent in Northland and Auckland.
- Safer boating behaviours have remained consistent since 2023. Carriage of lifejackets remained high at 94 per cent.
- Compliance with other user responsibilities, such as carrying two forms of communication, was only at 66 per cent (total surveyed n=600).

Water safety organisation report vessels in disrepair and lack of competency

- Several organisations report seeing vessels in various states of disrepair on Auckland’s waters. The combination of this with vessel users lack of experience or competency and lack of compliance with user responsibilities and operating requirements has led to an anecdotal rise of incidents on the water.
- While weather events are a main factor, human factors contributed to 63 per cent of fatal incidents. Human factors include carriage but not wearing PFDs, alcohol use, lack of knowledge of maritime rules or lack of competency in vessel use.¹⁶

Alcohol use on vessels remains a risk

- Stakeholders, advisory panels and water safety organisations are concerned with the growing complacency around alcohol use on vessels.
- Alcohol use on vessels is under-reported, but alcohol has been identified as one of the key risk factors in fatal and non-fatal accidents.¹⁷
- Alcohol is an emerging theme in drowning, particularly among males. Over the past decade, 30-40 per cent of drowning deaths had alcohol in their system, with prevalence among males aged 15-24 years.¹⁸
- Alcohol not only impairs a person’s ability to operate a vessel safely but can also reduce a person’s survival time if they end up overboard. It can lower the concentration of blood going to a person’s brain and muscles, contributing to muscle, heat and fluid loss and speeding up the onset of hypothermia.
- While a Bylaw rule exists, harbourmasters do not have the authority to conduct breath tests or issue infringements related to alcohol.
- In serious cases, the New Zealand Police may become involved under [section 65 of the Maritime Transport Act](#), which allows for prosecution if a person operates a vessel in a manner that causes unnecessary danger. However, such interventions typically occur after an incident has taken place, limiting their ability to prevent harm in real-time.

Novel vessels and new technology can pose public safety risks

- Stakeholders and water safety organisation have noted an emerging potential risk to public safety relating to increased use of new and novel craft including hydrofoils, flight-boards, and tow-foiling, which are not specifically regulated under the Bylaw.

¹⁵ Maritime New Zealand Quarterly Topline, Ipsos and Maritime New Zealand, September 2024 -

<https://www.maritimenz.govt.nz/media/rghdipcf/ipsos-maritimenzq3-2024-report.pdf>

¹⁶ Recreational Boating Literature Review: Boating Competency and Safety Decisions, Maritime New Zealand, 2021 -

<https://www.watersafetynz.org/2024-national-drowning-prevention-report>

¹⁷ Alcohol guidelines and risks, Maritime New Zealand, 2025 -

https://www.maritimenz.govt.nz/recreational/safety/alcohol/#case_studies

¹⁸ 2024 New Zealand National Drowning Prevention Report, Water Safety New Zealand, 2024 - https://cdn.prod.website-files.com/66f37256074e048459258fb0/68095b3747ddbde7d5d712f6_National%20Drowning%20Prevention%20Report%20-%202024.pdf

- Novel vessels are becoming more affordable and widely accessible. Many who purchase them would not consider they are a 'vessel' and as a result would not comply with navigation safety rules.
- They are being operated in high-risk areas, close to shore in swimming zones, in surf zones and in proximity to larger vessels. This raises concerns about potential conflicts for space, collisions, and public safety on the water.

Moorings licence structure is outdated and has varied in terms and conditions

- The current moorings licence structure is outdated and inconsistent, with a range of historical licences such as those issued by the former Auckland Regional Council and Harbour Board, still in use.
- These licences each with varying (and inconsistent) terms and conditions and remain valid as long as annual fees are paid, creating a fragmented system that is difficult to manage and enforce. Stakeholders have raised concerns about the complexity of the system, noting that many of the standard terms could be streamlined and incorporated into the Bylaw.

The Bylaw's mooring conditions do not align with Council owned marina berth conditions

- Vessel owners who occupy a berth at a council owned marina are required to have vessel insurance to ensure expenses are covered for both the vessel and any damage incurred to the marina berth, if an incident occurs.
- Vessel owners who use a council owned mooring (also called a pile), are not currently required to have vessel insurance. Vessel insurance would not only cover expenses for the vessel if an incident occurred but would also cover expenses for Council's assets (Council owned piles).
- There have been instances where a vessel has sunk on a Council owned piles and the expense of recovery has been a cost to the Harbourmaster.

There are additional problems relating to user responsibilities and operational requirements

- Council's Bylaw and Maritime Rules do not require recreational boat users ('boaties') to undergo any formal training before they can operate a vessel: they do not have to prove they understand or can safely follow boating rules before heading out on the water. While boaties are legally obligated to comply with these rules, there is no requirement for them to demonstrate their knowledge or competency to do so.¹⁹
- Following a multiple fatality accident on the Manukau Harbour in 2021, the Transport Accident Investigation Commission made a formal maritime inquiry. Their report recommended introducing a managed system for educating and regulating the recreational maritime sector (including registration and licensing) that would ensure recreational skippers meet a minimum competency standard and create stronger incentives for safe behaviour.²⁰
- Some key stakeholders have expressed concern about the rules regarding the age of a person in charge of a vessel. Maritime Rules state a person must be 15 years of age to operate a vessel. This is one year younger than a learner driving licence and three years younger than the minimum age to operate a forklift.²¹
- Recent concerns have emerged around waka ama paddlers venturing far from shore without fully recognising the associated risks. Stakeholders have reported the need to clearly define "sheltered waters," particularly in relation to paddle craft to keep people on paddle craft safe. The Bylaw does not define 'sheltered waters', which creates enforcement challenges.
- The current anchorage rules allow vessels to stay in one location for up to 14 days. There has been misuse of the rules, with some individuals staying the full period, briefly moving, and then returning. Stakeholders have reported there is limited fair access to anchorage areas.

¹⁹ Recreational boat users: essential knowledge and skills, Transport Accident Investigation Commission, 2024 - https://www.taic.org.nz/watchlist/recreational-boat-users-knowledge-and-skills?utm_source=chatgpt.com

²⁰ Maritime inquiry MO-2021-204 Recreational vessel Capsize and sinking with three fatalities Manukau Harbour entrance 16 October 2021, Transport Accident Investigation Commission, 2024 - <https://www.taic.org.nz/sites/default/files/inquiry/documents/MO-2021-204%20Final%20Report.pdf>

²¹ Driver licence classes (factsheet), NZ Transport Agency, February 2025 - <https://www.nzta.govt.nz/resources/factsheets/11>

Is the Bylaw's desired objectives or outcomes the same?		
✓ Yes. The objectives are similar to those defined in 2020. • The outcome sought could be improved to be more topic specific.		
	2020 Review	2024 Review
Objective	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
Outcome	To help protect public safety, protect the public from nuisance and protect public assets from damage.	Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.
Has the Bylaw helped achieve its desired objectives and outcomes?		
✓ Yes, with limitations. The Bylaw has helped address the problem and contribute to achieving the objective and outcome. • The Bylaw is consistently used by the Harbourmaster and NZ Police. ○ The Bylaw is used to prevent and address problems through regulating the general user responsibilities for boating and outlining further regionally specific rules to reduce risk of collisions, nuisance and damage. • The Bylaw fills a regulatory gap (see Current Bylaw) ○ The Bylaw promotes regionally specific rules such as speed restrictions, anchoring prohibited zones, registration requirements for personal watercraft. It sets a licencing regime for moorings, which are not addressed in the Maritime Rules or in national legislation. • Compliance appears high ○ See Topic 1 for participation in recreational boating in Auckland. ○ Despite the high level of activity on Auckland's navigable waters, enforcement data indicates relatively low levels of formal compliance action, with only 137 infringements issued between June 2021 and June 2025. This is a small number when compared to the volume of recreational vessels on the water. Non-compliance may be higher due to limitations on on-water enforcement capacity (see below). ✓ However, there are challenges to the Bylaw's effectiveness in achieving its objective. • Incidents and preventable fatalities still occur in Auckland ○ ACC has reported an average of 298 recreational boating accidents (claims) between 2019 and 2025 in Auckland alone. ○ Maritime NZ's latest data shows that only 50 per cent of boat trips in Auckland occur in 'normal' conditions, with challenging weather and sea states common in Auckland; while lifejacket carriage remains high (94 per cent), adoption of key safety behaviours such as carrying two forms of communication are much lower (66 per cent). ○ Water safety organisations report an increase in poorly maintained vessels and inexperienced operators on Auckland's waters, with human factors such as lack of competency, alcohol use, not having appropriate forms of communication and not wearing PFDs contributing to 63 per cent of fatal incidents. • Limited on-water enforcement capacity. ○ The Harbourmaster team and NZ Police have a small number of vessels available for patrols and callouts.		

	- o In busy summer months, patrols are stretched thin, often operating reactively, responding to incidents rather than proactively educating or preventing risk. - o In 2024 alone, the Harbourmaster team attended 672 Duty Officer callouts, responding to incidents. - o NZ Police can respond to incidents on the water and record breaches of the Bylaw, but their priority is high-level offending and Police matters. - o Neighbouring regional councils use their Bylaw infringements and powers more often than Auckland. - o Some rules relating to swimming, jumping and diving off a platform are unenforceable due to their proximity to vessels arriving and leaving their berths e.g. Karanga Harbour Plaza Pool. • The Bylaw does not address risks from novel craft - o Flight-boards, hydrofoils, and tow-foils are increasingly being used in high-risk areas, including nearshore swimming zones, surf breaks, and close to larger vessels. - o This raises concerns about collisions, navigational conflicts, and overall public safety on the water.
Is a Bylaw still the best way to address the problem (no better alternatives)?	
✓ Yes, the Bylaw is still the best way to address the problem. • There are no feasible alternatives. The Maritime Transport Act 1994 relies on councils to make regionally specific rules to ensure maritime safety. • There is no existing legislation that makes regionally specific rules – for example speed restrictions, restricted or prohibited areas, registration of personal watercraft or mooring licences.	
Is the Bylaw ‘fit for purpose’ (no change required)?	
• No. The Bylaw could be improved. Suggested improvements for any option to improve the Bylaw include to: - o introduce rules about novel craft to protect public safety and minimise risk of accidents, collisions, damage, and nuisance - o clarify some definitions and rules to ensure certainty - o update moorings licences to consolidate and streamline the Terms and Conditions and improve the administrative structure to be available digitally and easier to use - o add a requirement to mooring licenses for vessel owners using council owned moorings (piles) to have appropriate vessel insurance - o reduce the maximum anchorage stay from 14 days to 7 days in a 28 day period to prevent misuse and promote fair access to anchorage areas. Suggested improvement in findings not recommended at this time include: registration of small vessels (as personal watercraft are) for the purposes education. This improvement was suggested as a way to educate hard to reach communities. Current targeted community education, however, by water safety organisations better reach these communities than a blanket registration system.	
Does the Bylaw comply with legislation?	
✓ Yes. A Bylaw about Personal Flotation Devices is provided for in the Maritime Transport Act 1994, does not directly or indirectly conflict with any other New Zealand statutes, and is not inconsistent with the New Zealand Bill of Rights Act 1990 (See Section 9).	
Options Assessment	
• Of the four possible options identified in Section 11, Options 3 and 4 are not evaluated further in this topic: - o Option 3 (Replace) would not address the findings that the Bylaw is generally ‘fit for purpose’. - o Option 4 (Revoke) would not address the findings that a Bylaw about navigation safety is still appropriate.	

Below is a comparative assessment of Option 1 (Retain) and Option 2 (Amend) against criteria including effectiveness, efficiency, validity, and risks and mitigations.	
Option 1: Retain current Bylaw - Retains current Bylaws rules about user responsibilities and operational requirements. Implementation - Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated enforcement approach (See ‘Bylaw Implementation’ Section). Effectiveness ✓ Findings indicate the Bylaw is helpful in minimising risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. ✗ However, there are limitations to the Bylaw’s effectiveness. Incidents and fatalities continue to occur as a result of irresponsible vessel use and non-compliance with operational requirements (See Has the Bylaw helped achieve its desired objectives and outcomes?). ✗ Lack of appropriate rules for new technology and novel craft to minimise public safety risks. ✗ Lack of clarity around some definitions create confusion and public safety risks. ✗ Continues to allow legacy mooring licences with out-of-date terms and conditions. ✗ Does not protect fair access to popular anchorages. Efficiency ✓ In the short term, more efficient than Option 2 because the review process will require no further changes to existing rules and processes (no further expenditure or time) or further consultation. ✗ Less efficient as the Bylaw would not be preventing further minimising the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. Validity ✓ Valid (See ‘Does the Bylaw comply with legislation’). Risks and mitigation ✗ Council may be perceived as failing to take adequate measures to prevent vessel related fatalities, injuries, accidents, collisions, or damage. Option 2 mitigates this risk.	Option 2: Amend current Bylaw - Amends current Bylaw rules about user responsibilities and operational requirements. - See ‘Is the Bylaw ‘fit for purpose’ (no change required)?’ for specific amendments. Implementation - Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated enforcement approach (See ‘Bylaw Implementation’ Section). Effectiveness ✓ More effective than Option 1. In addition to the finding that the current Bylaw is helpful, amending the Bylaw would better ensure maritime safety and minimise risks of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. ✓ Provides rules for new technology and novel craft to protect public safety and minimise risk of damage, particularly in high-risk, busy areas. ✓ Clarifies definitions and rules to be certain and easy to understand. ✓ Consolidates mooring licences to have the same terms and conditions under the Bylaw. ✓ Requires mooring licence holders using council owned piles to have insurance. ✓ Better protects fair access to popular anchorages. Efficiency ✗ In the short term, less efficient than Option 1, because the special consultative procedure must be used for Council to amend the Bylaw. ✓ In the long term, more efficient than Option 1 because amendments to the Bylaw will align with the purpose of ensuring maritime safety and minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. Validity ✓ Valid (See ‘Does the Bylaw comply with legislation’). Risks and mitigation ✓ There is a risk that some individuals may perceive amendments to the Bylaw, such as introducing new rules to address safety concerns related to novel vessels or anchorage stay rules, as unnecessarily restrictive. May be mitigated by public communication about why these rules are helpful.

Recommendation
Based on the above assessment against the criteria, Option 2 to amend the current Bylaw is the most appropriate way to further minimise risks of fatalities injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. This option would: • improve a proven approach to use a bylaw to manage vessel use on Auckland’s navigable waters. • introduce new rules to protect public safety and minimise risk of accidents, collisions damage and nuisance caused by novel craft. • clarify some definitions and rules to ensure certainty. • be authorised by statute, not be repugnant to other legislation, not be unreasonable, not give rise to any implications, not be inconsistent with the BORA and meet current bylaw drafting standards.

Topic 3: Commercial and Large Vessel Operating Requirements	
Explanation of Topic	
- This topic relates to the key responsibilities for different types of commercial and large vessel operations in Auckland's navigable waters. - The following subparts that make up this topic focus on high-risk activities involving large vessels, hazardous cargo and operations in or near pilotage zones. 'Commercial vessel' means a vessel (or ship) that is not a 'pleasure craft', and that is not solely powered manually or solely powered by sail. Commercial vessels include passenger ferries, cargo ships and cruise ships. - The Bylaw categorises these responsibilities and requirements into several subparts: - Subpart 8 – Responsibilities of a person in charge of a large vessel - Subpart 9 – Responsibilities of a person in charge of a vessel carrying explosive substances or bulk oil, or undertaking bunkering or hot works operations - Subpart 10 – responsibilities of a person near large vessels, vessels carrying explosive substances or bulk oil, or Explosive Safety Zones - Subpart 11 – Responsibilities of a pilot and pilot exempt master operations.	
Current Bylaw	
The Auckland Council (AC) Navigation Bylaw 2021 (Bylaw) requires all operators of commercial and large vessels in Auckland's navigable waters to comply with key responsibilities and operational rules, to ensure maritime safety (see table below).	
Subpart:	Explanation of subpart:
Subpart 8 – Responsibilities of a person in charge of a large vessel	- Outlines the operational and safety obligations for those in charge of large vessels. - Requires the use of Automatic Identification Systems (AIS) in certain conditions. - Mandates that any inoperative equipment be reported to the Harbourmaster. - Prohibits operation in pilotage areas when the vessel has inoperative equipment unless approval is granted. - Requires commercial fast vessels to have an approved Navigation Safety Operating Plan. - Prohibits large vessels transiting the Manukau Harbour at night and requires approval to enter certain areas and anchor.
Subpart 9 – Responsibilities of a person in charge of a vessel carrying explosive substances or bulk oil, or undertaking bunkering or hot works operations	- Imposes safety protocols for high-risk operations involving hazardous materials. - Requires vessels to notify the Harbourmaster before arrival, display appropriate signals, maintain safe distances from other vessels, and only berth or anchor at approved locations. - The person in charge must meet specific duties when their tanker is in port. - The person in charge must ensure safe practices during bunkering and hot works operations.
Subpart 10 – Responsibilities of a person near large vessels, vessels carrying explosive substances or bulk oil, or Explosive Safety Zones	- Outlines the safety responsibilities for other vessels operating near large or hazardous vessels. - Prohibits impeding a large vessel in pilotage areas. - Requires vessels to keep a safe distance from those carrying explosives. - Restricts entry into Explosive Safety Zones.

Subpart 11 – Responsibilities of pilot and pilot exempt master operations	- Details the operational requirements for pilots and masters with pilotage exemption certificates. - Mandates navigating within marked channels in pilotage areas. - Requires the use of a passage plan for safe transit and a log of all transits in a pilotage area.				
The Maritime Transport (Infringement Fees for Offences—Auckland Council Navigation Bylaw 2021) Regulations 2021 made under the Maritime Transport Act 1994 (MTA) provides infringement offences for breaches of the Bylaw. - Infringement fees range from \$200 to \$500. - Where there is no applicable infringement offence, a person may be convicted and fined up to \$2,500 under section 33N (1) and (2) of the MTA, \$1000 under section 33O of the MTA and \$20,000 under section 242 of the Local Government Act (LGA). - In addition to infringements, the Harbourmaster has powers under section 33F(1) MTA and sections 164, 167 to 168 LGA, which include giving directions, powers of entry, removal and seizure of a vessel.					
Bylaw Implementation					
- The Harbourmaster and his team (Maritime Officers) administer the Bylaw (GB/2021/68). Council uses a graduated compliance approach to enforcement - The Harbourmaster and officers use a graduated enforcement approach to regulating large and commercial vessels, ensuring maritime safety. - From January 2021 through the end of May 2025, the Harbourmaster has only issued two infringements relating to large and commercial vessels (see table below).					
Item	2021	2022	2023	2024	2025
Failing to notify at least 24 hours before commencing bunkering operation	0	0	1	0	0
Impeding a large vessel in navigational channel	0	1	0	0	0
Total	0	1	1	0	0
Other agencies can assist with commercial and large vessel compliance (See information in Section 3 Wider Regulatory and Strategic Framework). - Commercial and large vessel operators must also comply with the following legislation: - Maritime Security Act 2004 - Maritime Transport Act 1994 - Port Companies Act 1988 - Shipping Act 1987 - Ship Registration Act 1992 - Submarine Cables and Pipelines Protection Act 1996.					
Compliance for commercial and large vessels - The Bylaw appears to be functioning effectively with respect to large and commercial vessels, with no major issues currently identified. Compliance among large ships near 100 per cent, largely due to the industry's heavy regulation and adherence to international standards. Large commercial vessels also typically report any incidents to Maritime New Zealand rather than the Harbourmaster. - These vessels typically operate under other legislative frameworks as well as the Bylaw (see Section 3.1 Wider Regulatory and Strategic Framework). Mechanisms such as Maritime New Zealand's powers provide additional enforcement tools when needed.					

Is there still a problem and is the problem the same?

- **Yes.** The problem remains similar to 2020 and continues to be the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.

The problem is of low frequency and low impact

- Problems are occurring at a low frequency and have a potentially high impact (accidents, collisions and injuries).
- ACC claims related to commercial boating between 1 April 2019 and 11 March 2025 show a steady and moderate rate of accidents. Auckland annually makes up a large portion of the national ACC claims relating to commercial boating (see table below).²²

	Levy Lodgement Year					
Accident region	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25 YTD
Northland Region	28	21	21	24	32	16
Auckland Region	62	69	84	82	64	59
Waikato Region	5	5	4	10	3	4
Bay of Plenty Region	9	6	3	7	8	9
Gisborne Region		1	2			
Hawke's Bay Region	2	4	5	3	3	4
Taranaki Region	10	3	4			
Manawatū-Whanganui Region	10	2	5	3	1	
Wellington Region	67	50	42	44	29	34
Tasman Region	9	2	4	2	5	5
Nelson Region	5	5	3	6	5	5
Marlborough Region	19	14	18	13	9	4
Canterbury Region	14	11	9	11	6	8
West Coast Region	4	1	3			2
Otago Region	24	18	16	19	19	17
Southland Region	37	21	24	13	16	14
Area Outside Region	9	12	7	4	19	14
Total	314	245	254	242	220	196

²² Commercial boating accidents have been identified where the classification unit on the claim is one of the following:

- 63010 - Coastal or international water transport (vessels over 45 metres length and over 500 tonnes displacement)
- 63020 - Coastal or international water transport (vessels 45 metres length and under, or 500 tonnes displacement and under)
- 63030 - Inland water transport (except passenger-only) 63031 - Water passenger transport (river, lake, or harbour)
- 66290 - Water transport support services (not elsewhere classified)

Work related claims have been identified where the claim is in the work fund or the accident at work flag is equal to 'Y'. The accident location is not necessarily where the client resides or sought treatment.

A high number of commercial vessels visit Auckland every year

- Each year over 1,600 commercial vessels visit Auckland's ports.
- The Ports of Auckland processes approximately 13 million tonnes of cargo annually and handles 60 per cent of New Zealand's imports and 40 per cent of its exports by value.²³

An increasingly large number of cruise ships visit Auckland every year

- Auckland welcomes over 100 cruise ships annually, handling between 130-133 visits in the 'cruising season' (October – April).²⁴
- Prior to 2024, these visits have contributed around \$600 million in economic benefit to New Zealand.

The problem is effectively managed by the Bylaw and wider regulatory framework

- The Harbourmaster anecdotally reports very high compliance among large and commercial vessels, resulting in few incidents or problems.

Some large vessels do not take critical safety measures where Bylaw lacks rules

- Large vessels are generally required to have anchors ready to deploy in pilotage areas as a precautionary safety measure. These pilotage areas are typically narrow, busy, and close to shore, where quick anchoring can prevent collisions or groundings in the event of propulsion or steering failure.
- This practice is standard in international maritime operations and [Master Pilot Exchange Checklists](#) but is not currently specified in the Bylaw. In Auckland, the need for readiness is due to reported near-misses involving smaller vessels such as superyachts, fishing boats, and ferries interfering with large ship movements in pilotage areas.

Is the Bylaw's desired objectives or outcomes the same?

- ✓ Yes. The objectives are similar to those defined in 2020.
- The outcome sought could be improved to be more topic specific.

	2020 Review	2024 Review
Objective	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
Outcome	To help protect public safety, protect the public from nuisance and protect public assets from damage.	Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.

Has the Bylaw helped achieve its desired objectives and outcomes?

- ✓ Yes. The Bylaw has helped address the problem and contribute to achieving the objective and outcome.

- The Bylaw is consistently used by the Harbourmaster and commercial and large vessel operators.
 - The Bylaw is used to prevent and address problems through regulating the key responsibilities for different types of commercial and large vessels, operations involving hazardous substances, and pilotage on Auckland's navigable waters.
- The Bylaw fills a regulatory gap (see Current Bylaw)

²³ Ports – Auckland (New Zealand) - <https://shipnext.com/port/auckland-nzaki-nzl>

²⁴ Summer Cruise season in Auckland gets underway, November 2024 - <https://www.poal.co.nz/news-media/summer-cruise-season-in-auckland-gets-underway>

	○ The Bylaw promotes regionally specific rules such as prohibiting large vessels from transiting Manukau Harbour Bar at night and specifying explosive safety zones (these include Motuihe Anchorage and Kauri Point Wharf) which are not addressed in the Maritime Rules or in national legislation. • Compliance appears high ○ Despite the high level of activity on Auckland’s navigable waters, enforcement data indicates very low levels of formal compliance action, with only 2 infringements issued between June 2021 and June 2025. A small number when compared to the volume of commercial and large vessels on the water. ○ The Harbourmaster has reported very high compliance among commercial and large vessels.	
Is a Bylaw still the best way to address the problem (no better alternatives)?		
✓ Yes. The Bylaw is still the best way to address the problem. • There are no feasible alternatives. The Maritime Transport Act 1994 relies on councils to make regionally specific rules to ensure maritime safety. • There is no existing legislation that makes regionally specific rules – for example pilotage rules for large vessels coming into Auckland’s waters, explosive safety zones and areas that are restricted and prohibited for large vessels. • The Bylaw is complementary to other regulations that large vessels, commercial ships and cruise ships must comply with.		
Is the Bylaw ‘fit for purpose’ (no change required)?		
✗ No. The Bylaw could be improved. Suggested improvements for any option to improve the Bylaw include to: ○ clarify rules to ensure they are certain and enforceable – for example, clause 52(1) regarding bunkering is currently unclear and difficult to enforce. ○ introduce a related information note or rule requiring large vessels to have anchors ready to deploy while operating in pilotage areas. Although this is currently a general maritime safety practice, formalising it in the Bylaw would reinforce expectations, support enforcement and help mitigate risks.		
Does the Bylaw comply with legislation?		
✓ Yes. A Bylaw about commercial and large vessel rules is provided for in the Maritime Transport Act 1994, does not directly or indirectly conflict with any other New Zealand statutes, and is not inconsistent with the New Zealand Bill of Rights Act 1990 (See Section 9).		
Options Assessment		
• Of the four possible options identified in Section 11, Options 3 and 4 are not evaluated further in this topic: ○ Option 3 (Replace) would not address the findings that the Bylaw is generally ‘fit for purpose’. ○ Option 4 (Revoke) would not address the findings that have a Bylaw about navigation safety is still appropriate. Below is a comparative assessment of Option 1 (Retain) and Option 2 (Amend) against criteria including effectiveness, efficiency, validity, and risks and mitigations.		
Option 1: Retain current Bylaw Retains current Bylaw’s rules about large and commercial vessels. Implementation • Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated enforcement approach (See ‘Bylaw Implementation’ Section).	Option 2: Amend current Bylaw • Amends current Bylaw rules about large and commercial vessels. • See ‘Is the Bylaw ‘fit for purpose’ (no change required)?’ for specific amendments. Implementation • Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated	

Effectiveness ✓ Findings indicate the Bylaw is helpful in minimising risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. ✗ However, the Bylaw could be improved as the Bylaw lacks rules regarding having anchors ready to deploy in certain areas to minimise risk of collisions. Efficiency ✓ In the short term, more efficient than Option 2 because the review process will require no further changes to existing rules and processes (no further expenditure or time) or further consultation. ✗ Less efficient as the Bylaw would not be preventing further minimising the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. Validity ✓ Valid (See ‘Does the Bylaw comply with legislation’). Risks and mitigation ✗ Council may be perceived as failing to take adequate measures to prevent vessel related fatalities, injuries, accidents, collisions, or damage. Option 2 mitigates this risk.	enforcement approach (See ‘Bylaw Implementation’ Section). Effectiveness ✓ More effective than Option 1. In addition to the finding that the current Bylaw is helpful, amending the Bylaw would better ensure maritime safety and minimise risks of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. ✓ May reduce risks to public safety and of collisions with new rules requiring vessels to have anchors ready to deploy. Efficiency ✗ In the short term, less efficient than Option 1, because the special consultative procedure must be used for council to amend the Bylaw. ✓ In the long term more efficient than Option 1 because amendments to the Bylaw will align with the purpose of to ensure maritime safety and minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. Validity ✓ Valid (See ‘Does the Bylaw comply with legislation’). Risks and mitigation ✓ Some people may perceive the amendments to the Bylaw as unnecessary or overly prescriptive. This risk is mitigated by the mandate, under Section 33M of the Maritime Transport Act 1994, to regulate and control the use or management of ships.
Recommendation	
Based on the above assessment against the criteria, Option 2 to amend the current Bylaw is the most appropriate way to further minimise risks of fatalities injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. This option would: • improve a proven approach to use a bylaw to manage vessel use on Auckland’s navigable waters. • introduce new rules to protect public safety and minimise risk of accidents, collisions damage and nuisance caused by large vessels not having anchors ready to deploy. • clarify some definitions and rules to ensure certainty. • be authorised by statute, not be repugnant to other legislation, not be unreasonable, not give rise to any implications, not be inconsistent with the BORA and meet current bylaw drafting standards.	

Topic 4: Controls and Approvals						
Explanation of Topic						
‘Controls’ refer to designated areas, specific construction and maintenance standards, and certain prohibitions and restrictions set by the Harbourmaster to ensure navigation safety. - The Harbourmaster has identified 13 restricted areas, 24 access lanes, 10 prohibited anchorages, one restricted anchorage and 14 reserved areas. These areas are identified in the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021. - Approvals are required for certain activities such as placing or using moorings, renewing existing approvals, or requesting exemptions. To obtain an approval, individuals must submit an application with the necessary information and pay fees. The Harbourmaster assesses applications on and alignment with the Bylaw’s purpose.						
Current Bylaw						
- Clause 61 of the Navigation Bylaw 2021 (Bylaw) gives the Harbourmaster power to make specific controls about navigation safety. These controls are specified in the Auckland Council Navigation Bylaw (Specific Areas and Conditions of Use) Control 2021 (the Control). The Maritime Transport (Infringement Fees for Offences—Auckland Council Navigation Bylaw 2021) Regulations 2021 made under the Maritime Transport Act 1994 provides infringement offences for breaches of the use of restricted areas, access lanes, prohibited and restricted anchorages, reserved areas and special reserved areas under the Bylaw. The Control specifies restricted areas, access lanes, prohibited and restricted anchorages, reserved areas, and special reserved areas. - Infringement fees range from \$200 - \$300.						
Bylaw Implementation						
- The Harbourmaster and his team (Maritime Officers) administer the Bylaw (GB/2021/68). Council uses a graduated compliance approach to enforcement - The Harbourmaster and officers use a graduated enforcement approach to ensuring maritime safety. The Harbourmaster team only has one vessel on the water at any given time, undertaking proactive and reactive patrols of Auckland’s navigable waters. - From January 2021 through the end of May 2025, the Harbourmaster has only issued four infringements relating to breaches in an area where a control is a place (see table below).						
Item	2021	2022	2023	2024	2025	
Failing to comply with conditions of use of an access lane	0	0	4	0	0	
Total	0	0	4	0	0	
- The Harbourmaster office has a phone-line that people can call when incidents happen or to report unsafe water safety practices. - The number of duty-officer calls per year are very high (see table below). Due to the way duty-officer callouts are recorded, staff are unable to categorise these numbers into specific topics.						
Year	2021	2022	2023	2024	2025	
Duty Officer calls	628	849	791	672	305	
Is there still a problem and is the problem the same?						
Yes. The problem remains similar to 2020 and continues to be the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland’s navigable waters. There is an inherent conflict of space between ferries and cruise ships in the Ferry Terminal Basin - The Auckland Ferry Terminal Basin experiences ongoing tension over how to share the space between public transport ferries and cruise ships schedules managed by Ports of Auckland. - The Basin is a confined area that must accommodate frequent ferry services operating on strict schedules. These schedules can be disrupted when cruise ships arrive or depart. Commuters have raised concerns about delays caused by cruise ship movements.						

- Cruise ships in the Ferry Terminal Basin can pose safety risks to passengers and ferries, with limited refuge from the impacts of cruise ship wash and diver activity.
- Ferry operators share an opinion that the basin should be reserved for ferries only.
- To ensure fair and equal access to the area, [Harbourmaster Directions](#) (available on Auckland Transport's website) set specific time restrictions for cruise ship berthing to avoid interference with peak ferry times. These time restrictions are longstanding and continue to be a point of contention.

Passenger ferries operate on Auckland's navigable water every day

- Passenger ferries account for nearly three million passenger movements annually.²⁵
- There are approximately 60 ferry sailings every day, transporting commuters across Auckland.
- Auckland ferry operators unanimously agreed that the speed limit in the Inner Waitemata Harbour is unsafe and inefficient for ferries. While the speed limit is important for smaller recreational vessels, they believe the 12-knot limit emits a large wake and can cause safety issues for other vessels in the vicinity. Passenger ferry vessels may emit a smaller wake and may be safer for those in the vicinity and on board when operated at approximately 18-knots.
- Under the current Bylaw, ferry operators may apply for an exemption to increase speed up to 18-knots on a scheduled passage in order to meet timetabling expectations.

Waitemata Harbour Restricted Zone creating congestion and safety issues

- Ferry operators suggest the Waitemata Harbour Restricted Zone (map 7.0) needs to be redesigned because the current layout funnels all vessels into a single narrow area to maintain speed, which creates congestion and increases safety risks.
- Inbound passenger ferries tend to maintain speed through the funnelled area in an effort to stay on schedule, which further exacerbates the safety concerns.
- Ferry operators suggest a redesign, allowing for a more angled approach between the landmarks of North Head and Bastion Point, rather than forcing all traffic into the same confined path, would assist congestion and safety issues.

Harbourmaster has identified additional areas of high risk

- The Harbourmaster has identified several areas within Auckland's navigable waters as having unique safety risks, such as Horne Rock, Tāmaki Rowing Precinct, the Harbour Bridge and Simpson Rock.
- The Harbourmaster recommends placing these areas under controls with conditions, to protect public safety.
- These locations are frequently used or present navigational hazards, increasing the potential for accidents, damage, or collisions.

Anchoring in certain areas can cause damage or limit access

- There are currently no enforceable rules preventing vessels from anchoring directly over submarine power cables, despite warnings on nautical charts. Anchoring on these cables poses a significant risk to infrastructure and could cause serious damage (potentially disrupting power supply to areas like Waiheke Island).²⁶

Vessels near Auckland Airport may cause risks

- Auckland Airport has reported that jetskis travelling at speed through Pukaki Creek (under the Puhinui Road Bridge) are startling birds nesting in the mangroves. This sudden disturbance causes flocks to take flight toward the airport runways, creating a potential navigation and aviation hazard.
- Section 33M(1)(d) of the Maritime Transport Act 1994 mandates the making of navigation bylaws to prevent nuisances arising from the actions of persons or things on the water.

²⁵ Daily Patronage by Mode between 1 July 2024 and 29 June 2025, Auckland Transport, July 2025

²⁶ Chart symbols and shore-side markers (such as white triangle marks) indicate cable locations and advise against anchoring within 50 metres.

Is the Bylaw's desired objectives or outcomes the same?		
✓ Yes. The objectives are similar to those defined in 2020. The outcome sought could be improved to be more topic specific.		
	2020 Review	2024 Review
Objective	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.	To help minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters.
Outcome	To help protect public safety, protect the public from nuisance and protect public assets from damage.	Aucklanders can safely access recreational, commercial and cultural activities on Tāmaki Makaurau's navigable waters through measures that protect public safety and reduce the risk of collisions, damage and nuisance.
Has the Bylaw helped achieve its desired objectives and outcomes?		
✓ Yes. The Bylaw and associated Control has helped address the problem and contribute to achieving the objective and outcome.		
The Bylaw is consistently used by the Harbourmaster - The Bylaw's controls are consistently used to prevent and address problems through placing conditions on specific areas of Auckland's navigable waters. - The controls have helped protect people in areas where the risk of accidents, collisions and nuisance is higher. Their effectiveness is demonstrated by the low number of incidents reported in these locations, indicating safer conditions for those using the harbour. - Approvals are consistently used to issue moorings licences (see Topic 2 for analysis on mooring licensing structure). The Bylaw fills a regulatory gap (see Current Bylaw) - The Bylaw promotes regionally specific rules such as restricting certain types of vessels from specific areas, reserving areas for swimmers and non-power-driven vessels and restricting areas for large vessels. - These issues are not addressed in the Maritime Rules or in national legislation. Compliance appears high - Despite the high level of activity on Auckland's navigable waters, enforcement data indicates low levels of formal compliance action, with only four infringements issued between June 2021 and June 2025.		
Is a Bylaw still the best way to address the problem (no better alternatives)?		
✓ Yes, the Bylaw is still the best way to address the problem. - There are no feasible alternatives. The Maritime Transport Act 1994 relies on councils to make regionally specific rules to ensure maritime safety. - There is no existing legislation that makes regionally specific rules for prohibiting recreational vessel access in the Ferry Terminal Basin or providing access lanes from the shore to allow power-driven vessels to enter and depart the water safely. - The Controls are complementary to other parts of the wider regulatory and strategic framework.		

Is the Bylaw 'fit for purpose' (no change required)?	
• Yes. However, the Bylaw could be improved. Suggested improvements for any option to improve the Bylaw include to: ○ better manage and protect specific high-use or sensitive areas, including Horne Rock, Tāmaki River Rowing Precinct, the Harbour Bridge, and Simpson Rock. These areas present safety, navigational, or operational concerns that may require tailored rules to support safe and efficient use. ○ formalise longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin to ensure fair and equal access and reduce commuter disruption ○ clarify maps to be easier to interpret ○ amend map 7.0 to allow a wider approach for ferries in the Inner Waitemata Harbour ○ prohibit anchoring within 50 metres of a submarine cable to prevent damage to cables ○ make an 'exclusion zone' around Auckland Airport to prevent power-driven vessels from operating in the area creating risks for aviation and maritime safety. Suggested improvements in findings not recommended at this time include an 18-knot speed limit for passenger ferries within the Inner Waitemata Harbour. The Bylaw currently allows for ferry operators to apply for an exemption in the circumstances where a passenger ferry needs to exceed the 12-knot speed limit.	
Does the Bylaw comply with legislation?	
✓ Yes. A Bylaw about commercial and large vessel rules is provided for in the Maritime Transport Act 1994, does not directly or indirectly conflict with any other New Zealand statutes, and is not inconsistent with the New Zealand Bill of Rights Act 1990 (See Section 9).	
Options Assessment	
• Of the four possible options identified in Section 11, Options 3 and 4 are not evaluated further in this topic: ○ Option 3 (Replace) would not address the findings that the Bylaw is generally 'fit for purpose'. ○ Option 4 (Revoke) would not address the findings that have a Bylaw about navigation safety is still appropriate. Below is a comparative assessment of Option 1 (Retain) and Option 2 (Amend) against criteria including effectiveness, efficiency, validity, and risks and mitigations.	
Option 1: Retain current Bylaw • Retains current Bylaw rules about Approvals and Controls. Implementation • Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated enforcement approach (See 'Bylaw Implementation' Section). Effectiveness ✓ Findings indicate the Bylaw and Controls are helpful in minimising risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters. ✗ However, the Bylaw could be improved to ensure maritime safety in specific areas such as the Harbour Bridge, Horne Rock and Tāmaki River Rowing Precinct and the Waitemata Harbour Restricted Zone.	Option 2: Amend current Bylaw • Amends current Bylaw rules about Approvals and Controls. ✓ See 'Is the Bylaw 'fit for purpose' (no change required)?' for specific amendments. Implementation • Harbourmaster / Maritime Officers and Police continue to enforce the Bylaw using a graduated enforcement approach (See 'Bylaw Implementation' Section). Effectiveness ✓ More effective than Option 1. In addition to the finding that the current Bylaw is helpful, amending the Bylaw would better ensure maritime safety and minimise risks of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters. ✓ Formalises longstanding Harbourmaster Directions about the Auckland Ferry Terminal Basin to ensure fair and equal access.

✗ Relies on longstanding Harbourmaster Directions to manage conflicts for space in the Ferry Terminal Basin. ✗ Does not provide rules for anchoring near submarine cables. Efficiency ✓ In the short term, more efficient than Option 2 because the review process will require no further changes to existing rules and processes (no further expenditure or time) or further consultation. ✗ Less efficient as the Bylaw would not be preventing further minimising the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters. Validity ✓ Valid (See 'Does the Bylaw comply with legislation'). Risks and mitigation ✗ Council may be perceived as failing to take adequate measures to prevent vessel related fatalities, injuries, accidents, collisions, or damage. Option 2 mitigates this risk.	✓ Introduces rules for anchoring near submarine cables, reduces risk of damage. ✓ Introduces an exclusion zone for powered vessels around Auckland Airport to reduce the risk of startling birds which can cause risks to aviation and maritime safety. Efficiency ✗ In the short term, less efficient than Option 1, because the special consultative procedure must be used for Council to amend the Bylaw. ✓ In the long term more efficient than Option 1 because amendments to the Bylaw will align with the purpose of to ensure maritime safety and minimise the risk of fatalities, injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters. Validity ✓ Valid (See 'Does the Bylaw comply with legislation'). Risks and mitigation ✓ Some people may perceive the amendments to the Bylaw as unnecessary or overly prescriptive. This risk is mitigated by the mandate, under Section 33M of the Maritime Transport Act 1994, to regulate and control the management of vessels and reserve the use of any waters for specified persons or ships.
Recommendation	
Based on the above assessment against the criteria, Option 2 to amend the current Bylaw is the most appropriate way to further minimise risks of fatalities injuries, nuisance, accidents, collisions and damage on Auckland's navigable waters. This option would: • improve a proven approach to use a bylaw to manage vessel use on Auckland's navigable waters. • introduce new controls to protect public safety and minimise risk of accidents, collisions damage and nuisance caused by things in or on the water such as submarine cables or rocks. • formalise longstanding rules about the Auckland Ferry Terminal Basin to ensure fair and equal access and reduce commuter disruption. • clarify maps to be easier to interpret and amend map 7.0 to allow a less narrow approach for ferries in the Inner Waitemata Harbour. • be authorised by statute, not be repugnant to other legislation, not be unreasonable, not give rise to any implications, not be inconsistent with the BORA and meet current bylaw drafting standards.	