



AGENDA

HORIZONS REGIONAL COUNCIL

MANAWATU RIVER USERS' ADVISORY GROUP

Submissions Hearing Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010

Notice is given of Submissions Hearings to be held at
Horizons Regional Council offices
11 – 15 Victoria Avenue, Palmerston North

Tuesday, 1 June 2010

Approximately 7.40pm
(at the conclusion of the Manawatu River Users' Advisory Group Meeting)

**RECOMMENDATIONS IN REPORTS ARE NOT
COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

NEWS EMBARGO

Items in this agenda may be subject to amendment or withdrawal at the meeting. Items are embargoed until two days before the date of the meeting.

Reporters who do not attend the meetings should seek confirmation of the agenda material or proceedings from the Chief Executive prior to any media reports.

for further information regarding this agenda, please contact:
Julie Kennedy, 06 9522 800

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MANAWATU RIVER USERS' ADVISORY GROUP

SUBMISSIONS HEARING

Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010

Tuesday, 1 June 2010	Tararua Room Regional House 11-15 Victoria Avenue Palmerston North
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COMMITTEE MEMBERS

Crs LR Burnell (Chairman) and L Bailey

Tuesday, 1 June 2010

Time	Item	Detail	Page
Approx. 7.40 pm	1.	Apologies	
	2.	Late Submissions	
	3.	Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 (<i>Incl. Annex A</i>) <i>Report No. 10-78</i> <i>File No. PEM 3 04</i>	1 - 26
	4.	Format for Oral Submissions <i>Report No. 10-79</i> <i>File No. PEM 3 04</i>	27 - 28
Approx. 7.45pm		Central Districts Branch Jet Boating NZ Incorporated (<i>Brian Eccles</i>) (Pgs 17 – 19)	
Approx. 8.05pm		Central Districts Branch Jet Boating NZ Incorporated (<i>Brian Eccles</i>) (Pgs 20 – 22)	
Approx. 8.25pm		Tanenuiarangi Manawatu Incorporated (TMI) (<i>Paul Horton</i>) (Pgs 23 – 24)	
	5.	Format for Written Submissions <i>Report No. 10-80</i> <i>File No. PEM 3 04</i>	29

M J McCartney
CHIEF EXECUTIVE

A Significant decision? If Yes	N
Do recommendations meet Significance Policy and LGA requirements?	

Item No: 3
Date: 01/06/2010
Report No: 10-78
File No: PEM 3 04

PROPOSED MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAW 2010

PURPOSE

1. The purpose of the hearing is to consider submissions to the Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010.

FINANCIAL IMPACT

2. There is no additional financial impact.

BACKGROUND

3. Under the Local Government Act 2002 Horizons Regional Council is required to review the *Manawatu River and Tributaries Navigation and Safety Bylaws 2004* by 1 August 2009, being five years since it became operative.
4. After informal consultation with the Manawatu River Users' Advisory Group, a proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 was publicly notified on 30 January 2010.
5. The submission period closed on 29 February 2010. Additional consultation was carried out with iwi to 9 April 2010.
6. A total of four submissions were received, with three submitters wishing to speak to their submissions.
7. A Summary of Submissions and Report to the Hearing Committee has been prepared. This report comprises a register of all submitters, a summary of all submissions with officer comments, and recommendations to the Hearing Committee. Copies of all submissions received are reproduced in full and attached as an appendix to the report.

COMMENT

8. The Summary of Submissions and Report to the Hearing Committee is attached as Annex A.

RECOMMENDATIONS

9. It is recommended that the Manawatu River Users' Advisory Group:
 - a. **receives** the Hearing Report and **considers** the recommendations contained therein.

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION

Evan Lloyd
HARBOURMASTER

ANNEX

- A Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 – Summary of Submissions and Report to the Hearing Committee

Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010

Summary of Submissions and Report to the Hearing Committee



Author
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Risk Management Coordinator

May 2010
ISBN: 978-1-877556-11-1
Report No: 2010/EXT/1085

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1. Introduction

Under the Local Government Act 2002 Horizons Regional Council is required to review the *Manawatu River and Tributaries Navigation and Safety Bylaws 2004* by 1 August 2009, being five years since it became operative.

After informal consultation with the Manawatu River Users' Advisory Group, the proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 was drafted and publicly notified on 30 January 2010.

The submission period closed on 29 February 2010. Additional consultation was carried out with iwi to 9 April 2010.

A total of four submissions were received, with two submitters wishing to speak to their submissions.

Part 1 of this report contains a list of all of the submitters to the proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 (listed in alphabetical order), a summary of all submissions received, and the decision sought.

Part 2 addresses the submissions in more detail.

The full submissions as they were received are attached as Appendix A.

PART 1: REGISTER OF SUBMITTERS AND SUMMARY OF SUBMISSIONS

Table 1.1 Register of Submitters to Horizons' Proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010 (listed alphabetically by organisation name). An asterisk (*) following the name of the submitter indicates those who wish to speak at the hearing.

Submission Number	Name of Submitter	Address
1	Jet Boating NZ Inc. Central District Branch *	c/- Brian Eccles 29 Konini Street MASTERTON
2	Jet Boating NZ Inc. Central District Branch *	c/- Brian Eccles 29 Konini Street MASTERTON
3	Horizons Regional Council	Private Bag 11025 Manawatu Mail Centre PALMERSTON NORTH 4442 Attn: Harbourmaster
4	Tanenuiarangi Manawatu Incorporated (TMI) *	c/- Paul Horton PO Box 1341 PALMERSTON NORTH

Table 1.2 Summary of submissions received and decision requested.

	Submission Point Number	Section of Bylaw	Submission Point	Decision Sought	Recommendation
1	1a	Subclauses 3.2.4 & 3.2.5 Schedules 1 and 2	Speed restriction over the 'City Reach'.	Uplift the speed restriction between the SH3 Bridge at Ashhurst and Jackeytown Road during the period 1 April to 30 September each year but excluding Personal Water Craft.	Accept in principle
2	2a	Subclause 3.2.5(c)	Speed restriction in Ashhurst Domain Recreational Area.	Completely remove the speed restriction for the Ashhurst Domain Recreational Area.	Accept in part
3	3a	Subclause 3.2.4	Conflicting provision.	Replace paragraph 3.2.4 with: Subject to Subclauses 3.2.1 (a) and (c), 3.2.2 and 3.2.3, in the areas described in Schedule 2, vessels may exceed a proper speed of five knots at all other times during the year in these areas unless directed not to by the Harbourmaster or an Enforcement Officer.	Accept
3	3b	Subclause 3.2.5, Schedules 1 and 2	Foxton River Loop speed restrictions.	Replace 3.2.5 (d) with: <i>No person shall propel or navigate a vessel at a proper speed exceeding five knots in the Foxton River Loop between 'Speir's Corner' and the corner adjacent the Water Tower.</i> Delete paragraph 3.2.5 (e) Amend Bylaw Limit map in Schedule 1 to reflect speed limits in the Loop. Add the Foxton River Loop to Schedule 2.	Accept
4	4a	N/A	Consultation with mandated iwi authority.	No change	No change

PART 2: OFFICERS REPORT AND RECOMMENDATIONS TO THE HEARING COMMITTEE

Submission Point: Speed restrictions in 'City Reach'

Sections of Proposed Bylaw: Subclauses 3.2.4 and 3.2.5. Schedules 1 and 2

Submission made in: Opposition

Submitter:

Submission Number	Submission Point	Name of Submitter
1	1a	Jet Boating NZ Central Districts Branch

Issue:

While a speed uplifting exists on much of the Manawatu River, the section from SH3 Bridge at Ashhurst to Jackeytown Road remains restricted to five knots.

This section of water has high value to members of Jet Boating NZ Central Districts Branch.

Decision Sought:

Uplift the speed restriction for the Manawatu River from SH3 Bridge at Ashhurst to Jackeytown Rd during the period 1 April to 30 September but excluding the period one week before and one week after duck shooting opening day, and excluding Personal Water Craft.

Comment:

This issue has been discussed at MRUAG meetings in the past with no opposition raised. The Harbourmaster has informally consulted with PNCC planning staff, Ruahine White Water Club and Palmerston North Canoe Club, also with no opposition raised.

It would be more consistent with the current wording and structure of the Bylaw to uplift the speed on the entire Manawatu River and then restrict speed to five knots during the period **1 November to 28 February** each year between the Pohangina River junction and Jackeytown Road. This is the same summer period where speed is currently restricted in the Ashhurst Domain Recreational Area.

Personal Water Craft are not particularly suited to the stony river environment of the 'City Reach', but exclusion would ensure their activities remain in the lower reaches of the Manawatu River.

Recommendations to the Hearing Committee:

Accept in principle. Extend the requested speed uplifted period to 1 March – 31 October each year and amend proposed Bylaw.

Submission Point: Speed restrictions in 'Ashhurst Domain Recreational Area'

Sections of Proposed Bylaw: Subclause 3.2.5 (c)

Submission made in: Opposition

Submitter:

Submission Number	Submission Point	Name of Submitter
2	2a	Jet Boating NZ Central Districts Branch

Issue:

The Manawatu River between SH3 Bridge at Ashhurst and Pohangina River junction (Ashhurst Domain Recreational Area) currently has a speed restriction during the period 1 November to 28 February each year. At all times of the year the domain is a popular area to launch boats so that they may travel up to the White Horse Rapids and beyond. It is not feasible to launch at the up-stream end of area therefore boats must travel through the restricted area at speed greater than five knots.

Decision Sought:

Completely remove the speed restriction for the Ashhurst Domain Recreational Area.

Comment:

PNCC Councillors Bruce Wilson and Anne Podd canvassed the Ashhurst community for opinion on this matter. The few written comments are generally not in favour of a change but possibly also reflect a lack of understanding of the Bylaw and rules that would remain extant even if the restriction was removed. For instance; speed must not exceed five knots within 50 metres of any person in the water.

The Ashhurst Domain Recreational Area is popular in summer for swimming and canoeing. It would be inconsistent to remove the summer (1 November – 28 February) restriction from this area only to apply a restriction for the same period from SH3 Bridge at Ashhurst to Jackeytown Road.

While it is accepted that the vast majority of jet boaters operate in a safe and responsible manner, the removal of the summer speed restriction in the Ashhurst Recreational Area would pose a small but increased risk to swimmers.

A compromise could be considered that adds a caveat to Subclause 3.2.5 (c):

“Jet boats may exceed five knots while transiting in and out of the Ashhurst Domain Recreational Area only if there are no other recreational users in the vicinity”.

or

“Jet boats may exceed five knots while transiting in and out of the Ashhurst Domain Recreational Area only with the consent of other recreational users and only if they can do so without compromising the safety of those users”.

Recommendations to the Hearing Committee:

Accept in part. Retain Subclause 3.2.5(c) restricting the area to five knots but add a caveat that allows jet boats to transit under certain conditions.

Submission Point: Conflicting provisions.

Sections of Proposed Bylaw: Subclause 3.2.4

Submission made in: Opposition

Submitter:

Submission Number	Submission Point	Name of Submitter
3	3a	Horizons Regional Council

Issue:

Subclause 3.2.4 is the clause that ‘uplifts’ the five knot speed restriction for the areas described in Schedule 2. The wording in the 2004 Bylaw, and proposed 2010 Bylaw, gets into a circular argument of allowing vessels to exceed five knots, but subject to a sub-clause that restricts speed to five knots within 200 metres of shore (Subclause 3.2.1 [b])

Decision Sought:

Replace paragraph 3.2.4 with:

Subject to Subclauses 3.2.1 (a) and (c), 3.2.2 and 3.2.3, in the areas described in Schedule 2, vessels may exceed a proper speed of five knots at all other times during the year in these areas unless directed not to by the Harbourmaster or an Enforcement Officer.

Comment:

Nil

Recommendations to the Hearing Committee:

Accept and amend the proposed Bylaw.

Submission Point:

Foxton River speed restrictions

Sections of Proposed Bylaw: Subclause 3.2.5, Schedules 1 and 2

Submission made in: Opposition

Submission Number	Submission Point	Name of Submitter
3	3b	Horizons Regional Council

Issue:

On 18 February the Harbourmaster (facilitated by Manawatu Coastguard) visited the Foxton River Loop in order to determine appropriate speed within various sections of the Loop, and identify suitable locations for five-knot signage.

It was clear that a 15-knot speed restriction originally proposed is not required on the section of the Loop from The Cut to Speir's Corner. It was also clear that a five-knot restriction from the 'Water Tower' to the end of the navigable water would be unnecessarily restrictive.

Decision Sought:

Replace Subclause 3.2.5 (d) with:

"No person shall propel or navigate a vessel at a proper speed exceeding five knots in the Foxton River Loop between 'Speir's Corner' and the corner adjacent the Water Tower".

Delete Subclause 3.2.5 (e).

Amend Bylaw Limit map in Schedule 1 to reflect amended speed limits.

Add the Foxton River Loop to Schedule 2:

Recommendations to the Hearing Committee:

Accept and amend the proposed Bylaw.

Submission Point: Consultation with mandated iwi authority

Sections of Proposed Bylaw:

N/A

Submission made in: Comment

Submitter:

Submission Number	Submission Point	Name of Submitter
4	4a	Tanenuiarangi Manawatu Inc. (TMI)

Issue:

Tanenuiarangi Manawatu Inc. (TMI) is the mandated iwi authority on behalf of Rangitaane Ō Manawatu (ROM). ROM has cultural and spiritual connections to the waterways in the region not recognised in consultation process. TMI request that they be given the opportunity to consider the effects the activity will have on ROM cultural resources and connections. They also seek an explanation as why they have been excluded from the MRUAG and discussion over the drafting of the proposed bylaw.

The Bylaw does not make any reference to restricted zones related to ROM waahi tapu, urupa or koiwi sites situated on or under the current river beds, nor any mitigation of cultural impacts on the activity related to that covered by this bylaw on culturally important waterways.

Decision Sought:

Nil.

Comment:

Evan Lloyd and Richard Munneke form Horizons Regional Council met with Paul Horton from TMI on 16 March 2010 to discuss the Tanenuiarangi o Manawatu Inc (TMI). The meeting was productive and valuable with both parties gaining a better understanding of the issues involved.

The Bylaw is an operationally focussed document specifically for navigation and safety. Issues relating to waahi tapu, urupa and koiwi site are addressed in other Horizons Regional Council documents such as the OnePlan.

It was understood at the meeting that TMI would not be making further submission to any particular part of the proposed Bylaw. The importance of maintaining communication in the future was also acknowledged.

Specific consultation with iwi was also undertaken through a number of letters to representative iwi authorities dated 16 March 2010. No additional submissions were received.

Recommendations to the Hearing Committee:

No change.

Appendix A

Jet Boating New Zealand Incorporated: *Brian Eccles*

Submission 1 – Manawatu River

Submission 2 – Ashhurst Domain

Tanenuiarangi Manawatu Incorporated (TMI): *Paul Horton*

Horizons Regional Council: *Evan Lloyd*

JET BOATING NEW ZEALAND INCORPORATED

TO:

THE HARBOURMASTER
HORIZONS REGIONAL COUNCIL
PALMERSTON NORTH

FILE No. PEM 3 04				
DATE 27 FEB 2010				
INITIALS	INFO	ACTION	COPY TO	SIGNED
Even				
01457				

FROM:

CENTRAL DISTRICTS BRANCH
JET BOATING NZ INCORPORATED

SUBMISSION ON REVIEW OF MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAWS 2004

SUBMISSION 1 - MANAWATU RIVER

1. Introduction

- 1.1. Jet Boating New Zealand Incorporated (JBNZ) represents 2000 members throughout New Zealand and has a history of promoting recreational jet boating on lakes and rivers for more than 40 years. The 50th anniversary of recreational jet boating took place in early 2004.
- 1.2. From its inception, JBNZ has played an active part in promoting recreational boating on lakes and rivers throughout New Zealand, including consultation and participation in the introduction of the Water Recreation Regulations in 1979. The process included the gazetted speed upliftings of the regulations to provide for recreational jet boating legally above the 5 knot speed limit. That gazettal process provides for recreational boating as approved initially by the marine division of the Ministry of Transport.
- 1.3. Further, JBNZ has actively represented its members following the introduction of the Resource Management Act 1991, to ensure that recreation jet boating is provided for, within regional and district planning processes. Participation has ensured that all environmental aspects have been addressed.
- 1.4. When Horizons Regional council initially developed the Manawatu River Harbour Bylaws JBNZ assisted with all stages of this process to ensure that recreational jet boating was provided for under the bylaws.
- 1.5. Since the introduction of the Bylaws JBNZ members have made extensive use of the rivers covered by the speed upliftings. During this period there have been no significant issues relating to navigational safety concerns created by recreational boating on these rivers.

2. Key issues for JBNZ

- 2.1. The primary purpose of JBNZ is to support and enhance recreational boating activities on the lakes and rivers of New Zealand.
- 2.2. Further, JBNZ supports the purpose of section 6 (d) of the resource management Act 1991, which confirms that it is a matter of national importance that consent authorities recognise and provide for public access to and along the margins and surface of lakes and rivers; which includes for recreational boating.

3. JBNZ Submission

3.1. Background

- 3.1.1. The section of the Manawatu River that runs from the State Highway 3 Bridge at Ashhurst down to where the river passes Jackytown Road does not currently have any speed uplifting to enable recreational jet boat use.
- 3.1.2. From time to time JBNZ applies to Horizons for a one day uplifting for this section to allow for specific events.
- 3.1.3. This section of the river has high value to our members, being one of the few areas in the region offering safe shallow water boating while requiring low to medium skill to navigate – qualities many of our newer members seek. These qualities do not exist further down the river, nor do they exist further up this, or in other rivers in the region.
- 3.1.4. It is recognised that during summer months this river is used for swimming and other passive surface of water activities. However during winter months such use is minimal.
- 3.1.5. It is also recognised that one day upliftings are not an ideal solution for our members.
 - 3.1.5.1. There is a significant cost to publicise the event
 - 3.1.5.2. More importantly, should weather or river conditions not be suitable on the day, the opportunity to enjoy this river resource is lost.
 - 3.1.5.3. Our members seek more access than is currently provided.

3.2. The Submission

- 3.2.1. JBNZ submits that the revised Bylaws should include an uplifting of the speed restrictions :-
 - 3.2.1.1. For the section of the Manawatu River from the State Highway 3 Bridge at Ashhurst, down to where the river passes Jackytown Road .
 - 3.2.1.2. During the period from the 1st April to 30th September each year but excluding the period one week before and one week after the opening duckshooting weekend.
 - 3.2.1.3. And Excluding Personal Water Craft
 - 3.2.1.4. The clause to uplift should be 3.2.1 (b)



.....

B. M Eccles
Authorised to sign on behalf of
Jet Boating New Zealand Incorporated
17th Feb 2010

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Jet Boating NZ Inc
c/- Mr B Eccles
29 Konini Street
Masterton 5810

To:
Harbourmaster
Horizons Regional Council
Private Bag 11025
Palmerston North Mail Centre
Palmerston North

JET BOATING NEW ZEALAND INCORPORATED

TO: THE HARBOURMASTER
HORIZONS REGIONAL COUNCIL
PALMERSTON NORTH

FROM: CENTRAL DISTRICTS BRANCH
JET BOATING NZ INCORPORATED

**SUBMISSION ON REVIEW OF MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY
BYLAWS 2004**

SUBMISSION 2 – ASHHURST DOMAIN

1. Introduction

- 1.1. Jet Boating New Zealand Incorporated (JBNZ) represents 2000 members throughout New Zealand and has a history of promoting recreational jet boating on lakes and rivers for more than 40 years. The 50th anniversary of recreational jet boating took place in early 2004.
- 1.2. From its inception, JBNZ has played an active part in promoting recreational boating on lakes and rivers throughout New Zealand, including consultation and participation in the introduction of the Water Recreation Regulations in 1979. The process included the gazetted speed upliftings of the regulations to provide for recreational jet boating legally above the 5 knot speed limit. That gazettal process provides for recreational boating as approved initially by the marine division of the Ministry of Transport.
- 1.3. Further, JBNZ has actively represented its members following the introduction of the Resource Management Act 1991, to ensure that recreation jet boating is provided for, within regional and district planning processes. Participation has ensured that all environmental aspects have been addressed.
- 1.4. When Horizons Regional council initially developed the Manawatu River Harbour Bylaws JBNZ assisted with all stages of this process to ensure that recreational jet boating was provided for under the bylaws.
- 1.5. Since the introduction of the Bylaws JBNZ members have made extensive use of the rivers covered by the speed upliftings. During this period there have been no significant issues relating to navigational safety concerns created by recreational boating on these rivers.



2. Key issues for JBNZ

- 2.1. The primary purpose of JBNZ is to support and enhance recreational boating activities on the lakes and rivers of New Zealand.
- 2.2. Further, JBNZ supports the purpose of section 6 (d) of the resource management Act 1991, which confirms that it is a matter of national Importance that consent authorities recognise and provide for public access to and along the margins and surface of lakes and rivers; which includes for recreational boating.

3. JBNZ Submission

3.1. Background

- 3.1.1. The section of the Manawatu River that runs past the Ashhurst Domain currently has a part of the year speed restriction as detailed in 3.2.5 (c) of the proposed bylaws.
- 3.1.2. It is recognised that during summer months this river is used for swimming and other passive surface of water activities.
- 3.1.3. At all times of the year the domain is a popular area to launch boats so that they may travel up to the White Horse rapids in the Manawatu Gorge and if flow permits further up the river.
- 3.1.4. This area typically has a broad shallow fan rapid in the upper half of the designated low speed territory.
- 3.1.5. It is not feasible to launch above the fan rapid. This means that in order to access the gorge section, a boat must exceed 5 knots within the speed restricted area.

3.2. The Submission

- 3.2.1. JBNZ submits that the revised Bylaws should include a change to the speed restrictions for the section of water between the confluence of the Pohangina River and the State Highway 3 bridge:-
- 3.2.1.1. Only clause be 3.2.1 (b) should be uplifted
- 3.2.1.2. The period should apply to any time of the year.

3.3. Explanation of the submission

- 3.3.1. By maintaining clause 3.2.1 (a) river user safety is maintained in an enforceable way. A 50 meter buffer zone adds a significant level of comfort for swimmers, rafters and kayakers.
- 3.3.2. This requirement should be enforced with clear signposting in this area.

4. Conclusion

- 4.1. JBNZ wishes to be heard in support of this submission.

3.3. Explanation of the submission

- 3.3.1. The April start date ensures that any potential safety risk created by swimmers and other recreational use is effectively mitigated as such use is minimal from April onwards.
- 3.3.2. An exclusion that covers the period of one week before and one week after the beginning of duck shooting is also required. This favours both the hunters and the safety of our members. Opening weekend is the first weekend in May.
- 3.3.3. Closing the period when the new fishing season begins in October minimises any potential conflict with anglers enjoying their new fishing license.
- 3.3.4. Any potential noise nuisance is likely to occur with the boundaries of Palmerston North City.
- 3.3.4.1. Noise nuisance is managed under the Palmerston North District plan.
- 3.3.4.2. This plan recognises that noise is the only potential conflict from surface of water activities.
- 3.3.4.3. Our experience is that the proposed use will not cause any noise nuisance, provided PWC are excluded.
- 3.3.5. Uplifting of clause 3.2.1 (b) allows speed in excess of 5 knots at less than 200 meters from the shore. However clause (a) will still be in place, restricting the speed to 5 knots or less when the craft is within 50 meters of another vessel, raft or person in the water. Not all rivers permit use with this rule in place, but for this river this is an acceptable restriction. It adds a significant level of protection to swimmers, rafters and kayakers. 50 meters is a significant margin.

4. Conclusion

- 4.1. JBNZ wishes to be heard in support of this submission.



B. M Eccles
 Authorised to sign on behalf of
 Jet Boating New Zealand Incorporated
 17th Feb 2010

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 29 Konini Street
 Masterton 5810

To:
 Harbourmaster
 Horizons Regional Council
 Private Bag 11025
 Palmerston North Mail Centre
 Palmerston North



Te Mauri O Rangitaane O Manawatu (Council of Elders)
Tanenuiarangi Manawatu Incorporated (Mandated Iwi Authority)
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12th February 2010
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 Att. Michael McCartney

Tūturu Pūmau
 Te Hōtu Manawa O Rangitaane O Manawatu Marae
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PEM 304				
18 FEB 2010				
INITIALS	INFO	DATE	COPY TO	SIGNED
Michael			✓	18.2.10
Evian			✓	18.2.10

Review of the Manawatu River and Tributaries Navigation and Safety Bylaws 2004.

Tena koe Michael

Nga mihi nui ki a koe i roto i nga tini ahuatanga o te wa nei.

01369

Tanenuiarangi Manawatu Incorporated (TMI), the mandated iwi authority on behalf of Rangitaane O Manawatu (ROM) through Te Ao Turoa Environmental Centre would like present our view on this draft bylaw;

1. ROM has significant cultural links to the waterways of our region spanning several hundred years, our cultural connection relates to both fresh water and inshore waterways the Western coastlines of the lower North Island which we are charged with protecting and have an expectation of inclusion in management processes.
2. ROM's rohe covers much of the Manawatu plains, our boundary extends inland along the southern bank of the Rangitikei River from the mouth up stream to the Orangipango Trig, in the North East near Ohingaiti. From there the boundary travels across the lowland hill country in a straight line to Te Hekenga Peak on the axial ridge of the Ruahine Range, following the summit ridgeline south along the Ruahine and Tararua Ranges down to the Taramea Trig in the skyline behind Levin. From this point our boundary crosses the plans westward to the mouth of the Manawatu River, thence northwards along the coast back to the mouth of the Rangitikei River.
3. There are several hundred Rangitaane waahi tapu sites situated within this area, either on, or near, the majority of our region's waterways which makes this bylaw review an important one for us as Mana Whenua.
4. There are two parts to our submission;

Firstly we have cultural and spiritual connections to the waterways in this region and have clear historic usage and occupancy on and along the waterways targeted by this bylaw change which has not been identified in the notification or consultative processes

Secondly; The bylaw has no reference to restricted access zone related to ROM waahi tapu, urupa, or koiwi sites situated on or under the current river beds, nor any mitigation of cultural impacts of the activity related to that covered by this bylaw on cultural important waterways.

Ka kabutia i te korowai, Te Rangimarie, Te Aroha, Te Whakaiti, Ka Whakapuawai he iwi humaarie
 Spread the cloak of Peace and Love, so shall blossom the people of humility



5. We have had years of consultation and interactions with local, and territorial authorities regarding the protection of the freshwater resources important to ROM, who also recognise or role as **mana whenua** and tangata tiaki.

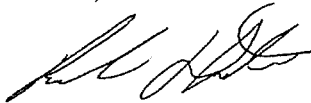
Sadly, the current external resource management around our taonga both meta-physical and environmental has seen much of the evidence for ROM occupancy destroyed though public works activities, and a combination of public ignorance and mismanagement practices by local authorities.

6. Tanenuiarangi o Manawatu wish to signal that this in another example of mismanagement of our cultural resources by the consenting authority in that we have not been given the opportunity to consider the effect the activity will have on ROM cultural resources and connections. Nor does the bylaw outline how impacts on our waahi tapu site under or along the river will be mitigated or managed in any way.
7. TMI are also concerned with the third page of the Draft bylaw highlighted in yellow states the document has been "prepared in consultation with the organisations that make up the Manawatu River User's Advisory Group" we wish to seek an explanation from the chair of this group and Horizons as to why TMI as the mandated iwi authority was excluded from this group and the discussion over the drafting of this document when our usage and tekanga predates the formation of this group by several hundred years.

We wish to be heard in regard to our submission.

Thank you for allowing us this opportunity to present our submission and on behalf of ROM we look forward to consulting with you; if you require any further information or wish to discuss any of the above please don't hesitate to contact the undersigned.

Heoi ano,




Paul Horton
Environmental Officer
Te Ao Turoa

Tanenuiarangi o Manawatu Inc.
PO Box 1341, 140-148 Maxwell's Line
Palmerston North
Phone 06 353 1881 ext 700
Fax 06 353 1880
Email paul@rangitanne.iwi.nz

26 February 2010

Chief Executive
Horizons Regional Council
Private Bag 11025
PALMERSTON NORTH

File ref: PEM 3 04
2010
EML/JMCK

Dear Mr McCartney

**SUBMISSION ON PROPOSED MANAWATU RIVER AND TRIBUTARIES
NAVIGATION AND SAFETY BYLAW 2010**

I make this submission as the Horizons Regional Council officer responsible for the review of the Manawatu River and Tributaries Navigation and Safety Bylaw 2004 including drafting the proposed 2010 replacement bylaw.

The amendments sought reflect the results of further work and conversations with our stakeholders during the period of publicly notified consultation in February 2010.

The specific provisions I would like to see amended, the reasons for those amendments and the decisions sought, are detailed in the attached table.

I would do not require to be heard on this submission.

Yours sincerely

Evan Lloyd
HARBOURMASTER

Encls: Harbourmaster Submission on proposed Manawatu River and Tributaries
Navigation and Safety Bylaw 2010

Provision	Reason for Submission	Decision Sought
Paragraph 3.2.4	Paragraph 3.2.4 is the clause that ‘uplifts’ the 5 knot speed restriction for the areas described in Schedule 2. The wording in the 2004 Bylaw, and proposed 2010 Bylaw, gets into a circular argument of allowing vessels to exceed 5 knots, but subject to a sub-clause that restricts speed to 5 knots within 200 metres of shore (3.2.1 [b]).	Replace paragraph 3.2.4 with: <i>Subject to Subclauses 3.2.1 (a) and (c), 3.2.2 and 3.2.3, in the areas described in Schedule 2, vessels may exceed a proper speed of 5 knots at all other times during the year in these areas unless directed not to by the Harbourmaster or an Enforcement Officer.</i>
Paragraph 3.2.5	On 18 February the Harbourmaster (facilitated by Manawatu Coastguard) visited the Foxton River Loop in order to determine appropriate speed within various sections of the Loop, and identify suitable locations for 5-knot signage. It was clear that a 15-knot speed restriction is not required on the section of the Loop from The Cut to Speir’s Corner as previous indicated. It was also clear that a 5-knot restriction from the ‘Water Tower’ to the end of the navigable water would be unnecessarily restrictive.	Replace 3.2.5 (d) with: <i>No person shall propel or navigate a vessel at a proper speed exceeding 5 knots in the Foxton River Loop between ‘Speir’s Corner’ and the corner adjacent the Water Tower.</i> Delete paragraph 3.2.5 (e)
Schedule 1	The Bylaws Limit map in Schedule 1 needs to be amended to reflect the amended speed limits in the Foxton River Loop (related to decision above).	Replace Bylaw Limit map in Schedule 1 with attached version.
Schedule 2	Add the Foxton River Loop to the list of speed uplifted areas (also related to decision above).	Add to Schedule 2: 5. The Foxton River Loop except the section between Speir’s Corner and the corner adjacent the Water Tower.

A Significant decision? <i>If Yes</i>	No
Do recommendations meet Significance Policy and LGA requirements?	

Item No: 4
 Dates: 01/06/2010
 Report No: 10-79
 File No: PEM 3 04

FORMAT FOR ORAL SUBMISSIONS

PURPOSE

1. This report is to consider oral submissions on the proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010.

FINANCIAL IMPACT

2. There is no financial impact at this stage.

COMMENT

3. Three (3) submissions have been received as follows:

Tuesday, 1 June 2010

Time	Detail
Approx. 7.45 pm	Central Districts Branch Jet Boating NZ Incorporated (Brian Eccles)
Approx. 8.05 pm	Central Districts Branch Jet Boating NZ Incorporated (Brian Eccles)
Approx. 8.25 pm	Tanenuiarangi Manawatu Incorporated (TMI) (Paul Horton)

4. The format for oral presentations will be as follows:
 - a. As all Councilors have been circulated copies of submissions in full, it is not necessary for these to be read out.
 - b. Ten (10) minutes have been allocated for the submitter to highlight significant aspects in their submissions and/or elaborate on particular details.
 - c. Ten (10) minutes have been allocated to allow for questions of clarification on the submissions, from members of the Committee.

RECOMMENDATION

5. It is recommended that the Manawatu River Users' Advisory Group:
 - a. **receives, considers** and **deliberates** on the oral submissions.

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION

Evan Lloyd
HARBOURMASTER

A Significant decision? <i>If Yes</i>	No
Do recommendations meet Significance Policy and LGA requirements?	

Item No: 5
Date: 01/06/10
Report No: 10-80
File No: PEM 3 04

FORMAT FOR WRITTEN SUBMISSIONS

PURPOSE

1. This report is to consider written submissions on the proposed Manawatu River and Tributaries Navigation and Safety Bylaw 2010.

FINANCIAL IMPACT

2. There is no financial impact at this stage.

COMMENT

3. One (1) submission has been received as follows:

Person	Organisation
Evan Lloyd	Horizons Regional Council

RECOMMENDATION

4. It is recommended that the Manawatu River Users' Advisory Group:
 - a. **receives, considers** and **deliberates** on the written submission.

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION

Evan Lloyd
HARBOURMASTER



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