

# Environment Canterbury Navigation Safety Bylaws 2011

## Amendment 1 to Environment Canterbury Navigation Safety Bylaws 2010

### Statement of Proposal:

**A proposal to amend the Navigation Safety Bylaws for: the Dobson, Godley, Hopkins and Macaulay rivers.**

### 1. Proposal

The proposed changes are to “Section 11.1, Open Speed Areas for Rivers”. The proposed bylaws provide for Open Speed Areas (and areas/periods excluded from the Open Speed Areas) for the Dobson, Godley, Hopkins and Macaulay rivers.

The draft bylaws rules read as follows:

| River                        | Open Speed Area (OSA)  | Excluded from OSA<br><i>(5 knot speed limit applies)</i>   |
|------------------------------|--|--|
| Dobson (Otao)                | The Dobson river (Otao) from 25 December to 30 April in the following year           | The Dobson river (Otao) from 1 May to 24 December; all tributaries of the Dobson (Otao)                          |
| Godley River (Whimiahao)     | The Godley River (Whimiahao) from 25 December to 30 April in the following year      | The Godley River (Whimiahao) from 1 May to 24 December; all tributaries of the Godley River (Whimiahao)          |
| Hopkins River (Te Awa Aruhe) | The Hopkins River (Te Awa Aruhe) from 25 December to 30 April in the following year. | The Hopkins River (Te Awa Aruhe) from 1 May to 24 December; all tributaries of the Hopkins River (Te Awa Aruhe). |
| Macaulay River (Maukakakuta) | The Macaulay River (Maukakakuta) from 25 December to 30 April in the following year  | The Macaulay River (Maukakakuta) from 1 May to 24 December; all tributaries of the Macaulay River (Maukakakuta). |

### 2. Background

In 2002 new regional bylaws were made for the inland waters of Canterbury. The then new bylaws uplifted the 5 knots speed limit (national Maritime Rule) permitting high speed boating during the summer months on the Dobson, Godley, Hopkins and Macaulay (the four rivers).

At the review of the Canterbury Navigation Safety Bylaws in 2010, submitters asked that the bylaws for the Dobson, Godley, Hopkins and Macaulay (the four rivers) to be amended. Specifically representatives of the Department of Conservation (DOC) sought amendments so that high speed boating is not permitted on the four rivers during December and January. This amendment was sought by DOC for the protection of the nesting and feeding habitat of critically endangered bird species and for the safety of DOC staff working within the riverbeds of the four rivers during

December and January, as these months (especially December) are peak periods for conservation activity on the rivers. DOC suggested that the season for high speed should be from 1 February- 30 April of any year. Jet Boating NZ opposed the DOC submission.

In response to these submissions the hearing panel recommended that this matter be addressed through a separate discrete Bylaw review to be completed before the 2011 summer boating season.

At a council meeting on December 14, 2010 the Canterbury Regional Council approved the recommendations of the Hearing Panel and resolved: "*That a review of the bylaws for the Dobson, Godley, Hopkins and Macaulay Rivers be undertaken for completion before summer 2011/2012*".

As part of its review of the bylaws for the four rivers, Council has undertaken preliminary consultation and sought comments and feedback from a range of people and organisations who use the four rivers for conservation activities, boating and other recreational activities. The proposed bylaw amendments reflect a compromise position agreed by two key parties, DOC and Jet Boating NZ.

The proposed amendment is to Section 11.1 of the 2010 Bylaws, "Open Speed Areas for Rivers" that currently provides for high speed boating during the summer on the Dobson, Godley, Hopkins and Macaulay rivers (the four rivers). No other substantive changes are proposed.

The Local Government Act 2002 (LGA 2002) requires that Council follows the special consultative procedure set out in Section 83 of the LGA 2002 when making or amending any bylaw.

### **3. Reasons for the proposal**

Environment Canterbury has undertaken preliminary consultation and considers that bylaws for the four rivers should be amended so that the 5 knot speed limit applies from 1 May to 24<sup>th</sup> December of any year, for the safety of workers and recreationalists on the rivers over this period, and for the prevention of nuisances/protection of amenities, particularly with regard to conservation values and quiet enjoyment of these values.

The amendments are assessed to be:

- consistent with the Maritime New Zealand Regulations which provide for regional variations on the national Maritime Rules
- will be effective in reducing risks
- provide for specific circumstances and reflect the result of preliminary consultation with affected parties.

As stated above Council is required to amend the bylaws using the special consultative procedure

### **4. Statutory and policy considerations**

Section 684B of the [Local Government Act 1974](#) provides that a regional council may from time to time make or amend bylaws to regulate and control waters in its region for the purposes of navigation and safety.

A regional council must not adopt or amend bylaws unless it has: used the special consultative procedure as required by section 86 of the Local Government Act 2002

Section 684E of the [Local Government Act 1974](#) provides that navigation and safety bylaws may not be inconsistent with the [Maritime Transport Act 1994](#), the [Resource Management Act 1991](#), and the Maritime Rules.

Under section 155 of the [Local Government Act 2002](#), a local authority needs to determine whether or not any bylaw or its amendment is the most appropriate way of addressing a perceived problem or a need and ensure that no bylaw is inconsistent with the [New Zealand Bill of Rights Act 1990](#). In the process of regulating water based activities on these rivers various factors have been considered. There is a need for guidelines and controls for the operation of many different types of vessels and situations. Bylaws are an effective way of encouraging good boating practice and can be tailored to suit local geography and conditions.

## 5. Process to amend the bylaws

Broadly, the process will be as follows:

- prepare a proposal to amend the bylaws
- prepare draft bylaws
- Council to approve the public notification of the Statement of Proposal and the release of draft bylaws for consultation and submissions
- publicly notify the Statement of Proposal and draft bylaws
- make the draft bylaws available for public inspection and distribute the Proposal (summary of information) document
- receive submissions on the draft bylaws and
- If a hearing is requested by submitter(s) to hold Council hearings
- Council to make decisions on submissions received
- Council to formally adopt the revised bylaws
- Public notification of the amended bylaws.

## 6. How to make a submission

**Any person may make a written submission on the proposal to amend the Bylaws .**

Submissions must be in writing and should be set out in the format shown in the detachable submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach any additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions. This is an opportunity for the Council to consider the public views before a decision is made. There will be no right to appeal once the decisions have been made.

Please note that written submissions are to be **received** by Environment Canterbury by **5:00 pm on Tuesday 1 November 2011.**

## **Submissions can be:**

**Posted to:** Chief Executive  
Environment Canterbury  
PO Box 345  
CHRISTCHURCH  
Attn: Evan Walker

**Faxed to:** 03 365 3194  
Attn: Evan Walker

**Delivered to:** Timaru Office  
Environment Canterbury  
75 Church Street  
Timaru  
  
Attn: Evan Walker

**Emailed to:** mailroom @ecan.govt.nz

# Submission on proposed Amendment 1 to Environment Canterbury Navigation and Safety Bylaws 2010

To: Chief Executive  
Environment Canterbury  
PO Box 345  
Christchurch

Full name of submitter:

Full postal address:

Email address:

Telephone number:

Fax number:

**Please delete one of the following:**

I **do** wish to present my submission verbally to a Council hearing.

I **do not** wish to present my submission verbally to a Council hearing.

.....

***Signature of person making submission or person authorised to sign on behalf of person making submission***

.....

**Date**

| <b>Provision</b>   | <b>Support /oppose</b>   | <b>Submission</b>  | <b>Decision sought</b>  |
|--|--|--|---|
| Please refer to the specific bylaw that you wish to submit on e.g.Macaulay River Open Speed Area | Clearly indicate whether you support or oppose the specific provision. | State in summary the nature of your submission and the reasons for it. | State clearly the decision and/or suggested changes you want Council to make in respect of the provision. |
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