Manawatu River and Tributaries
Navigation and Safety Bylaw 2010

July 2010
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The Manawatu River and Tributaries Navigation and Safety Bylaw 2010 was prepared under the Local Government Act 1974.

The Manawatu-Wanganui Regional Council adopted the Manawatu River and Tributaries Navigation and Safety Bylaw 2010 on this 22nd day of June 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 Bylaw 2010 became operative on Thursday, 1 July 2010.
FOREWORD

This Bylaw provides for matters of navigation and safety on the Manawatu River and its tributaries. The Bylaw supersedes the 2004 Bylaw following review in 2009-10, and has been prepared in consultation with the organisations that make up the Manawatu River Users’ Advisory Group.

This Bylaw has been made in accordance with the Local Government Act 1974 and is consistent with and must be read in conjunction with Maritime Rule Part 91 - Navigation Safety Rules.

Michael McCartney
CHIEF EXECUTIVE
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1. **Preliminary Provisions**

1.1 **Title and commencement**

1.1.1 This Bylaw is the Manawatu-Wanganui Regional Council Manawatu River and Tributaries Navigation and Safety Bylaw 2010.

1.1.2 The Bylaw comes into force on 1 July 2010.

1.2 **Areas within which this Bylaw apply**

1.2.1 The Bylaw 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.

<table>
<thead>
<tr>
<th>River/Tributary</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tidal Waters</td>
<td>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</td>
</tr>
<tr>
<td>Manawatu River</td>
<td>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.</td>
</tr>
<tr>
<td>Foxton River Loop</td>
<td>All the waters of the Foxton River Loop.</td>
</tr>
<tr>
<td>Oroua River</td>
<td>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.</td>
</tr>
<tr>
<td>Pohangina River</td>
<td>The waters of the Pohangina River from where it flows into the Manawatu River, upstream to the confluence with the Makiekie Creek.</td>
</tr>
<tr>
<td>Tiraumea River</td>
<td>The waters of the Tiraumea River where it flows into the Manawatu River, upstream to the confluence with the Makuri River.</td>
</tr>
<tr>
<td>Makuri River</td>
<td>The waters of the Makuri River where it flows into the Tiraumea River, upstream to the confluence with the Makuri Stream.</td>
</tr>
<tr>
<td>Mangaore Stream</td>
<td>The waters of the Mangaore Stream from where it flows into the Manawatu River, upstream to the Mangahao Power Station.</td>
</tr>
<tr>
<td>Mangahao River</td>
<td>The waters of the Mangahao River where it flows into the Manawatu River, upstream to Mangahao No. 2 Dam.</td>
</tr>
<tr>
<td>Mangatainoka River</td>
<td>The waters of the Mangatainoka River where it flows into the Tiraumea River, upstream to the confluence with the Mangaroa Stream.</td>
</tr>
<tr>
<td>Makakahi River</td>
<td>The waters of the Makakahi River where it flows into the Mangatainoka River, upstream to the confluence with the Mangaoranga Stream.</td>
</tr>
</tbody>
</table>
1.3 Definition of terms

In this Bylaw, 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:

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.

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 this Bylaw.

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 this Bylaw.

Honorary Enforcement Officer means a person appointed under Clause 4.4 of this Bylaw.

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.


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.

Personal Water Craft means a power driven vessel that:

a. has a fully enclosed hull; and
b. does not take on water if capsized; and
c. is designed to be operated by a person standing, sitting astride or kneeling on it, but not seated within it.
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;

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:

a. a pleasure craft; or

b. solely powered manually; or

c. solely powered by sail.

Regional Council has the same meaning as in 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 this Bylaw.

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.


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.
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 floatation 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.

Note: Wording for this clause is from the proposed amendment to Maritime Rules Part 91 – Navigation Safety Rules (as of June 2010).
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(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.

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 October to 31 March each year on the Manawatu River between the point 350 metres upstream of the State Highway 3 Bridge at Ashhurst and Jackeytown Road.

d. No person shall propel or navigate a Personal Water Craft at a proper speed exceeding 5 knots at any time on the Manawatu River between the point 350 metres upstream of the State Highway 3 Bridge at Ashhurst and Jackeytown Road.

e. No person shall propel or navigate a vessel at a proper speed exceeding 5 knots at any time in the Foxton River Loop between ‘Speir’s Corner’ and the corner adjacent the Water Tower.

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 ski and Personal Water Craft (Jet Ski) 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 this Bylaw 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.
4. Administrative Matters

4.1 Suspensions and exemptions under this Bylaw

4.1.1 The Council may, of its own accord or on application by any person, suspend any provisions of this Bylaw or exempt any activities from any provisions of this Bylaw. 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 this Bylaw apply may apply to the Harbourmaster to:

a. temporarily suspend the application of Clause 3.2 of this Bylaw 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 this Bylaw, that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 10 days, and on such conditions (if any) as he or she may specify.

4.2.3 Every grant of an application under this Bylaw 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 this Bylaw 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 this Bylaw 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 this Bylaw.

4.4.2 The Council may, by resolution, appoint Enforcement Officers for the purposes of this Bylaw.

4.4.3 The Council may, by resolution, appoint Honorary Enforcement Officers for the purposes of this Bylaw.
4.4.4 A Harbormaster, 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 this Bylaw, to stop their vessel, and supply their name and address.
5. **Offences**

5.1 **Offences against Bylaws**

5.1.1 Every person who fails to comply with any provisions of this Bylaw commits an offence against this Bylaw.
SCHEDULE 1

BYLAW LIMITS

BYLAW LIMITS
Speed Restrictions Key
- Shall not exceed 5 knots year round
- Speed restrictions lifted subject to subclause 3.2.5

WATER SKI/JET SKI PRIORITY AREAS
## SCHEDULE 2

### SPEED UPLIFTED AREAS

<table>
<thead>
<tr>
<th>River/Tributary</th>
<th>Speed Exceedance Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oroua River below the Aorangi Bridge.</td>
<td>Subject to Clause 3.2 Vessels may exceed a proper speed of 5 knots in the following areas:</td>
</tr>
<tr>
<td>Mangahao River downstream of Marima Domain.</td>
<td>Subject to Clause 3.2 Vessels may exceed a proper speed of 5 knots in the following areas:</td>
</tr>
<tr>
<td>Manawatu River from the Tiraumea River confluence to the river mouth (including Tidal Waters defined in Subclause 1.2.2).</td>
<td>Subject to Clause 3.2 Vessels may exceed a proper speed of 5 knots in the following areas:</td>
</tr>
<tr>
<td>'Foxton River Loop'.</td>
<td>Subject to Clause 3.2 Vessels may exceed a proper speed of 5 knots in the following areas:</td>
</tr>
</tbody>
</table>