



AGENDA

HORIZONS REGIONAL COUNCIL

MANAWATU RIVER USERS' ADVISORY GROUP

Tuesday, 1 December 2009 at 7.30pm

Notice is given of a meeting of Horizons Regional Council to be held on Tuesday 1 December, 2009 at 7.30pm, Horizons Regional Council offices, 11-15 Victoria Avenue, Palmerston North.

Business to be discussed includes:

- Harbourmaster's Report
- Lower Manawatu River Management Issues
- Draft Statement of Proposal
 - Review of Manawatu River and Tributaries Navigation and Safety Bylaws 2004
- Calendar of Events

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

NEWS EMBARGO

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

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COMMITTEE MEMBERS

Crs LR Burnell (Chairman) and L Bailey, and members of the public.

AGENDA

1 December 2009

7.30pm

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Minutes of a meeting of the Manawatu River Users' Advisory Group of Horizons Regional Council held in the Tararua Room of Regional House at 11-15 Victoria Avenue, Palmerston North, at 7.30pm on Tuesday, 2 June 2009.

PRESENT Crs L Burnell (Chairman), L Bailey, Messrs D Booth (Manawatu Freshwater Anglers' Club), B Culley (Manawatu Marine Boating Club), R Anderson, G Hyde, and B Eccles (Jet Boating New Zealand), K Lane (from 7.47pm Water and Environment Care Association), M Wheatley (Manawatu Four Wheel Drive Club), D Stella (Manawatu Coast Guard), T Murdoch (Foxton Community Board).

IN ATTENDANCE	Area Engineer	Mr D McKee
	Harbourmaster	Mr E Lloyd
	Maritime New Zealand	Mr A Thomson
	Committee Secretary	Mrs J Kennedy

The Chairman welcomed everyone to the meeting.

APOLOGIES

Apologies were received from Cr G Murfitt, Messrs B Vertongen (Foxton Community Board), A Wakeling, J Storey (Manawatu Marine Boating Club), I Taylor (Manawatu Fresh Water Anglers Club).

Moved

Bailey/Burnell

that the apologies of Cr Murfitt, Messrs Vertongen, Wakeling, Storey, and Taylor, be accepted.

CARRIED

CONFIRMATION OF MINUTES

Moved

Bailey/Booth

that the minutes of the meeting of the Manawatu River Users' Advisory Group held on 2 December 2008, as circulated, be confirmed as a correct record.

CARRIED

HARBOURMASTER'S REPORT

Report No: 09-82

The purpose of this item was to provide Members of the Manawatu River Users' Advisory Group (MRUAG) with an update on matters relating to the Office of the Harbourmaster.

The Harbourmaster outlined the key points in the report and was available to answer questions on points raised. Mr Booth, Manawatu Freshwater Anglers' Club, commented on the excellent news around expected budgeting for interpretative information for the turbidity charts on the Horizons website. It was expected that it would be completed in the first half of the new financial year.

Moved

Bailey/Booth

that the Manawatu River Users' Advisory Group

a. **receives** the information contained in Report No. 09-82.

CARRIED

LOWER MANAWATU RIVER MANAGEMENT ISSUES

Report No: 09-85

The purpose of this item was to inform Members of the Manawatu River Users' Advisory Group (MRUAG) of Lower Manawatu Scheme (LMS) management issues, that may have some impact on the recreational use of the river during the period June to December 2009.

Mr Derek McKee, Area Engineer spoke to the report and answered Members questions of clarification in regard to Lower Manawatu River Management Issues.

The Chairman congratulated Mr McKee on the impressive work that has been undertaken as part of the City Reach Upgrade Programme.

The Area Engineer advised of a number of structures (groynes) uncovered on the bank of the River. The structures have been sandblasted and preserved, and it was intended that a plaque, detailing the history of the structures, would be attached.

Moved

Bailey/Burnell

that the Manawatu River Users' Advisory Group

a. **receives** the information contained in Report No. 09-85.

CARRIED

REVIEW OF MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAWS 2004

Report No 09-84

The purpose of this item was to provide members of the Manawatu River Users' Advisory Group (MRUAG) with an overview of review process for the Manawatu River and Tributaries Navigation and Safety Bylaws 2004, and to introduce discussion on comments received to date.

The Harbourmaster gave a presentation outlining the timeline and background to the Bylaw Review. There was discussion and consideration given in regard to the comments received by Members on the current Bylaws, and issues that could be considered in the Review. In regard to the proposed timeline, and the suggested consultation period of 19 December 2009-31 January 2010, it was suggested that February 2010 would be a more suitable date.

At the end of discussions, the Harbourmaster summarised the following action points:

- Provide feedback to submitters who were not at the meeting on their submissions and discussions to date.
- Discuss Jet Boating New Zealand submission with Palmerston North City Council and kayak clubs.
- Define exact position for placement of a five knot speed signs in The Loop.
- Continue discussions with Fish and Game in regard to five knot speed restriction in the Manawatu Estuary during duck shooting season.
- Further discuss with Palmerston North City Council their desire for the review to consider future commercial boat operations.
- Consider a change of wording in Clause 3.7.1 – Reserved Areas.

Moved

Burnell/Bailey

that the Manawatu River Users' Advisory Group

- a. **discusses** the written comments;
- b. **provides** guidance to the Harbourmaster on proposed amendments to the Manawatu River and Tributaries Navigation and Safety Bylaws; and
- c. **requests** the Harbourmaster to draft amendments to Manawatu River and Tributaries Navigation and Safety Bylaws, and present at the December meeting of the Manawatu River Users' Advisory Group.

CARRIED

CALENDAR OF EVENTS

Report No: 09-83

The purpose of this report was to present the Manawatu River Calendar of Events to the Manawatu River Users' Advisory Group for information.

Moved

Bailey/Booth

that the Manawatu River Users' Advisory Group

- a. **receives** the information contained in Report No. 09-83, and **notes** that no upcoming events have been notified to the Harbourmaster.

CARRIED

GENERAL BUSINESS

Mr Booth commented that the Manawatu Freshwater Anglers' Club had missed the deadline for submissions to the Feilding Wastewater consent. Mr Lane advised that the Water and Environment Care Association, Manawatu Estuary Trust, and Fish and Game had made submissions. There was discussion around the consent conditions.

NEXT MEETING

The next meeting of the Advisory Group was provisionally scheduled for 1 December 2009.

The Chairman thanked the Group for their attendance and input.

The meeting closed at 9.25pm.

Confirmed.

CHAIRPERSON

HARBOURMASTER

UNCONFIRMED

A Significant decision? If Yes	N
Do recommendations meet Significance Policy (contained within the LTCCP)	

Item No: 3
Date: 01/12/2009
Report No: 09-185
File No: PEM 3 04

HARBOURMASTER'S REPORT

PURPOSE

1. The purpose of this report is to provide members of the Manawatu River Users' Advisory Group (MRUAG) with an update on matters relating to the office of the Harbourmaster.

FINANCIAL IMPACT

2. There is no direct financial impact arising from matters discussed in this item.

BACKGROUND

3. This report covers the period 3 June 2009 to 30 November 2009.

COMMENT

4. The Statement of Proposal and draft Manawatu and Tributaries Navigation and Safety Bylaw 2010 have been drafted and are to be presented as a separate item.

RIVER EVENTS

5. The Horowhenua Rowing club held the 'Manawatu Grunt' rowing event at Whirokino on Sunday, 19 July 2009.
6. The Wellington Rowing Club also held a regatta at Whirokino on 19 September in association with the Horowhenua Rowing Club. This event was originally scheduled to take place on Lake Horowhenua but approval issues forced a late change of venue.

RECOMMENDATIONS

7. It is recommended that the Advisory Group:
 - a. **receives** the Harbourmaster's Report.

Evan Lloyd
HARBOURMASTER

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION

A Significant decision? <i>If Yes</i>	No
Do recommendations meet Significance Policy (contained within the LTCCP)	

Item No: 4
Date: 01/12/2009
Report No: 09-187
File No: PEM 3 04

LOWER MANAWATU RIVER MANAGEMENT ISSUES

PURPOSE

1. The purpose of this item is to inform members of the Manawatu River Users' Advisory Group (MRUAG) of the Lower Manawatu Scheme (LMS) management issues that may have some impact on the recreational use of the river during the period June 2009 to December 2009.

FINANCIAL IMPACT

2. There is no direct financial impact arising from matters discussed in this item.

BACKGROUND

3. The capital and maintenance work programmed for completion during the 2008-09 financial year within the Lower Manawatu Scheme has been completed or is nearing completion.
4. Planning and preparation of surveys, drawings and consents for capital works for 2009-10 is well advanced.

COMMENT

5. Works are substantially completed at the Fitzherbert Avenue rock lining project. High river levels and poor weather has delayed the completion of the rock placement around the newly constructed enhancement element at the downstream end of the rock lining. Also the restoration to the areas adjacent to the rock works and enhancement are close to completion and until they are finished walkway diversions will remain in place.
6. A major rock lining is to be constructed on the true right bank of the Manawatu River at the north eastern end of the Palmerston North City boundary. Stockpiling of the 10,600 tonne of graded quarry rock required will commence in early December and that will cause some disturbance to the walkway from Te Matai Road to the Ruamahanga Reserve. Minor diversions will be in place to avoid the worksite. Placement work will commence in early January 2010 with the works programmed to be completed by the end of March. Access along the waterway will be affected with minor diversions.
7. In the same vicinity on the Napier Road Drain a large box section culvert will be constructed in the new year. This will once again require minor walkway diversions along the bridle track.
8. River edge vegetation management is proposed on the left and right banks of the Manawatu within and downstream of Palmerston North City during the next few months. This work will require minor detours on the walkways for pedestrians in some areas within the city. The duration of the works in any one area will be short. River edge vegetation management commenced in September and will continue at various locations in the rural areas. This work should have no impact on recreational use of the river.

9. The annual survey of the river by jet boat will be undertaken during the low flow period to identify any potential hazards to navigation or recreational use. Any hazards identified will be removed or marked. This survey also serves as an inspection of Scheme assets, for example rock linings, tree plantings, and anchored tree works.
10. Under a 'global' consent held by the Operations Group, gravel extraction has been ongoing in the 'aggregation' reach immediately upstream of the Opiki Bridge on the Manawatu River. Some of the extraction has been occurring in the wetted area of the channel. This work will be ongoing and may at times present a temporary obstruction to river navigation.
11. Ongoing river bank rip rap protection work in the vicinity of the Opiki Bridge will be taking place at various times during the next few months. Excavators will be operating from the river bank and there will be negligible effect on sedimentation or manageability.

RECOMMENDATIONS

12. It is recommended that the Advisory Group:
 - a. **receives** the information contained in Report No. 09-187.

D R McKee
AREA ENGINEER – CENTRAL

A D Cook
GROUP MANAGER OPERATIONS

A Significant decision? If Yes	N
Do recommendations meet Significance Policy (contained within the LTCCP)	

Item No: 5
Date: 01/12/2009
Report No: 09-186
File No: PEM 3 04

DRAFT STATEMENT OF PROPOSAL REVIEW OF MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAWS 2004

PURPOSE

1. To present the Statement of Proposal for the review of the Manawatu River and Tributaries Navigation and Safety Bylaws 2004.

FINANCIAL IMPACT

2. Allowed for in 2009-10 Long-term Council Community Plan (LTCCP).

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 5 years since it became operative.
4. The *Manawatu River and Tributaries Navigation and Safety Bylaws 2004* will be revoked if the review is not completed within 2 years from 1 August 2009.
5. Navigation safety bylaws introduced by a local authority must not be inconsistent with maritime rules. Maritime rules are delegated legislation made by the Minister of Transport under the Maritime Transport Act 1994. Maritime Rules Part 91 (Navigation Safety Rules) is the default rule for all New Zealand waters not covered by a bylaw introduced by a local authority.

CONSULTATION

6. On 6 May 2009 members of the Manawatu River Users Advisory Group (MRUAG) of Horizons Regional Council were advised of the review process by letter and invited to comment informally on issues relating to the Bylaw. Members are supportive of the Bylaw but a number of amendments have being proposed. The review process, timeline and proposed amendments were discussed in detail at the MRUAG meeting on 2 June 2009.

ISSUES TO ADDRESSED THROUGH THE BYLAWS REVIEW

7. Part 91 has had minor amendments in 2007 and 2008, primarily to amend certain definitions. Where applicable, these definitions will need to be reflected in the Bylaws.
8. Maritime NZ is currently consulting on a number of proposed amendments to Part 91 (deadline 18 December 2009). The proposal that affects our bylaw is around the requirement to wear personal flotation devices (PFDs). The default requirement, as the rule, as it is currently written, is to not wear a PFD, with mandatory wearing only required in situations of heightened risk. The proposed rule change is:

For recreational craft of 6 m or less in length the default requirement is to wear a PFD, unless:

- *there is no significant increase in the risk to safety to any person caused by not wearing a PFD;*
- and**
- *the skipper gives permission for PFDs not to be worn.*

For recreational craft over 6 m in length, the current situation or status quo will continue to apply.

9. A number of regional councils have already included the thrust of the above proposed amendment into their navigation and safety bylaw during recent reviews. Taranaki Regional Council considers it more appropriate that Maritime NZ takes the lead in public consultation on this issue and did not include it in its review. The proposal has received strong support through the informal consultation process and is expected to be approved. It has therefore been included in the draft 2010 Bylaw.
10. A number of submitters felt that the 'Foxton Loop' should be included in the Bylaw. While the Loop is not specifically excluded in the Bylaw, it is not included in the list of rivers and tributaries covered by its jurisdiction. It is clear that the Loop is a navigable waterway, and subject to on-going development by community groups. The requirement for a speed limit in the Loop has been identified and will need further definition. The MRUAG discussed the submission and agreed that the Foxton Loop should be included. It has been included in the draft 2010 Bylaw.
11. A submission was made to extend the water ski priority area to include jet skiing activity. This was also discussed and agreed at the June MRUAG meeting, and has been included in the draft 2010 Bylaw.
12. A submission was made to allowing speeds greater than 5 knots from the Foxton Beach ramp to the sea during the week either side of duck shooting opening day (as it is at other times of the year). An exemption statement has been added to subclause 3.2.5 (b).
13. A submission was made requesting that the 5 knot speed restriction from Ashhurst to Jackeytown Road (i.e. City Reach) be permanently lifted over the period 1-22 April and 23 May – 30 September each year, primarily to facilitate jet boating activities. Agreement was not reached at the June MRUAG meeting and it has not been reflected in the draft 2010 Bylaw. Original submitters are invited to resubmit during the formal consultation period for consideration by the hearing panel.
14. The amended Review Process and Timeline is attached at Annex A and draft *Manawatu River and Tributaries Navigation and Safety Bylaw 2010* is attached at Annex B.

RECOMMENDATIONS

15. It is recommended that the Advisory Group:
 - a. **endorses** the Statement of Proposal as presented,
 - b. **endorses** the updated Review Process and Timeline as presented, and

- c. **endorses** the draft *Manawatu River and Tributaries Navigation and Safety Bylaw 2010* as presented.

Evan Lloyd
HARBOURMASTER

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION

ANNEXES

- A Review Process and Timeline – Manawatu and Tributaries Navigation and Safety Bylaws 2004
- B Draft Manawatu River and Tributaries Navigation and Safety Bylaws 2010

Review Process and Timeline - Manawatu and Tributaries Navigation and Safety Bylaws 2004

Informal consultation period to 31 May	6 May	Letters to MRUAG and other interested parties inviting comment
MRUAG meeting	2 June	Discuss collated submissions and draft amendments as required
	November	Draft 1010 Bylaw and prepare Statement of Proposal
		Obtain legal advice on the proposed bylaws if required
MRUAG meeting	1 December	Discuss proposed 2010 Bylaw
Council meeting	15 Dec	Council meeting with resolution approving Statement of Proposal and consultation strategy.
	25 January	Public notice in local papers
Formal consultation	February	Consultation period to 1-28 February using Special Consultative Procedure (LGA 2002 s. 83)
	Mid-March	Conduct hearing on submissions and fine tuning of 2010 Bylaw
Council meeting	23 March (TBC)	Council meeting with resolutions: 1. to adopt 2010 Bylaw effective from 1 July 2010 2. approving the offences and fines proposed for the Local Government <i>(Infringement Fees for Offences: Manawatu River and Tributaries Navigation and Safety Bylaw 2010) Regulation 2010</i>
Infringement regulations	Late March	Apply to Department of Internal Affairs for regulations to be made
	1 July 2010	Infringement regulations in place and bylaws become effective

Manawatu River and Tributaries Navigation and Safety Bylaws 2010



July 2010

DRAFT

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MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAWS 2010

The Manawatu River and Tributaries Navigation and Safety Bylaws 2010 were prepared under the Local Government Act 1974.

The Manawatu-Wanganui Regional Council adopted the Manawatu River and Tributaries Navigation and Safety Bylaws 2010 on this th day of **July** 2010.

Signed by the Manawatu-Wanganui Regional Council by the affixing of its Common Seal in the presence of

Michael McCartney
CHIEF EXECUTIVE

The Manawatu River and Tributaries Navigation and Safety Bylaws 2010 became operative on **Thursday, 1 July 2010**.

DRAFT

FOREWORD

These Bylaw provides for matters of navigation and safety on the Manawatu River and its tributaries. **The Bylaws supersede the 2004 Bylaw following review in 2009** and have been prepared to reflect current practice on the rivers, as agreed by the user organisations that make up the River Users' Advisory Group.

These Bylaws have been made in accordance with the Local Government Act 1974 and are consistent with and must be read in conjunction with Maritime Rule Part 91-Navigation Safety Rules.

Michael McCartney
CHIEF EXECUTIVE

DRAFT

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1. Preliminary Provisions

1.1 Title and commencement

- 1.1.1 These Bylaws are the Manawatu-Wanganui Regional Council Manawatu River and Tributaries Navigation and Safety Bylaws 2010.
- 1.1.2 These Bylaws come into force on 1 July 2010.

1.2 Areas within which these Bylaws apply

- 1.2.1 These Bylaws shall have effect in the Manawatu River and its tributaries as defined in Subclause 1.2.2.
- 1.2.2 The area defined comprises the Manawatu River and its tributaries as published in the New Zealand Gazette No. 158 on 6 November 1997, pages 3717 and 3718.

River/Tributary	Description
Tidal Waters	All tidal waters enclosed by the seaward arc of a circle of 1.25 nautical miles centred at position 40° 28'. 8 S, 175° 12'. 8 E
Manawatu River	The waters of the Manawatu River from its point of entry into the Coastal Marine Area to the upstream point where Weber Road from Makirikiri to Waitahora crosses the Manawatu River.
Foxton River Loop	All the waters of the Foxton River Loop.
Oroua River	The waters of the Oroua River from where it flows into the Manawatu River, upstream to where the Oroua Valley Road Bridge crosses the Oroua River.
Pohangina River	The waters of the Pohangina River from where it flows into the Manawatu River, upstream to the confluence with the Makiekie Creek.
Tiraumea River	The waters of the Tiraumea River where it flows into the Manawatu River, upstream to the confluence with the Makuri River.
Makuri River	The waters of the Makuri River where it flows into the Tiraumea River, upstream to the confluence with the Makuri Stream.
Mangaore Stream	The waters of the Mangaore Stream from where it flows into the Manawatu River, upstream to the Mangahao Power Station.
Mangahao River	The waters of the Mangahao River where it flows into the Manawatu River, upstream to Mangahao No. 2 Dam.
Mangatainoka River	The waters of the Mangatainoka River where it flows into the Tiraumea River, upstream to the confluence with the Mangaroa Stream.
Makakahi River	The waters of the Makakahi River where it flows into the Mangatainoka River, upstream to the confluence with the Mangaoranga Stream.

1.3 Definition of terms

In these Bylaws, unless the context otherwise requires:

Anchorage	in relation to vessels, means a place used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purposes by the Council or not.
Anchoring	means the securing of a vessel to the bed of waters by means of an anchor, cable or other device that is normally removed with the vessel when it leaves the anchorage.
Buoyancy Aid	means any serviceable buoyancy aid that is certified by a recognised authority as meeting: <ol style="list-style-type: none"> a standard in NZ Standard 5823:2001 applicable to the buoyancy aid; or a national or international standard that the Director of Maritime Safety is satisfied substantially complies with a standard in NZ Standard 5823: 2001 applicable to the buoyancy aid.
Council	means the Manawatu-Wanganui Regional Council as constituted under the Act.
Director	means the person who is for the time being the Director of Maritime New Zealand under Section 439 of the Maritime Transport Act 1994.
Enforcement Officer	means a person appointed under Clause 4.4 of these Bylaws.
Flag A	means Flag A of the International Code of Signals (the Divers Flag), a burgee (swallow-tailed) flag covered in white and blue with white to the mast, or a rigid equivalent, not less than 600 x 600mm.
Harbourmaster	means a person appointed as Harbourmaster under Clause 4.4 of these Bylaws.
Honorary Enforcement Officer	means a person appointed under Clause 4.4 of these Bylaws.
Internal Waters	means the internal waters of New Zealand as defined by Section 4 of the Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977.
Lifejacket	refer to definition of personal flotation device.
Maritime Rules	means maritime rules made under the Maritime Transport Act 1994.
Master	means any person (except a pilot) having command or charge of a vessel.

- Mooring** means any weight or article placed in or on the bed of waters for the purpose of securing a vessel or floating structure; and
- a. includes any wire, rope, buoy, or other device attached or connected to the weight; but
 - b. does not include an anchor that is removed with the vessel or floating structure when it leaves the anchorage.
- New Zealand Waters** means:
- a. the territorial sea of New Zealand; and
 - b. the internal waters of New Zealand; and
 - c. all rivers and other inland waters of New Zealand.
- Navigate** means the act or process of managing or directing the course of a vessel on, through, over, or under the water.
- Oil** has the same meaning as in Section 222 of the Maritime Transport Act 1994.
- Oil Transfer Site
Marine Oil Spill
Contingency Plan** means a plan as required under Marine Protection Rules Part 130B.
- Owner** includes:
- a. in relation to a vessel, the agent of the owner and also a charterer; and
 - b. in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway; and
 - c. as further defined in Maritime Rule Part 91.
- Person in Charge of
the Vessel** means the master.
- Personal Flotation
Device** means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:
- a. a standard in NZ Standard 5823:2001 applicable to the buoyancy aid; or
 - b. a national or international standard that the Director of Maritime Safety is satisfied substantially complies with a standard in NZ Standard 5823:2001 applicable to the buoyancy aid.
- Pleasure Craft** means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not offered or used for hire or reward; but does not include:
- a. a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment of business;

	<ul style="list-style-type: none"> b. a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; c. a vessel that is operated or provided by any club, incorporated society, trust, or business.
Powered Vessel	means any vessel propelled by machinery.
Proper Speed	means speed through the water.
Public Notice	means a notice published in a newspaper circulating generally in the territorial authority district adjacent to the waters to which the subject matter of the notice relates.
Recognised Authority	means an authority that the Director considers competent to certify a personal flotation device's compliance with a standard.
Recreational Craft	means a vessel that is: <ul style="list-style-type: none"> a. a pleasure craft; or b. solely powered manually; or c. solely powered by sail.
Regional Council	has the meaning as the Local Government Act 2002.
Reserved Area	means those areas defined in Subclauses 3.2.5, 3.4.1 and the maps in Schedule 1 in these Bylaws.
River	includes a stream and any modified or artificial watercourse; but does not include any part of a river within the ebb and flow of the tide at ordinary spring tides.
Sailboard	means any type of board that is propelled by detachable sail apparatus and operated by a person or persons standing on the board.
Structure	means any building, equipment, device, or other facility made by people and which is fixed to land.
Sunrise/Sunset	has the meaning as stated in the New Zealand Nautical Almanac, NZ204.
Surfriding	means a water activity of a single person using a vessel propelled manually or with a paddle and designed for surfriding, to plane down or across the slope of a wave.
Territorial Sea	means the territorial sea of New Zealand as defined by Section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.
The Act	means the Local Government Act 1974.
Vessel	means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes:

- a. a barge, lighter, or other like vessel;
- b. a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:
- c. a submarine or other submersible;
- d. a seaplane when operating on the water.

Waterway

has the same meaning as New Zealand Waters.

Windsurfer

has the same meaning as Sailboard.

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2. General Matters

2.1 Personal flotation devices / buoyancy aids

- 2.1.1 No person in charge of a recreational craft may use it unless there are on board at the time of use, and **either worn or** in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
- 2.1.2 Subclause 2.1.1 shall not apply to:
- a. any surfboard or similar un-powered craft; and
 - b. any sailboard or windsurfer, if a wetsuit is worn at all times; and
 - c. a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body dive suit is worn at all times; and
 - d. a person training for or participating in a sporting event, if the training or event is supervised in accordance with the safety system of a national sporting organisation approved by the Director.
- 2.1.3 Subclause 2.1.1 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft.
- 2.1.4 Subclause 2.1.1 shall not apply in respect of any sporting event, training activity, ceremonial event or other organised recreational activity if the Harbourmaster with jurisdiction for the applicable area has granted an exemption in writing **for the craft to be operated in contrary to subclause 2.1.1 and 2.1.5.** The Harbourmaster may grant an exemption for a specified time if the Harbourmaster is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 2.1.5 (a) **Every person on board a recreational craft that is less than 6 metres in length must wear a properly secured personal flotation device unless the person in charge of that recreational craft has expressly given permission for personal flotation devices not to be worn; and**
- (b) **the person who is in charge of a recreational craft that is less than 6 metres in length must not give permission for personal flotation devices not to be worn, unless conditions are such that there is no significant increase in risk to safety to any person caused by not wearing a personal flotation device; and**
- (c) **the person in charge of a recreational craft that is 6 metres or more in length must not use that craft where conditions are such that there is significant increase in the risk to safety to any person caused by not wearing a personal flotation device, unless every person on board is wearing a properly secured personal flotation device.**

2.2 Use of vessel engines around wharves

- 2.2.1 No person may operate the propulsion system of a vessel while it is lying at any wharf, jetty, pier or ramp, in such a way that it may damage any property, scour the bed of the waters, or injure any person. However, this Subclause does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf, jetty, pier or ramp.

2.3 Persons to avoid swimming or diving around wharves

- 2.3.1 No person may dive, swim or undertake other related activities from any wharf, jetty, pier, or ramp which is in regular use for the berthing or unberthing of vessels, or from any other such areas in the waterway as the Harbourmaster may from time to time determine, unless the person does so in accordance with the prior written consent of the Harbourmaster.
- 2.3.2 The Harbourmaster may consent subject to such conditions as the Harbourmaster considers appropriate in the interests of navigation safety.

2.4 Vessels to be adequately moored or secured

- 2.4.1 No person may anchor a vessel so as to obstruct the passage of other vessels or obstruct the approach to any wharf, pier, jetty or ramp.
- 2.4.2 Except in an emergency involving danger to life or property, no person may cut, break, destroy or unlawfully detach the mooring or the fastening securing any vessel.
- 2.4.3 When a vessel is moored alongside a wharf or other landing place, the owner or Master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured, and adjusted to suit all tidal conditions.

2.5 Obstructions

- 2.5.1 Except in an emergency involving danger to life or property, no person may obstruct the access by waters to any wharf, landing place, boat ramp or mooring.
- 2.5.2 No person may place any obstruction, including any fishing apparatus, in any waters that is liable to:
- a. restrict navigation; or
 - b. cause loss of life or injury to any person; or
 - c. cause damage to any vessel or any property.

2.6 Refueling operations

- 2.6.1 Any vessel undertaking any refueling operation must ensure that no oil products enter any waterway.
- 2.6.2 Any spill of any oil product that enters a waterway must be reported to the Council.
- 2.6.3 Commercial Vessels carrying out refueling operations must have an Oil Transfer Site Marine Oil Spill Contingency Plan.

3. Operating Requirements

3.1 Minimum age for operating powered vessels

- 3.1.1 No person under the age of 15 years shall be in charge of or propel or navigate a power driven vessel that is capable of a proper speed exceeding 10 knots unless they are under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.
- 3.1.3 Subclause 3.1.1 and 3.1.2 do not apply to any person who has written exemption from the Director or Harbourmaster who may issue an exemption, subject to such conditions as the Director or Harbourmaster considers necessary in the interests of maritime safety, that is valid for any specified place or places to a person under the age of 15 years for training, competitions or other sporting events, if the Director or Harbourmaster considers that the person:
- a. is competent to propel or navigate a power driven vessel at a proper speed exceeding 10 knots; and
 - b. is aware of the relevant navigation safety rules and Bylaws; and
 - c. will be under adequate supervision during the proposed activity or activities.

3.2 Speed of vessels

- 3.2.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or an object) at a proper speed exceeding 5 knots:
- a. within 50 metres of any other vessel, raft, or person in the water; or
 - b. within 200 metres of the shore or of any structure; subject to Subclause 3.2.5; or
 - c. within 200 metres of any vessel or raft that is flying Flag A (underwater diving operations).
- 3.2.2 No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person has any portion of his or her body extending over the fore part, bow or side of that vessel.
- 3.2.3 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other similar object) at a proper speed exceeding 5 knots in any circumstances in paragraphs (a) and (c) of Subclause 3.2.1.
- 3.2.4 Subject to Subclauses 3.2.1 to 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.

3.2.5 Subclause 3.2.4 is subject to the following restrictions:

- a. No person shall propel or navigate a vessel at a proper speed exceeding 5 knots during the period one week prior to and one week following the opening of the Duck shooting season (being the first Saturday in May each year). Vessels may continue to operate at a proper speed exceeding 5 knots downstream from the point 200 metres below the Manawatu Marine Boating Club launching ramp while transiting to and from the open sea for the purposes of maintaining safe navigation.
- b. No person shall propel or navigate a vessel at a proper speed exceeding 5 knots at any time within 200 metres upstream and 200 metres downstream of the Manawatu Marine Boating Club launching ramp.
- c. No person shall propel or navigate a vessel at a proper speed exceeding 5 knots during the period 1 November and 28 February each year between the State Highway 3 Bridge (Ashhurst) and below the Pohangina River junction (Ashhurst Domain Recreational site).

3.2.6 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.

3.3 Wake

3.3.1 Subject to Clause 3.2, every person who propels or navigates a recreational craft must ensure that its wake does not cause unnecessary danger or risk of damage to other vessels or structures, or of harm to other persons.

3.4 Water skiing and jet skiing priority areas

- 3.4.1 Without excluding other uses, water skiing and jet skiing is recognised as the priority use in the following areas as sign posted (note Subclause 3.7.1):
- a. On the Manawatu River between 2 kilometres upstream of the Whirokino Bridge down to the Whirokino boat launching ramp;
 - b. On the Manawatu River upstream of the Whirokino Bridge, from the Te Pehu Trig Station to another point 1.6 kilometres upstream where Cooks Drain enters;
 - c. On the Manawatu River below the Foxton-Shannon Bridge, between points 1 and 4 kilometres downstream of that bridge; and
 - d. On the Manawatu River from a point 200 metres upstream of the Manawatu Marine Boating Club launching ramp to the downstream end of the Foxton Loop.

3.5 Lookouts on vessel used for water skiing and towing any other person

3.5.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person being towed.

- 3.5.2 No person may cause or allow himself or herself to be towed by or from any vessel at a speed exceeding 5 knots unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 3.5.3 No person who is under the age of 10 years is permitted to act as the additional person required by Subclauses 3.5.1 and 3.5.2.

3.6 Water skiing or towing between sunset and sunrise

- 3.6.1 No person may operate, between sunset and sunrise, a vessel that is towing any person, whether or not that person is on a water ski, aquaplane, or other towed object or is barefoot skiing.
- 3.6.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

Note: The times for sunset and sunrise can be found in the current edition of the New Zealand Nautical Almanac.

3.7 Reserved areas

- 3.7.1 No person may obstruct any other person whilst that other person is using a Reserved Area for the purpose for which it has been reserved under these Bylaws as prescribed in Subclauses 3.2.5, 3.4.1 and Schedule 1.
- 3.7.2 Adequate signage must be provided in the vicinity of the reserved area that defines the area and declares the purpose for which the area has been reserved.

3.8 Damage to navigation aids

- 3.8.1 No person may damage, remove, deface or otherwise interfere with an aid to navigation.

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4. Administrative Matters

4.1 Suspensions and exemptions under these Bylaws

- 4.1.1 The Council may, of its own accord or on application by any person, suspend any provisions of these Bylaws or exempt any activities from any provisions of these Bylaws. The suspension or exemption may be subject to conditions and shall have effect for the period of time that the Council considers appropriate. Any suspension or exemption made under this Subclause must be publicly notified.

4.2 Temporary events

- 4.2.1 Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws apply may apply to the Harbourmaster to:
- a. temporarily suspend the application of Clause 3.2 of these Bylaws in that area during the conduct of the race, speed trial, competition or other organised water activity; and
 - b. temporarily reserve the area for the purpose of that activity.
- 4.2.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as he or she may specify.
- 4.2.3 Every grant of an application under these Bylaws shall, subject to Subclause 4.2.4 of this Bylaw, have effect according to its tenor.
- 4.2.4 No grant of an application under these Bylaws shall have effect unless, not less than 7 days or no more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
- 4.2.5 The applicant is to attend to the public notice under Subclause 4.2.4 in a form acceptable to the Harbourmaster.

4.3 Permanent speed upliftings

- 4.3.1 Any application to have any speed limit as prescribed in these Bylaws permanently uplifted must be made in writing to the Council.

4.4 Appointment of harbourmaster and enforcement officers

- 4.4.1 The Council may, by resolution, appoint a Harbourmaster for the purposes of these Bylaws.
- 4.4.2 The Council may, by resolution, appoint Enforcement Officers for the purposes of these Bylaws.
- 4.4.3 The Council may, by resolution, appoint Honorary Enforcement Officers for the purposes of these Bylaws.

- 4.4.4 A Harbourmaster, Enforcement Officer, or Honorary Enforcement Officer may require the master of any vessel or any other person who is committing an offence in contravention of these Bylaws, to stop their vessel, and supply their name and address.

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5. Offences

5.1 Offences against Bylaws

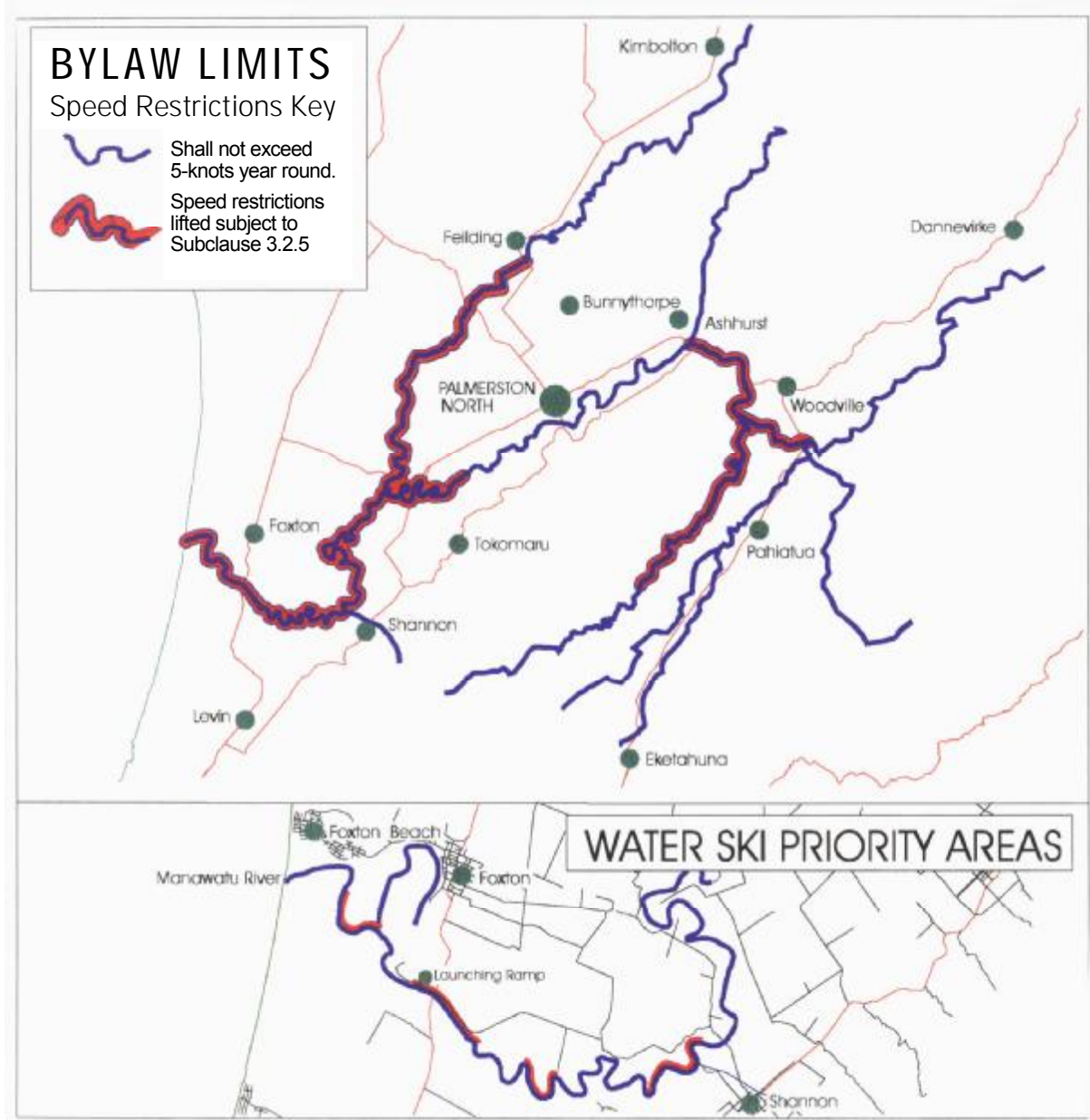
- 5.1.1 Every person who fails to comply with any provisions of these Bylaws commits an offence against these Bylaws.

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SCHEDULE 1

BYLAW LIMITS



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SCHEDULE 2

SPEED UPLIFTED AREAS

River/Tributary

Vessels may exceed a proper speed of 5 knots in the following areas subject to Clause 3.2

1. Oroua River below the Aorangi Bridge
2. Manawatu River below Jackeytown Road
3. Mangahao River downstream of Marima Domain
4. Manawatu River from the Tiraumea River confluence to the State Highway 3 Bridge, immediately below the Pohangina River confluence

A Significant decision? <i>If Yes</i>	N
Do recommendations meet Significance Policy (contained within the LTCCP)	

Item No: 6
Date: 01/12/2009
Report No: 09-184
File No: PEM 3 04

CALENDAR OF EVENTS

PURPOSE

1. This report presents the Manawatu River Calendar of Events to the Manawatu River Users' Advisory Group for information.

FINANCIAL IMPACT

2. There is no direct financial impact arising from matters discussed in this item.

COMMENT

3. No upcoming events have been notified to the Harbourmaster.

RECOMMENDATIONS

4. It is recommended that the Advisory Group:
 - a. **receives** the report for information

Evan Lloyd
HARBOURMASTER

Ged Shirley
GROUP MANAGER
REGIONAL SERVICES AND INFORMATION



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