



Order Paper for a meeting

**HEARING OF SUBMISSIONS:**

**QLDC (draft) Navigation Safety Bylaw 2025**

to be held on

Monday 25 November 2024

commencing at 10.00am

in the

Armstrong Room, Lake Wānaka Centre,

Ardmore Street, Wānaka

### **9.12 Items of business not on the agenda which cannot be delayed | Ngā take kāore i runga i te rārangi take e kore e taea te whakaroa**

*A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with the item and the Chairperson provides the following information during the public part of the meeting:*

*(a) the reason the item is not on the agenda; and*

*(b) (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.*

*s. 46A (7), LGOIMA*

*Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.*

*Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.*

### **9.13 Discussion of minor matters not on the agenda | Te kōreorero i ngā take iti kāore i runga i te rārangi take**

*A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.*

#### **REFERENCE:**

*Queenstown Lakes District Council Standing Orders adopted on 17 November 2022.*

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**HEARING OF SUBMISSIONS ON:**

**QLDC (DRAFT) NAVIGATION SAFETY BYLAW 2024**

**PANEL MEMBERS**

**Councillor G Bartlett**

**Councillor L Guy**

**Councillor Q Smith**

**Councillor C Tucker**

**Quorum is three members.**

**Chair of hearing panel to be determined at beginning of hearing.**





**HEARING OF SUBMISSIONS:  
(Draft) Navigation Safety Bylaw 2025**



Agenda for a hearing of submissions on the draft Navigation Safety Bylaw 2025 to be held in the Armstrong Room, Lake Wānaka Centre, Ardmore Street, Wānaka on Monday 25 November 2024 beginning at 10.00am

<b>Item</b>	<b>Page Number</b>	<b>Report Title</b>
		<b>Election of Chairperson</b>
		<b>Apologies</b>
		<b>Declarations of Conflict of Interest</b>
		<b>Confirmation of Agenda</b>
<b>1</b>	<b>7</b>	<b>Officer report: Hearing report – Draft Navigation Safety Bylaw 2025</b>
	<b>47</b>	<b>Attachment A: Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025</b>
	<b>115</b>	<b>Attachment B: Statement of Proposal</b>
	<b>-</b>	<b>Attachment C: Submissions (circulated separately)</b>
	<b>196</b>	<b>Attachment D: Navigation Safety Bylaw 2018</b>
	<b>246</b>	<b>Attachment E: Recommended options to address submissions related to ski lanes</b>
	<b>258</b>	<b>Attachment F: Schedule of recommended amendments in response to submissions</b>



## **Navigation Safety Bylaw Hearing Panel**

**25 November 2024**

### **Report for Agenda Item | Rīpoata moto e Rāraki take [1]**

**Department: Strategy & Policy**

**Title | Taitara: Hearing report – Draft Navigation Safety Bylaw 2025**

#### **Purpose of the Report | Te Take mō te Pūroko**

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The purpose of this report is to present submissions received on the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 (**the draft bylaw**). At its 19 September 2024 meeting, Queenstown Lakes District Council (**QLDC or the Council**) endorsed the draft bylaw (**Attachment A**) and statement of proposal (**Attachment B**) for public consultation.

This report provides an analysis of submissions on the draft bylaw, and advice to elected members on further recommended amendments to respond to feedback received. The submission pack, containing all feedback received, is included as **Attachment C**.

This report is intended to support a Hearings Panel (**the Panel**) of elected members that will undertake a hearing on submissions received. The hearing provides members of the public who have made a submission the opportunity to be heard by the hearings panel.

#### **Executive Summary | Whakarāpopototaka Matua**

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Council undertook public consultation on the draft bylaw in accordance with the special consultative procedure<sup>1</sup> between 8.00am Monday 30 September 2024 to 5.00pm Thursday 31 October 2024.

The draft bylaw sought to address a number of issues related to navigation safety, including:

- ski lane locations and identification,
- navigation safety risk associated with recreational jumping from the Albert Town Bridge,
- vessel identification,
- temporary events on the water,
- vessel speed interpretation,
- Kawarau Dam access lanes,
- carriage of communication devices, and
- other miscellaneous minor corrections to improve the clarity, legibility and overall accessibility of the bylaw.

Council received 139 submissions on the draft bylaw and 29 submitters have asked to present their submission in person (or online) to the Panel.

The Panel is being asked to receive written and verbal submissions and recommend to Council a final form of the Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025.

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<sup>1</sup> Sections 83 and 86 of the Local Government Act 2002

This report presents officer advice and recommendations to the Panel on key issues and options identified in the submissions.

In response to submissions, officers recommend that the Panel consider the following amendments to the draft bylaw:

- **Ski lanes:**
  - Kelvin Grove – Change size and foreshore location. Shift the western ski lane pole east by 40-80 metres.
  - Loop Road – Retain.
  - Roys Bay - Eely Point – Retain and amend to create a smaller ‘launch lane’ type access lane.
  - Roy’s Bay - Waterfall Creek – Retain.
  - Glendhu Bay - East Ski Lane - Reduce the width of the ski lane by approximately 50 metres at the lake shore and shift it away from the informal boat ramp area. Keep the outer ski lane markers at a wide angle.
- **Vessel ID** – minor amendments to improve the usability and correct references to types of identification already provided for in the bylaw clause.
- **Temporary events** – introduction of a right to request a review of decisions made under the bylaw clause, and an explanatory note to provide guidance on the meaning of organised water activities.
- **Kawarau Dam access lanes** – amendments to the scale and location of the access lane extension that reduce the total area covered by the access lanes and focus it on the areas necessary to address identified navigation safety risks.
- **Communication devices** – the introduction of a new clause that would require non-powered vessel being operated between 50 metres and 200 metres of the shore of a lake to have at least one form of communication equipment.
- **Minor changes and other amendments** – other minor changes are recommended to address administrative issues that have been identified by submitters.

The recommended amendments are illustrated in draft bylaw (Attachment A) in blue text that is also highlighted yellow.

A schedule of recommended amendments to the draft bylaw is included as Attachment F.

### Recommendation | Kā Tūtohuka

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That the Hearing Panel:

1. **Note** the contents of this report;
2. **Receive** all submissions to the Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025, hears the submitters who wish to be heard; and
3. **Recommend to Council** a final form of the Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 to be adopted, with changes as an outcome of the consultation process.

**Prepared by:**



**Reviewed and Authorised by:**



**Name:** Luke Place  
**Title:** Principal Policy  
Advisor

14 November 2024

**Name:** Isabelle Logez  
**Title:** Monitoring,  
Enforcement and Env.  
Manager

14 November 2024

**Name:** Michelle Morss  
**Title:** General Manager Strategy and Policy

14 November 2024



Context | Horopaki

**Bylaws – Scope and limitations**

1. Bylaws are made under the Local Government Act 2002 (**LGA**) for one (or more) of the following reasons:<sup>2</sup>
  - a) protecting the public from nuisance
  - b) protecting, promoting, and maintaining public health and safety
  - c) minimising the potential for offensive behaviour in public places.
2. The Maritime Transport Act 1994 (**MTA**) empowers regional councils to make navigation safety bylaws<sup>3</sup> to ensure maritime safety. This power has been delegated to QLDC from Otago Regional Council (**ORC**). The MTA specifies a range of further powers to ensure maritime safety. Further, the MTA provides navigation bylaws unique powers to enforce using infringement fines.

**The bylaw development process**

3. The draft bylaw has now reached the stage in the process where it is ready to be considered by the Panel following public consultation. The current progress for the draft bylaw is set out in **Figure 1** below.



**Figure 1** – High level overview of the bylaw review process.

4. The review process and key milestones for this bylaw review are summarised in **Table 1** below.

**Table 1** Bylaw development process and key milestones

Date	Milestone
October 2022	Informal public consultation in relation to the district’s ski lanes independent of the current bylaw development process. During this engagement 160 responses were received.
October - November 2023	Preliminary engagement – During this feedback period, 67 responses were received, 51 via a Let’s Talk survey and 16 by email.
16 April 2024	Public workshop with elected members to collect councillor feedback to narrow the reasonably practicable options to address identified issues.

<sup>2</sup> LGA Section 145

<sup>3</sup> MTA Section 33M

Date	Milestone
11 July 2024	Wānaka Upper Clutha Community Board were presented with a report <sup>4</sup> outlining issues being addressed through the review. The Board agreed to note the contents of the report and to note the development of a draft QLDC Navigation Safety Bylaw. The Board provided feedback on a range of issues.
8 August 2024	Community and Services Committee were presented with a report <sup>5</sup> outlining issues being addressed through the review. The Committee agreed to note the contents of the report and to note the development of a draft QLDC Navigation Safety Bylaw. The Committee provided feedback on a range of issues.
16 September 2024	Council adopted the draft bylaw and statement of proposal for consultation in accordance with the special consultative procedure, and appointed a hearings panel to receive submissions.
Monday 30 September to Thursday 31 October 2024	Formal consultation period.
25 November 2024	Hearings and deliberations by the hearings panel.
Quarter 1 2025	Council to deliberate and adopt the bylaw.

### The Navigation Safety Bylaw 2018

5. The Navigation Safety Bylaw 2018 (**the current bylaw**) applies to all navigable waters and foreshores in the district. The current bylaw is included as **Attachment D**. Its purpose is to regulate the following matters:
- the use or management of ships, anchorages, and vessel traffic,
  - moorings and maritime facilities,
  - preventing nuisances arising on, in, or near the water,
  - reserving the use of water for specified purposes,
  - manage events on the water,
  - wearing of life jackets and buoyancy aids on recreational vessels,
  - administrative requirements including fees and charges for administrative functions, and
  - offences and penalties for contravention of the bylaw's clauses.

<sup>4</sup> <https://www.qldc.govt.nz/your-council/council-meetings/11-july-2024-wanaka-upper-clutha-community-board-meeting/>

<sup>5</sup> <https://www.qldc.govt.nz/your-council/council-meetings/8-august-2024-community-services-committee-meeting/>



### The draft bylaw

6. The draft bylaw includes:
- clauses that are proposed to be carried forward from the current bylaw without any amendment,
  - amendments proposed to clauses of the current bylaw, and
  - new clauses addressing matters that are not currently addressed in the current bylaw.
7. **Table 2** below provides an overview of the key issues that were addressed in the draft bylaw and amendments that were consulted on.

**Table 2 Overview of key issues and amendments in the draft bylaw**

Issue	Amendments
Ski lanes	<ul style="list-style-type: none"> <li>• Amend the location of some ski lanes,</li> <li>• Remove some ski lanes with known navigation safety issues,</li> <li>• Formally identify the existing Sunshine Bay ski lane,</li> <li>• Improve the identification of ski lanes by way of more accurate GPS coordinates,</li> <li>• Update ski lane identification maps, and</li> <li>• Apply non regulatory mechanisms to improve compliance.</li> </ul>
Albert Town Bridge – Recreational jumping	Mitigate the navigation safety risk associated with this activity by amending the bylaw to ensure vessels are separated from swimmers through the identification of vessel passage lanes. Vessels would be required to travel under the bridge using these passage lanes.
Vessel identification	Introduce new identification requirements for certain vessels.
Events on the water	<p>Expand the scope of existing clauses so the Harbourmaster:</p> <ul style="list-style-type: none"> <li>• needs to be notified of all events,</li> <li>• has additional discretion to approve or refuse events applications based on the level of risk to navigation safety, and</li> <li>• can continue to approve or refuse events which already require an approval<sup>6</sup>.</li> </ul> <p>Amend the requirement to give public notice of any event requiring approval of the Harbourmaster by removing the need for a newspaper advertisement and associated time constraints.</p>
Vessel speed interpretation	<p>Amend the current bylaw to ensure the correct interpretation of vessel speed, including:</p> <ul style="list-style-type: none"> <li>• Amending the definition of '<i>proper speed</i>' to differentiate the way speed is measured on rivers as compared to lakes, and</li> <li>• Introduce a speed uplifting for part of the Clutha River / Mata-Au relating to commercial vessels operating under a resource consent.</li> </ul>

<sup>6</sup> events which require an uplift of speed restrictions, and/or need to temporarily reserve an area and/or suspend a designation of permanent access lanes or reserved areas

Issue	Amendments
Kawarau Dam access lanes	Extend the existing upstream and downstream Kawarau Dam access lanes to address changing navigation safety conditions in this area.
Carriage of communication devices	Require the person in charge of a vessel to carry communication devices that are commensurate to the context and waterway.
Other miscellaneous amendments	Undertake minor corrections to improve the clarity, legibility and overall accessibility of the bylaw.

### Analysis and Advice | Tatāritaka me kā Tohutohu

#### Ski lanes

- Council's online survey asked several questions in regard to the draft bylaw's ski lane amendments. Respondents were invited to provide feedback in regard to ski lanes more generally, as well as a number of specific ski lanes that were proposed to be amended, removed or formally identified in the draft bylaw.
- Table 3** and **Table 4** below provide an overview of the positions expressed by respondents to the questions asked in relation to ski lanes.
- Table 3 illustrates that a range of views were presented in response to the ski lane amendments presented in the draft bylaw. It shows that many respondents generally opposed the ski lane amendments or requested further changes to the way ski lanes are managed on the basis of potential navigation safety implications for ski lane users.

**Table 3 Responses regarding overall amendments to ski lanes**

Question	Position – number of submitters				
	Support	Oppose	Support some	Neutral	No response
What is your view of the proposed amendments to the district's ski lanes?	36	56	36	11	13

- Table 4 provides a further breakdown of the responses provided in regard to those ski lanes that were proposed to be amended in the draft bylaw, as well as a high level overview of the key themes and alternative options presented by submitters.

**Table 4 Responses regarding amendments to specific ski lanes**

Ski lane	Number of responses	Draft bylaw amendment	Type of relief sought <sup>7</sup> and recurring themes					
			Disagree	Themes	Agree	Themes	Disagree and/or a different approach	Different approaches
Kelvin Grove	8	Reduce width of ski lane by shifting the eastern pole 50 metres west	3	Congestion Safety	3	Congestion User conflict Safety	1	That Council take the approach of educating people as opposed to regulation.
Wilsons Bay	0	Retain ski lane but shift approximately 80 metres west by moving the right pole to the left pole location.	0		0		0	
Sunshine Bay	1	Establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area.	0		1	Installation of a community pontoon	0	
Kinloch Main Beach	0	Remove ski lane	0		0		0	
Frankton Beach	5	Remove ski lane	3	Safety Congestion Accessible	1	Congestion Shallow water	1	That the Frankton Beach ski lane be retained and moved further south, with the southern most point around Remarkables School/public toilets.  Education Signage Safety
Willow Place West Side	9	Remove ski lane	9	Safety Congestion Reduced recreational opportunities Commercial operators Ski lane poles	0		0	
Frankton Arm North Side Ski lane	5	Remove ski lane	5	Safety Congestion	0		0	
Loop Road	9	Remove ski lane	9	Safety Congestion Reduced recreational opportunities	0		0	
Ski lane		Draft bylaw amendment	Type of relief sought <sup>7</sup> and recurring themes					
			Disagree	Themes	Agree	Themes		Different approaches

<sup>7</sup> Note that a submission may have requested more than one point of relief which means that the totals in this table may equal more than the total number of individual submitters for each question

Ski lane	Number of responses	Draft bylaw amendment	Type of relief sought <sup>7</sup> and recurring themes					
			Disagree	Themes	Agree	Themes	Disagree and/or a different approach	Different approaches
Lake Whakatipu ski lanes	Number of responses							
Lake Wānaka Ski lanes	Number of responses							
Roys Bay – Main Beach	25	Remove ski lane from bylaw	12	Congestion User conflict Accessibility Reduced recreational activities Signage Education	6	Passive users Swimmers User conflict Safety	7	Temporary closure over peak time Commercial operators be moved A restriction zone during peak periods Signage, demarcation and education Lake swimmers buoy line
Roys Bay – Eely Point	40	Remove ski lane	24	Convenient Accessible Congestion User conflict Swimmers Insufficient enforcement Reduced recreational opportunities Safety Parking	3	Space for swimming User conflict	9	The area be shared for boats and swimmers That areas be provided for non powered vessels  A ski lane be retained in Roys Bay Restricted zone is introduced during peak times Education, information, signage and enforcement are used to address issues Markers to make the ski lanes more obvious Incentivise use of beach areas away from the boat ramp/ski lane Double concrete boat launching ramp be installed
Roys Bay – Waterfall Creek	29	Remove ski lane	20	Accessible Congestion User conflict Safety Reduced recreational opportunities Signage Education Markers and buoys	4	Swimmers Safety User conflict	5	That a ski lane be retained in Roys Bay Signage, education, enforcement and demarcation line are improved instead of removing ski lanes. A ramp be installed in the Roys Bay – Waterfall Creek Ski lane area Provide two separate ski lanes in this area
Glendhu Bay – East	14	Reduce the width of the ski lane by shifting the western pole east by 50 metres	9	Congestion Safety Reduced recreational opportunities High use Swimmers Education Monitoring Parking on the beach Swim area markers	1	NA	4	The ability for boats to launch and recover from the beach within the Glendhu Bay – East Ski lane be retained Signage, education and demarcation line are improved instead of removing ski lanes Swimming areas be more visible The ski lane buoys be correctly located at a 35 degree angle to the foreshore from the ski lane poles

Ski lane	Number of responses	Draft bylaw amendment	Type of relief sought <sup>7</sup> and recurring themes					
			Disagree	Themes	Agree	Themes	Disagree <u>and/or</u> a different approach	Different approaches
Lake Whakatipu ski lanes								Ski lane buoys be 100 metres from the foreshore to provide an extra 70 metres width at each end of the ski lane at the buoys Buoys carry a flag which clearly identifies their purpose The 200 metre 5km/h buoys be removed to avoid confusion The ski lane markers remain allowing an appropriate entry angle to the beach as now exists.

12. The submissions show that the community is highly engaged in the way that ski lanes are managed throughout the district. The community has a range of important experience and knowledge with regard to the way ski lanes are currently used and the navigation safety issues associated with ski lanes. It is also acknowledged that ski lanes facilitate the recreational use of the district’s lakes, and that these recreational opportunities are important to the community.
13. As an outcome of the submission process, officers have further recommendations to the Panel with regard to the way the draft bylaw manages ski lanes. **Attachment E** provides an analysis of the options available to address submitter feedback and identifies recommended options. Officers consider that the recommended options balance the feedback provided by submitters while also achieving suitable levels of navigation safety.
14. **Table 5** below provides an overview of the recommended amendments presented in Attachment E. Of the 12 ski lanes where changes were proposed in the draft bylaw, officers recommend further amendments to 5 ski lanes in order to respond to the feedback received from submitters.

**Table 5 Recommended amendments to ski lanes in response to submissions**

<b>Ski lane</b>	<b>Draft bylaw position</b>	<b>Recommended further amendments</b> Note – ski lanes with further amendments are shaded green below)
<b>Lake Whakatipu ski lanes</b>		
Kelvin Grove	Reduce width of ski lane by shifting the eastern pole 50 metres west.	Retain the ski lane with a change to its size and foreshore location. Shift the western ski lane pole east by 40-80 metres. The recommended amendments are shown Figure 1 of Attachment E.
Wilson's Bay	Retain ski lane but shift approximately 80 metres west by moving the right pole to the left pole location	No further amendments.
Sunshine Bay	Establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area	No further amendments.
Kinloch Main Beach	Remove ski lane	No further amendments.
Frankton Beach	Remove ski lane	No further amendments.
Willow Place West Side	Remove ski lane	No further amendments.
Frankton Arm North Side	Remove ski lane	No further amendments.
Loop Road	Remove ski lane	Retain ski lane.



<b>Lake Wānaka Ski lanes</b>		
Roy's Bay - Main Beach	Remove ski lane	No further amendments.
Roy's Bay - Eely Point	Remove ski lane	Amend existing ski lane to create a 'launch lane' type access lane within the existing ski lane area that would enable vessels to exceed 5 knots within 200 metres of a smaller area of shore. The recommended amendments are shown Figure 2 of Attachment E.
Roy's Bay - Waterfall Creek	Remove ski lane	Retain ski lane.
Glendhu Bay - East Ski Lane	Reduce the width of the ski lane by shifting the western pole east by 50 metres	Retain the ski lane but reduce the width of the ski lane by approximately 50 metres at the lake shore and shift it away from the informal boat ramp area. The outer ski lane markers would remain at a wide angle to reduce impact on congestion. The recommended amendments are shown in Figure 3 of Attachment E.

15. A number of submitters raised concerns in regard to congestion and potential impacts on the safe use of ski lanes as a result of the removal of some ski lanes in the draft bylaw that was consulted on. The recommended amendments set out in Table 5 and Attachment E mitigate some of these concerns by retaining one existing ski lane in each of Lake Whakatipu and Lake Wānaka, and presenting an alternative approach for an existing ski lane in Lake Wānaka (in the case of the Roys Bay - Eely Point ski lane).
16. The draft bylaw contains clauses which control '*conduct in access lanes*'<sup>8</sup>. These clauses prevent any person in charge of a vessel obstructing or impeding the passage of any other person using an access lane<sup>9</sup>, and prevent any person operating in a dangerous manner in relation to any vessel or other person in an access lane<sup>10</sup>. Together with the recommended amendments, it is considered that the draft bylaw would appropriately achieve navigation safety in and around ski lanes while also addressing concerns raised by submitters.
17. Officers also acknowledge those submitters who supported the amendments contained in the consultation version of the draft bylaw on the basis of concerns related to the potential conflict between passive users (i.e. swimmers and non-powered vessels) and vessels that use ski lanes. It is considered that the recommended amendments set out in Table 5 and Attachment E go some

<sup>8</sup> Clause 42

<sup>9</sup> Clause 42.3

<sup>10</sup> Clause 42.4

way to managing these potential user conflicts by reducing the width of some ski lanes at the lake shore, thereby increasing areas that could be safely utilised by passive users.

18. Two submitters noted safety concerns associated with the Bobs Cove ski lane. One of these submitters requested that this ski lane be removed because the beach area is popular with swimmers, and the current ski lane creates a conflict between swimmers/passive users and boats. Officers are not aware of material or recurring navigation safety concerns at this ski lane, but acknowledge this feedback and will monitor waterways use in and around this area. No amendments are recommended to the Bobs Cove ski lane at this time.
19. One submitter requested that the Lake Hāwea ski lane be amended so that it is positioned eastward of the Esplanade Beach - between the 'Esplanade' and 'Kite Surfer Beaches' but not protruding into the latter, in order to provide reasonable access for family vehicles, and to address potential conflicts with passive users. Officers note that the Lake Hāwea foreshore in the vicinity of the ski lane and Hāwea is expansive and provides suitable opportunities for a range of waterways users. No amendments are recommended to the Lake Hāwea ski lane.
20. Further, for both of these locations, removing the ski lane is outside the scope of the statement of proposal and may require further public consultation.

### **Albert Town Bridge**

21. Council's online survey asked a for views relating to those amendments intended to manage the navigation safety risk associated with recreational jumping from the Albert Town Bridge. These amendments involved the identification of vessel passage lanes under the Albert Town Bridge through which powered vessels would be required to travel in order to separate them from the area that people are known to jump into the Clutha River / Mata-Au<sup>11</sup>.
22. 103 respondents provided a position on the proposed amendments. **Table 6** below provides an overview of the positions expressed by respondents. Table 6 illustrates that the majority of those who provided responses support the proposed amendments.

**Table 6 Responses regarding Albert Town Bridge jumping**

Question	Position – number of submitters			
	Support	Oppose	Neutral	No response
What is your view of the proposed amendments to manage the navigation safety risk associated with recreational jumping from the Albert Town Bridge?	53	12	38	36

23. Key themes and rationale from those respondents who supported the proposed amendments:
  - a) A safety issue exists that could cause harm if not managed, and the proposed amendments offer a balanced, pragmatic approach that does not ban jumping while improving safety.

<sup>11</sup> Provision 37.1 of the draft bylaw



- b) Additional safety measures should be considered (i.e. jumping platform, water depth indicator, signage, barrier to prevent jumpers crossing the road), straining trees downstream of the Albert Town Bridge be removed, and relocating the nearby boat launching ramp.
- c) That all powered craft be excluded from the outlet to the Albert town bridge.
- d) Non-powered vessels should also use the passage lanes.
- e) Signage, education and enforcement will be important aspects of the proposed approach.

24. Key themes and rationale from those respondents who opposed the proposed amendments:

- a) Jumping is a long-held tradition, and the proposed amendments will adversely impact this recreational opportunity.
- b) Jumping will continue despite intervention.
- c) Banning jumping all together would be more effective.
- d) The proposed amendments are not necessary due to a lack of incidents, accidents and drownings.
- e) NZTA would consider jumping illegal and therefore does not need to be addressed in the bylaw.
- f) There are fewer vessels during peak jumping periods due to existing bylaw clauses.
- g) The passage lanes push vessels closer to the boat ramp.
- h) Non-powered vessels should also have to use the passage lanes.
- i) The clauses should also specify where people can jump from, that no swimmers should cross the passageways, and no one should jump while vessels are approaching the passageways.

25. Recommendations and rationale:

- i. Relief requested in submissions gives the Panel scope to consider alternative options to address this navigation safety risk. However, officers do not consider that any new material information or expert evidence has been presented in submissions that support a different approach. As such, officers do not recommend any further amendments to the draft bylaw.
- ii. Officers acknowledge the feedback received in regard to the way that powered vs non powered are directed to use the passage lanes. The draft bylaw directs that only powered vessels are required to use the passage lanes. Officers do not recommend any further amendments that would also require non powered vessels to use the passage lanes. The navigation safety risk to swimmers results from the moment of powered vessels. As such, it is not necessary to require non powered vessels to use the passage lanes in officers' view.
- iii. Officers note that signage (i.e. on the bridge, launch area and elsewhere in this area) and education can be used to effectively ensure that all waterways users in this area are aware of the vessel passage lanes in this location to avoid potential user conflict.
- iv. The majority of submissions support this amendment.
- v. The amendments proposed in the draft bylaw are supported by the expert analysis of Drowning Prevention Aotearoa<sup>12</sup>.

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<sup>12</sup> <https://letstalk.qldc.govt.nz/88754/widgets/447774/documents/295942>

## Vessel Identification

26. Council’s online survey asked for views relating to the amendments that require vessel identification. These amendments involved introducing new identification requirements for certain vessels<sup>13</sup>.
27. 113 respondents provided a position on the proposed amendments. **Table 7** below provides an overview of the positions expressed by respondents. Table 7 illustrates that the majority of those who provided a supporting or opposing position supported the proposed amendments. However, the largest proportion of respondents indicated that they were neutral or provided no response at all.

**Table 7 Responses regarding vessel identification**

Question	Position – number of submitters				
	Support	Support some	Oppose	Neutral	No response
What is your view of the proposed amendments that require vessel identification?	43	1	20	49	26

28. Key themes and rationale from those respondents who supported all or some of the proposed amendments:
- The amendments will encourage public reporting of poor behaviour and other navigation safety issues, more effective enforcement and rescue efforts.
  - Identification is common in other regions.
  - Concerns related to compliance and uptake lag time.
  - Concerns related to compliance of existing forms of identification and whether or not vessel owners will need to update existing forms of identification.
  - Vessels such as kayaks should not be subject to identification requirements.
  - Cameras should be used to capture those who are operating in an anti-social way.
  - May change general attitudes and behaviours on the water.
  - Vessels from outside of the district may be difficult to enforce.
  - Concerns relating to the relevance of clause 18.1 relating to identification needing to be ‘...capable of being read by the Harbourmaster or an enforcement officer from a distance of at least 50 metres’.
29. Key themes and rationale from those respondents who opposed the proposed amendments:
- One person requested that all vessels (powered and non-powered) should be required to be identifiable, not just those 6 metres or longer.
  - Concerns related to the costs to vessel owners to achieve compliance and costs to administer.
  - Concerns related to the impact that identification may have on the appearance of vessels.
  - Alternative forms of identification should be considered, such as a vessel ownership card or licence.

<sup>13</sup> Provision 18 of the draft bylaw

- e) Insufficient explanation to support the waterway incidents and complaints that Council is trying to solve.
- f) Concerns about the timeframe for vessel owners to achieve compliance.
- g) Education should be considered ahead of enforcement and new identification requirements
- h) A national system be relied on instead.
- i) Clause 18.1 be amended to remove the reference to needing to be read by the harbourmaster from a distance of 50 metres
- j) That the rules be amended to require vessel identification to be on one side of a vessel only.

30. Recommendations:

- i. Officers agree with submitters who oppose the specific reference to the *Harbourmaster or an enforcement officer* in Clause 18.1(c) as the only people needing to be capable of reading the identification from a distance of at least 50 metres. Officers recommend that these words be removed. Any person should be able to read the identification specified in Clause 18.1. This is a minor amendment which does not materially affect the intent of the clauses.
- ii. Additional minor amendments to the clauses in response to further advice from the harbourmaster, and which fall within the general scope of submissions:
- iii. 18.2(a)(i) – amendment to reference a Maritime New Zealand (MNZ) registered number or registered name
- iv. 18.2(a)(b) – amendment to reference a vessels registered VHF radio call sign.
- v. The majority of submissions support this amendment.
- vi. Officers do not consider that any new information or evidence has been presented in submissions that support a materially different approach from what was proposed in the draft bylaw that was consulted on. Concerns related to the nature, type and thresholds for identification have been addressed in the 19 September 2024 Council report and are not repeated here<sup>14</sup>. The timeframe for compliance and education associated with any new clauses are operational decisions for Council’s Harbourmaster and regulatory team and are not subject to the bylaw development process. As such, officers do not recommend any further amendments to the draft bylaw in relation to this topic.

### Temporary events

- 31. Council’s online survey asked for views on the amendments relating to temporary waterway events. These amendments involved expanding the scope of the current clauses so that all events need to be notified to the Harbourmaster, specifying discretion to approve or refuse event applications, and different public notice requirements.
- 32. 99 respondents provided a position on the proposed amendments. **Table 8** below provides an overview of the positions expressed by respondents. Table 8 illustrates that the majority of those who provided a supporting or opposing position supported the amendments. However, the largest proportion of respondents indicated that they were neutral or provided no response at all.

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<sup>14</sup> Section 9 of the 19 September 2024 Council report

**Table 8** Responses regarding temporary events

Question	Position – number of submitters				
	Support	Support some	Oppose	Neutral	No response
What is your view of the proposed amendments relating to temporary waterway events?	29	1	6	53	40

33. Key themes and rationale from those respondents who supported all or some of the proposed amendments:

- a) Some events are weather dependent and occur with very little notice making it difficult to get approval. The proposed timeframes for approval should be considered.
- b) Event organisers should have the right to appeal decisions made under the clauses.
- c) The process for considering events needs to be responsive and proactive.
- d) Concerns related to discretionary decision-making powers, the mechanism of approval and potential conditions.
- e) That an additional amendment be made to the clauses so ‘that all commercial lake operators must be notified of any upcoming events on the water prior to the event by at least two weeks’.
- f) That the need to notify the Harbourmaster should be more specific rather than a blanket approach.
- g) That temporary waterway events clauses be amended to remove the need for approval from the Harbourmaster if an event is to occur in an already dedicated reserved area for that sport, and that "reserved areas" be created for wind sports (sailing, foiling, etc.).
- h) That the temporary waterway events clauses be amended to add biosecurity as one of the matters over which the Harbourmaster can exercise discretion to require an approval of a temporary activity in Clause 33.

34. Key themes and rationale from those respondents who opposed the proposed amendments:

- a) All events should be publicly notified.
- b) Jet boat races on the Clutha River / Mata-Au should only occur below the Albert Town bridge due to excessive noise and conflict with all the passive users.
- c) The current rules are sufficient.
- d) Unnecessary restrictions.

35. Recommendations

- i. Officers agree with submitters who request that there should be a right to request a review of decisions made by the Harbourmaster (or other delegated decision maker) under clause 33 of the draft bylaw. It is recommended that an additional clause be included that enables a decision to be reviewed similar to clause 15 of QLDCs Activities in Public Places Bylaw 2023<sup>15</sup>. This clause would allow a person to request in writing for Council to review decisions that have declined an application or any terms and/or conditions related to any approved application. The clause would enable Council to either confirm its original decision, amend the terms and/or conditions imposed, or issue a new approval.

<sup>15</sup> <https://www.qldc.govt.nz/media/a0hl1b0s/activities-in-public-places-bylaw-2023.pdf>

- ii. Officers acknowledge that the efficient and effective consideration of temporary events under clause 33 is important for event organisers given the expanded scope of the provisions. Council will take all practicable and reasonable steps to ensure decisions on applications are processed promptly and event organisers will need to ensure that they provide sufficient time to prepare, submit and have their applications considered. Council Officers have considered amending the clauses to introduce timeframes such as a minimum number of working days organisers may need to submit their application before an event, and/or a maximum number of working days that the Harbourmaster may take to make a decision on any application. On balance however, officers do not recommend such amendments on the basis that the nature and scale of events can vary significantly, and a one size fits all timeframe approach is not likely to benefit all organisers, nor will it facilitate effective decision-making for Council. However, the Panel could consider amending the clause to include timeframes for decision making. Outside of the bylaw, Council intends to update its website content regarding waterways events and provide detailed guidance for organisers in order to promote high quality event applications, and to ensure organisers build in sufficient time to address the requirements of Clause 33.
- iii. Submitters expressed concerns or requested further clarity relating to the nature and scale of events that may be captured by Clause 33. The 19 September 2024 Council report considered the creation of a risk-based threshold to refine the nature and scale of event which may require approval<sup>16</sup> and this analysis is not repeated here. On balance, officers agree that the reference to *'...a sporting event, training activity or any other organised water activity...'*<sup>17</sup> could be further clarified. It is recommended that an explanatory note be added underneath Clause 33 to specify that *'organised water activities typically include pre-planned events that involve multiple participants. This can include activities with a specified purpose such as regattas, races, group excursions, or any other event (including club events) that is coordinated and involves a group of people. They will not typically include spontaneous, impromptu or ad hoc gatherings of a small group of friends or family who do not intend to undertake a coordinated competitive activity'*.
- iv. Biosecurity matters are outside the scope of navigation safety bylaws and are not recommended to be addressed in the draft bylaw in regard to any topic.
- v. Officers do not recommend that the clauses be amended to specifically require commercial operators to be notified ahead of events. It is however acknowledged that the public notice requirements for organised waterways events have been simplified such that they would not need to be publicly notified in a traditional manner (i.e. in a hard copy newspaper) unless they involve a uplift of speed restrictions, temporary reservations or suspensions of a designation permanent access lanes or reserved area. Council's regulatory staff have a range of contacts with recreational groups and commercial operators, and it is intended that Council proactively engage with relevant stakeholders if a specific event is likely to impact their activity.

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<sup>16</sup> Section 10 of the 19 September 2024 Council report

<sup>17</sup> Clause 33.1



**Vessel speed**

36. Council’s online survey asked for views relating to the amendment to the definition of speed. These amendments involve changing the definition of ‘proper speed’ to differentiate the way speed is measured on rivers vs on lakes.

37. 110 respondents provided a position on the proposed amendments. **Table 9** below provides an overview of the positions expressed by respondents. Table 9 illustrates that the majority of those who provided a supporting or opposing position supported the amendments. However, the largest proportion of respondents indicated that they were neutral or provided no response at all.

**Table 9 Responses regarding vessel speed**

Question	Position – number of submitters			
	Support	Oppose	Neutral	No response
What is your view of the proposed amendment relating to the definition of speed?	41	4	55	39

38. Key themes and rationale from those respondents who supported the proposed amendments:

- a) Enforcement of the clauses will be important.
- b) A low speed zone on the Clutha River / Mata-Au from the lake outlet to below the Cardrona River confluence be introduced to reduce risk to swimmers/jumpers and noise issues.
- c) Some rivers and vessels enable travel at displacement upstream while being less than 5 knots with respect to the ground. While safe, this may be contrary to environmental or other considerations associated with a lack of uplift on that stretch of river. Conversely, downstream speeds may be excessive with respect to the ground (i.e. faster than 5 knots) which may cause perception issues with the public, or safety issues with static objects in or above the water.

39. Key themes and rationale from those respondents who opposed the proposed amendments:

- a) A complete ban of powered craft on the Clutha River / Mata-Au.
- b) The bylaw should not contain speed limit exceptions.
- c) If a vessel can't make it up the river at 5 knots then it shouldn't be there.
- d) Potential safety concerns with passive users.
- e) The current speed restrictions are suitable.

40. Recommendations and rationale

- i. Officers do not consider that any new material information or evidence has been presented in submissions that support a different approach. As such, officers do not recommend any further amendments to the draft bylaw in relation to this topic.
- ii. The majority of submissions support this amendment.

**Speed uplifting for the Clutha River / Mata-Au for commercial vessels that operate under an approved resource consent**

41. Council’s online survey asked for views relating to the creation of a speed uplifting for the Clutha River / Mata-Au for commercial vessels that operate under an approved resource consent. This amendment involves establishing a speed uplifting between 1 December and 30 April that applies to vessels expressly authorised to operate under a resource consent issued by Council. This option would clarify that such vessels can exceed 5 knots between 1 December and 30 April.
42. 99 respondents provided a position on the proposed amendments. **Table 10** below provides an overview of the positions expressed by respondents. Table 10 illustrates that the majority of those who provided a supporting or opposing position supported the amendments. However, the largest proportion of respondents indicated that they were neutral or provided no response at all.

**Table 10 Responses regarding the creation of a speed uplifting for the Clutha River / Mata-Au for commercial vessels**

Question	Position – number of submitters			
	Support	Oppose	Neutral	No response
What is your view of the proposed amendments relating to a speed uplifting for the Clutha River / Mata-Au for commercial vessels that operate under an approved resource consent?	27	14	58	40

43. Key themes and rationale from those respondents who supported the proposed amendments:
- Concern relating to swimming holes along the Clutha River / Mata-Au.
  - Jet boats should not be allowed to travel during the summertime busy season.
  - Education and enforcement will be important for vessel owners.
  - The uplift relates to a crucial area and time for the commercial operators to have access to and from Lake Wānaka.
44. Key themes and rationale from those respondents who opposed the proposed amendments:
- Concern for impacts on other recreational activities, such as angling.
  - Commercial powered craft should be prohibited from the outlet to Albert Town bridge all year round. This would be easier to enforce and address conflicts between powered vessels and other users that create safety issues.
  - Noise remains a problem to others walking and cycling the outlet track.
  - The amendment encourages private vessels to operate in the same way.
  - Detracts from the enjoyment of the area for other users.
  - The rules should be the same for all users regardless of whether it’s a business or private user.

- g) Clause 37.2 should be returned to the original permanent speed uplifting for the Clutha River as previously gazetted 3 February 1990<sup>18</sup>.

45. Recommendations and rationale

- i. Officers do not consider that any new material information or evidence has been presented in submissions that support a different approach. As such, officers do not recommend any further amendments to the draft bylaw in relation to this topic.
- ii. The majority of submissions support this amendment.
- iii. Noise and amenity issues raised by submissions in opposition are outside the scope of navigation safety bylaws, and are managed through district plan clauses and resource consent processes.
- iv. The draft bylaw contains a range of clauses that regulate the speed and conduct of vessels in proximity to any other waterways users<sup>19</sup>. Commercial vessels are expected to comply with these clauses and any other conditions or requirements set out in their resource consent and MNZ approval.
- v. Officers acknowledge that there are multiple layers of bylaw clauses that relate to the Clutha River / Mata-Au in this location and that it will be important to educate, monitor and enforce the clauses to ensure that all waterways users are aware of and abiding by any relevant bylaw clauses. However, it is considered appropriate from a navigation safety perspective to provide a suite of clauses within the draft bylaw that address the unique uses and characteristics of this part of the Clutha River / Mata-Au.

**Extension to the existing Kawarau Dam access lanes**

46. Council's online survey asked for views relating to the extension to the existing Kawarau Dam access lanes. This amendment involves extending and connecting the existing upstream and downstream Kawarau Dam access lanes to the northwest and the west, enlarging the existing access lanes to extend along the southern shore of Lake Whakatipu across the area of the Hilton Hotel complex, and enable vessels to exceed 5 knots within its boundaries.
47. 101 respondents provided a position on the proposed amendments. **Table 11** below provides an overview of the positions expressed by respondents. Table 11 illustrates that the majority of those who provided a supporting or opposing position supported all or some of the amendments. However, the largest proportion of respondents indicated that they were neutral or provided no response at all.

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<sup>18</sup> 'Between 1 December and 30 April no Commercial Vessel may proceed at any speed exceeding 5 knots in the area between the Outlet Camping Ground (GPS -44 39 45 N, 169 08 55 E) and the Albert Town Bridge (GPS -44 40 51 N, 169 11 26 E) unless expressly authorised to do so by a resource consent issued by Council'

<sup>19</sup> Part 2 – General Navigation Safety Requirements of the draft bylaw



**Table 11 Responses regarding the proposed extension to the existing Kawarau Dam access lanes**

Question	Position – number of submitters				
	Support	Support some	Oppose	Neutral	No response
What is your view of the proposed extension to the existing Kawarau Dam access lanes?	24	1	7	69	38

48. Key themes and rationale from those respondents who supported all or some of the proposed amendments:

- a) That a compulsory radio call added before traversing the bridge. Either on 16 or the local working channel.
- b) That ‘river left, left of the islands’ (in the vicinity of the Kawarau Dam), be reserved for kayaking.
- c) Concerned that user conflict between vessels and swimmers is present - signage or information about no swimming in this area needs to be installed.
- d) This area is important for whitewater kayaking. Consideration should be given to non-motorised only lanes that enable users to surf standing waves without risk of collision.

49. RealNZ (RNZ) made a submission in support of the proposed extension to the access lanes. Issues associated with this submission are addressed in the paragraphs below:

- i. RNZ noted that the proposed extension would work well for vessel movements. However, the RNZ submission suggests a further refinement to the scale of the proposed extension. These amendments are illustrated in **Figure 2**. In particular, that the access lanes are both extended, and that there is a separate lane to the west of the islands for the water taxi approach and departure to and from the Hilton.



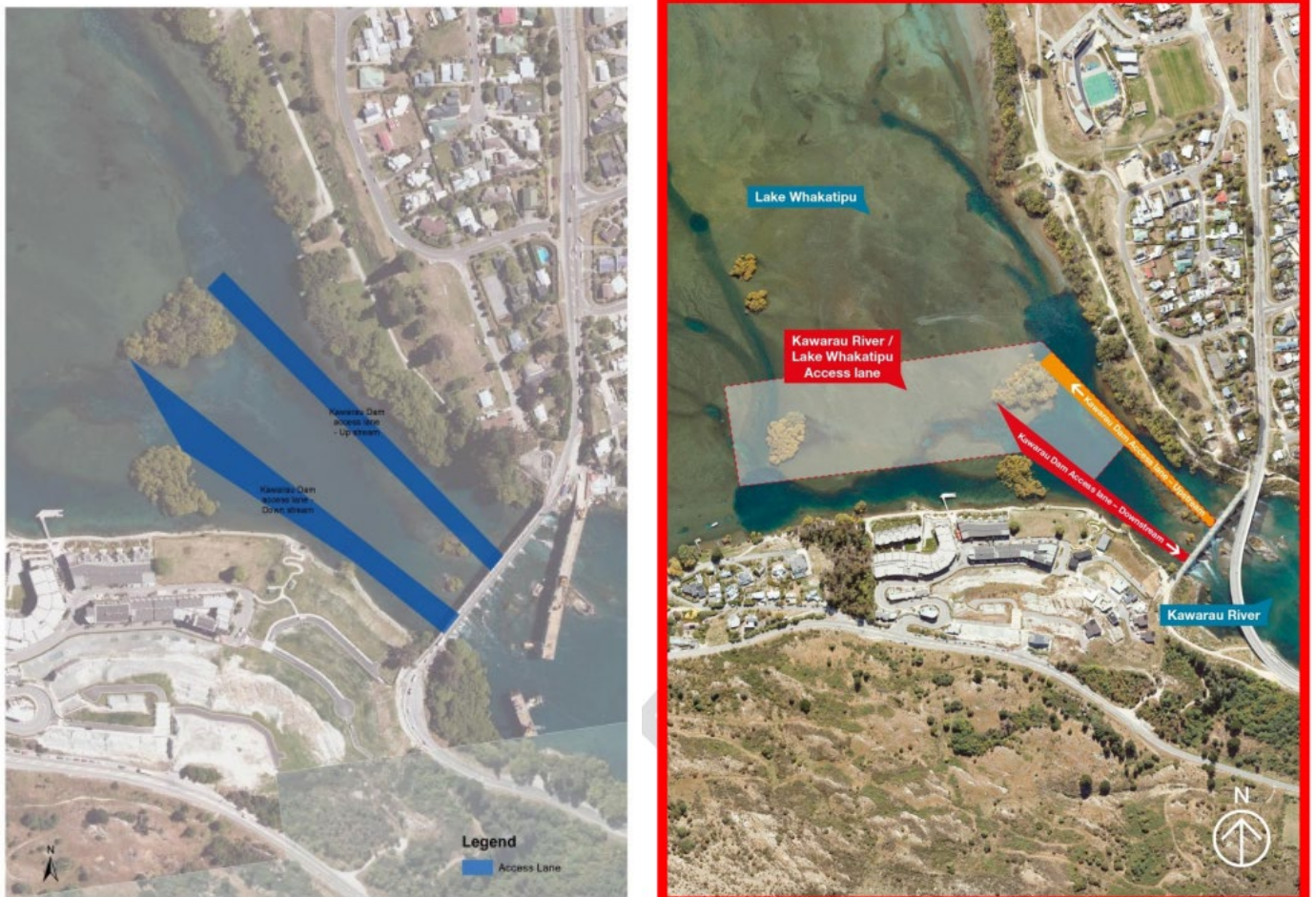
**Figure 2** – RNZ recommended extensions to the proposed access lanes (hatched areas).

Note – the coloured circles have been added by officers to assist analysis below.

- ii. RNZ further request that their jetboats are not required to immediately drop to 5 knots once they leave or approach the access lane in front of the Hilton Hotel.
50. Key themes and rationale from those respondents who opposed the proposed amendments:
- a) The access lane is too close to shore where there are moored boats and too many blind spots.
  - b) That the access lane be amended to stop before the tree located at the western side of the proposed access lane.
  - c) This area is highly popular with swimmers, particularly near the tree with a rope swing and ladder.
  - d) That a speed limit or other controls be applied within the upstream access lane to ensure the safety of those swimming in the area.
  - e) Commercial jet boat use be restricted to the centre of the lake where there is less wash and potential for conflict with recreational lake users (including kayaks, boards and little sailboats), and better noise attenuation to the shore.
  - f) That the access lane size be restricted to areas that are strictly necessary.
51. A detailed submission in opposition was provided by Million Dollar Cruise (**MDC**) who operates scheduled sight-seeing cruises in Frankton Arm. Issues associated with this submission are addressed in the paragraphs below:
- i. The MDC commercial operation is authorised by resource consents RM070854 and RM100573, and an approved Maritime Transport Operator Plan. These authorisations are attached to their submission. They provide for MDC to operate in and around the area of the Kawarau Dam.
  - ii. The MDC submission states:
    - a. *Million Dollar Cruise vessels follow the Kawarau Dam Downstream Access Lane into that area upstream of the Kawarau Bridge/ Dam. The vessels pause in this area for commentary and photographs. After several minutes, the vessels exit this area, by following the same downstream access lane back into Frankton Arm.*
    - b. It is not clear from the MDC submission where their vessel pauses/stops in relation to the current and proposed access lanes, nor what path the vessel takes with respect to the access lanes in this area. Officers are working with MDC to better understand its vessel paths and pause areas with the current and proposed access lanes to more precisely determine the navigation safety risks. Further information will be provided to the Panel if it is made available by MDC.
  - iii. The MDC submission goes on to state:
    - a. *Unlike jet boats, that can traverse shallow water, the Million Dollar Cruise vessels need to remain in deep water, including the access lane channels. These vessels are less manoeuvrable than jet boats and other recreation craft. The 'Kawarau Dam Access Lane' plans at pages 41 and 42 of the proposed Bylaw identify a down-stream and up-stream access lane. The deep water channels are visible in these maps/ photographs.*



- iv. **Figure 3** below illustrates the existing and proposed amendments to the Kawarau Dam access lanes (see map 3 of the draft bylaw).



**Figure 3** – Current access lane arrangements (left) and draft bylaw amendments (right)

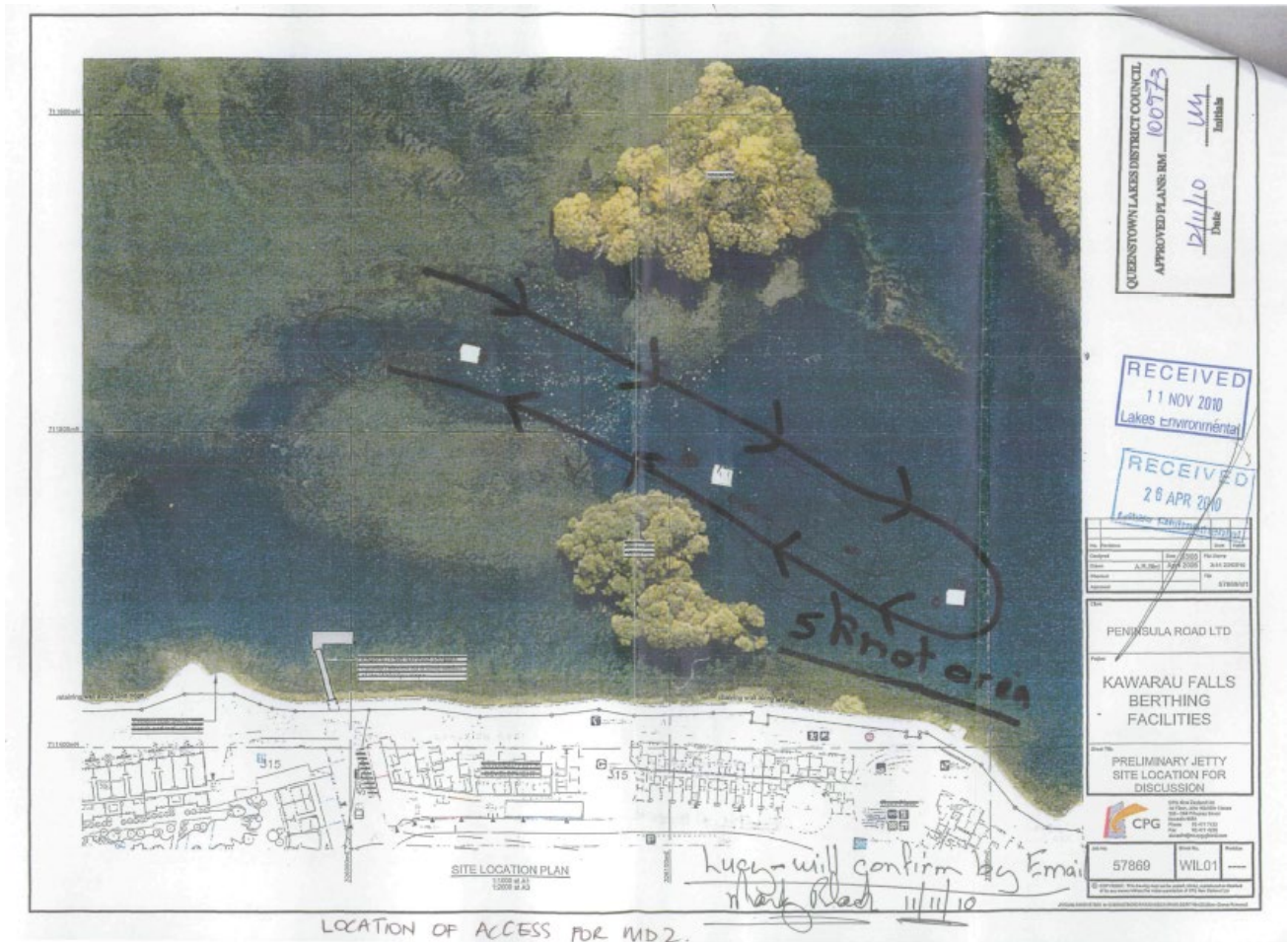
- ii. Condition 10 of consent RM100573 states:

*the activity shall be carried out in accordance with the Queenstown Lakes District Navigation Safety Bylaw 2009 (see **Figure 4**).*

It also states:

*when travelling down to the area opposite Kawarau Falls Station, the Million Dollar 2 vessel shall operate in accordance with the approved plan (Location of Access for MD2). The vessel shall access down the Kawarau River Access Lane as detailed in Queenstown Lakes District Navigation and Safety Bylaw, uplifting schedule section 13, F & H, then travel back up the south side of the black marker buoys in the 5 knot area (as indicated by the black arrow on the approved plan).*

This condition appears to conflict with the statement made by MDC as referenced above at 42 i) i.e. the MDC resource consents do not authorise MDC to travel up the downstream access lane which may create a navigation safety risk for vessels using this access lane for downstream travel.



**Figure 4** – Pathway approved for MDC operation in accordance with Resource Consent RM100573.

iii. MDC are concerned that:

*the proposed Map 3 includes an additional area that is also referred to as the ‘Kawarau River/ Lake Whakatipu Access Lane’, and the amended text of the Bylaw prevents vessels from either resting or stopping in these areas. This additional area includes parts of the lake that are used by Million Dollar Cruise vessels for sightseeing and manoeuvring vessels at slow speed.*

As such, the issue raised by MDC is that they have been granted resource consents to operate in this area. It is acknowledged that the extended access lanes are likely to encompass additional areas that MDC currently use for their usual sailing route, and this may result in breaches to the draft bylaw. They have requested a range of amendments to the draft bylaw to address this issue.



52. Recommendations and rationale

- i. RNZ submission – Officers agree that the amendments sought by RNZ are appropriate. In particular, the further extensions in the red circle shown in Figure 2 would enable vessels to travel more safely around the willow tree island and more effectively achieve the intended purpose of the access lane extension as these areas would still otherwise be subject to the 5 knot speed limit within 200 metres of the shore where the water is also shallow. The submission suggests that the area shown in the yellow circle in Figure 2 would sufficiently achieve the intent of the amendment for vessels to approach and depart from the Hilton Hotel jetty. The RNZ submission does not provide details in regard to the area shown in the green circle in Figure 2, however, the Harbourmaster notes that this area presents a blind spot and a navigation hazard in the event a vessel is sitting in this area decides to come out from behind the island at the same time as another vessel is lining up to enter the Kawarau River. The Harbourmaster advises that no vessels should be permitted to sit or stop in this area. As such, it is recommended that the entire area behind this willow tree island be retained within the access lane as currently shown in the amended version of Map 3. This would mean that the restrictions provided for by way of clause 43 would address the potential navigation safety risk in this location. It is acknowledged that the RNZ amendments are complex, and may be difficult to mark, enforce and educate. However, the amendments usefully focus the location and scale of the access lane to those specific areas needed to deliver the desired navigation safety outcomes. The RNZ amendments would also address other concerns raised by other submitters related to potential blind spots as well as the scale and location of the access lane. It is not recommended that RNZ jetboats be exempt from the 5 knot speed limit anywhere else outside of the recommended access lanes that is also within 200 metres off the shore.
- ii. MDC submission – At this time, officers do not recommend any amendments to the draft bylaw that would exempt MDC from complying with all clauses that relate to conduct in and around the Kawarau Dam access lanes as amended by the recommendation set out above. Officers note that the MDC operation in this area may present a navigation safety risk given the purpose of the access lanes and contemporary vessel traffic in this location. Condition 23 of MDCs RM100573 resource consent states

*If there is an increase in the number of vessels operating in or through the area above the Kawarau Dam bridge or a change to the access lanes in this vicinity, the Council may serve notice of its intention to review the conditions of this consent and may limit or refuse access by the vessel to this area. This review condition has been offered and agreed by the applicant.*

This condition is designed to ensure that RM100573 is updated to align with changing navigation safety requirements applicable to the area, such as those being addressed by the amended access lanes. Officers consider that the operation of MDC in this area creates a tension with the navigation safety rationale of the draft bylaw, and it is more appropriate for QLDC to resolve this issue by way of the mechanism provided in Condition 23 of RM100573. It is acknowledged that this approach may cause disruption to the MDC operation and possible resource consent costs. The Panel could consider different approaches to managing this issue following further information and/or clarification from MDC.

- iii. Other submissions raised concerns in regard to the potential navigation safety issues that might arise from the extended access lane with moored boats in the area, blind spots associated with the willow tree islands, swimmers and other passive/non powered vessels. The draft bylaw contains a range of clauses that regulate the speed and conduct of vessels in proximity to any other waterways users<sup>20</sup>. The extended access lanes would not be any closer to the banks of the Kawarau River than the existing access lanes, and approximately 50 metres from the shore of Lake Whakatipu at its closest point in front of the Hilton Hotel. On balance, it is considered that the location, scale and other draft bylaw clauses work together to achieve a pragmatic navigation safety outcome.
- iv. Officers do not consider that any new material information or evidence has been presented in submissions that support a different approach. As such, officers do not recommend any further amendments to the draft bylaw in relation to this topic.

53. The recommended amendments are illustrated in Attachment A (Map 3).

### Communication devices

- 54. Council’s online survey asked for views relating to the proposed requirements to carry communication devices. This involves amending the bylaw to require people in charge of vessels to carry communication equipment depending on the type of vessel being used, the waterway being traversed (i.e. lake vs river), and the proximity to shore.
- 55. 108 respondents provided a position on the proposed amendments. **Table 11** below provides an overview of the positions expressed by respondents. Table 11 illustrates that the majority of those who provided a supporting or opposing position supported the amendments. However, it is noted that a large group also expressed opposition to the amendments. Overall, the largest proportion of respondents indicated that they were neutral or provided no response at all.

**Table 12 Responses regarding proposed requirements to carry communication devices**

Question	Position – number of submitters			
	Support	Oppose	Neutral	No response
What is your view of the proposed requirements to carry communication devices?	47	38	23	31

- 56. Key themes and rationale from those respondents who supported (or supported with other suggestions) the proposed amendments:
  - a) The amendments are essential and would improve water safety.
  - b) Best practice for safe and responsible boating.
  - c) An approach that is commensurate to context is supported.

<sup>20</sup> Part 2 – General Navigation Safety Requirements of the draft bylaw

- d) Consider adding other devices, such as Automatic Identification System (AIS) devices to avoid collisions.
- e) The cost to vessel owners should be subsidised.
- f) Concern that audio/visual devices may not be effective to show distress.
- g) Satellite phones should be considered as part of the requirements.
- h) Use of VHF messages should be considered as a requirement to ensure that instant and wide signals are sent.
- i) Adjusting the requirement to one per group for paddle powered craft under 6 metres.
- j) Education at boat ramps is a good option to ensure compliance.

57. Key themes and rationale from those respondents who opposed the proposed amendments:

- a) A self-governance approach should be applied.
- b) The number of devices required should relate to the number of people on board i.e. only one person - one device, two people or more – at least two devices.
- c) Better communication infrastructure is needed to ensure all forms of communication work across the district's waterways.
- d) Use education rather than regulation.
- e) Overly onerous on certain watercraft.
- f) That communication equipment should only be required when exceeding either 3km (or a distance to be determined) from the lake shore or when not visible from the lake shore.
- g) Only one form of communication be required.
- h) Costs to vessel owners.
- i) Devices should not be required for Lake Hayes and the Frankton Arm.
- j) That the 50 metre exemption zone be increased to 200 metres.
- k) Proposed clauses 19.3, 19.1 and 19.2 should not apply to a person participating in a wind sport activity within a declared recreational wind sport zone operating no more than 400m from the beach.
- l) That clause 19.3b be amended to read "a person in charge of a non-powered vessel being operated within 50 metres of [another person with communication equipment or] the shore of a lake where they can communicate with a person using their voice or a whistle."
- m) Communication equipment should only be required when exceeding either 3km (or a distance to be determined) from the lake shore or when not visible from the lake shore.

58. Recommendations and rationale

- i. A number of submitters have requested that the thresholds for exemptions to carry communication devices in clause 19.3 be reconsidered, that some locations be treated differently or that certain waterway activities be exempt in certain circumstances. Officers acknowledge that an intermediary standard could reasonably apply between clause 19.1 (where 2 communication devices are required) and the exemption at clause 19.3(b) (where voice or whistle communication is suitable for non-powered vessels within 50 metres of the shore of a lake). As such, officers recommend that an additional clause be added which states that *a person in charge of a non-powered vessel being operated between 50 metres and 200 metres of the shore of a lake must ensure that at least one form of communication equipment that is either waterproof or carried in a waterproof bag or container is carried on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.* Officers consider that

this amendment would not compromise the intent of the navigation safety objective being sought while also reducing the potential cost and inconvenience for operators of non-powered vessels who may have limited storage options.

- ii. A number of submissions requested that one form of communication equipment is sufficient or that different thresholds should be applied to determine how many devices are required. These concerns have partly been addressed by the recommended amendment at 59 i) above. The draft bylaw clauses have been informed by the Safer Boating Forum’s ‘Safer Boating Guide’<sup>21</sup> and rationale paper<sup>22</sup> which support two forms of communication being carried. Officers consider that the draft clauses provide a pragmatic approach to managing lower risk activities and flexibility with regard to the range of devices that could be carried. Officers do not consider that any new material information or evidence has been presented in submissions that support a different approach from a navigation safety perspective.
- iii. Submitters have raised concerns that dispersed and isolated nature of the district’s waterways mean that, in some instances, different types of communication facilities will not be supported by the necessary infrastructure (i.e. cell phone towers or VHF antenna). Officers consider that it is the responsibility of the person in charge of a vessel to ensure they are aware of such limitations and carry the correct form of communication to address these limitations. It is not the responsibility of QLDC to ensure mobile phone or any other form of communication is available on every navigable waterway in the district.

### Minor changes

- 59. Council’s online survey asked for views relating to the proposed minor correction to the current bylaw. The proposed amendments sought to address minor issues that would improve the clarity, legibility and overall accessibility of the bylaw.
- 60. 96 respondents provided a position on the proposed amendments. **Table 13** below provides an overview of the positions expressed by respondents to the question asked in relation to the proposed minor amendments. Table 13 illustrates that a small number of submitters responded to this question. The majority of those who did provide a supporting or opposing position supported all or some of the amendments. The largest proportion of respondents indicated that they were neutral or provided no response at all.

**Table 13 Responses regarding proposed corrections**

Question	Position – number of submitters				
	Support	Support some	Oppose	Neutral	No response
What is your view of the other proposed corrections?	19	17	4	56	43

<sup>21</sup> <https://www.maritimenz.govt.nz/media/ydrdqwdl/safer-boating-guide.pdf>

<sup>22</sup> <https://www.maritimenz.govt.nz/media/lcbo43if/nzsbfc-communications-position-statement.pdf>



61. Key themes and rationale from those respondents who supported all or some of the proposed amendments include:
- The Bobs Cove ski lane is not illustrated on any of the draft bylaw maps.
  - Concerns that some of the amendments (among other in the draft bylaw) will impact recreational opportunities and increase costs for vessel owners.
  - Lake Johnson is misspelt in the draft bylaw.
  - Concern regarding priority given to commercial users.
62. Key themes and rationale from those respondents who opposed all or some of the proposed amendments include:
- More engagement is needed on the minor amendments.
63. Recommendations and rationale
- Officers support the submission which recommends that the Bobs Cove ski lane be identified in the maps section of the draft bylaw. It is noted that this ski lane was also not identified on the maps within the current bylaw. This is a minor administrative error that should be addressed through this process.
  - Officers recommend that the reference to 'Lake Johnston' in clause 35.1 of the draft bylaw be amended to 'Lake Johnson'. This is a minor administrative error that should be addressed through this process.
  - Officers do not recommend any further amendments with regard to the proposed minor corrections.

### **Other specific relief**

64. Mr Anthony Hill requested that 'The Narrows' high speed access lane<sup>23</sup> (located at the entry to the Frankton Arm of Lake Wakatipu generally between Queenstown Gardens/Park Street and Kelvin Peninsula, Queenstown) be extended to cover the entry and exit points of the uplifting<sup>24</sup>. Mr Hill considers that the current access lane could create a bottleneck for vessels which would need the move to the centre to not be within 200 metres of the shore. No changes are recommended to this access lane as Lake Whakatipu rapidly widens at the eastern end of the access lane providing sufficient space for vessels such that congestion should not be experienced or create a navigation safety issue. Further, it is noted that the Wakatipu Yacht Club is located on the north shore of Kelvin Peninsula, and extending the access lane in this location is likely to create a navigation safety conflict between fast moving powered vessels and yachts users in this area.
65. A number of specific amendments to the draft bylaw were requested by FLOWT related to their floating sauna commercial activity that is proposed<sup>25</sup> to be located off St. Omer Wharf (110 Beach Street, Queenstown). The amendments seek to introduce a new definition to the draft bylaw that would apply to the type of craft used by FLOWT and a range of associated exemptions from other aspects of the bylaw. It is not recommended that FLOWT's relief is accepted. There is insufficient

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<sup>23</sup> Map 2 of the draft bylaw

<sup>24</sup> Note that Mr Hill provided an image illustrating his proposed extensions in his submission

<sup>25</sup> The submission noted that a resource consent has not yet been granted for the activity

navigation safety rationale to create specific exemptions or other clauses for the proposed activity from the draft bylaw, and it is not considered the draft bylaw would impose unnecessarily onerous navigation safety requirements on the proposed waterway activity.

66. Land Information New Zealand (LINZ) made a submission requesting a range of specific amendments to mitigate the impact of aquatic pest species, such as lagarosiphon. LINZ undertakes weed programmes in the district's waterways to reduce/eliminate the spread of these pests. They note that the lagarosiphon weed beds can interfere with vessel navigation, cause hazards for swimmers and recreation activities in waterbodies. They note that the tools used to reduce/eliminate lagarosiphon (i.e. hessian matting) can be adversely impacted by vessels travelling at high speeds resulting in lagarosiphon reinfestation. While officers acknowledge the important biosecurity activities and biodiversity outcomes highlighted in the LINZ submission, officers do not recommend any changes to the draft bylaw. Biosecurity/biodiversity matters are not within scope of navigation safety bylaws.
67. A number of submitters requested that the draft bylaw be amended to reserve areas or formally identify space for specific waterways activities, such as swimming lanes (i.e. that they be marked, maintained by Council, and given the same designation as the 5 knot areas), windsurfers, kiteboarders and wingfoilers (i.e. that reserved areas be created for wind sports with associated exemptions). These matters are addressed below:
- i. At the 19 September 2024 Council meeting elected members were presented with options for addressing different types of user conflicts, including specific areas for swimmers or other non-powered users<sup>26</sup>. It is noted that informal swim areas are already recognised by Council<sup>27</sup> that promote user separation, and the draft bylaw contains a range of clauses that regulate the speed and conduct of vessels in proximity to any other waterways users<sup>29</sup>. As such, officers do not recommend that swim lanes/areas be formally identified in the draft bylaw.
  - ii. The Southern Lakes Windriders Club has requested that '*recreational windsport zones be created in the bylaw at Kingston, Jardines, Kelvin Heights, Frankton Beach, One Mile, 25 Mile, Rat Point, Glenorchy to be declared a reserved area/zone for recreational windsports*'. The precise locations and scale of the requested areas/zones are not clear from the submission, and it is not possible to assess the possible navigation safety implication of these areas/zones. Officers are working with the submitter to better understand the areas it refers to in its submission to more precisely determine the navigation safety risks that may be associated with its relief. Further information will be provided to the Panel if it is made available by the submitter. Notwithstanding that the exact area of the requested locations is unknown, as stated in the paragraph above, the bylaw contains a range of clauses that regulate the speed and conduct of vessels in proximity to any other waterways users. Further, officers note that such amendments are likely to be considered out of scope of what was contained within the statement of proposal and may require re-consultation.

<sup>26</sup> Section 7, 19 September 2024 Council report

<sup>27</sup> [https://www.qldc.govt.nz/media/zl2jhjt4/qldc\\_boating-guide\\_lake-whakatipu\\_nov23-web.pdf](https://www.qldc.govt.nz/media/zl2jhjt4/qldc_boating-guide_lake-whakatipu_nov23-web.pdf)

<sup>28</sup> [https://www.qldc.govt.nz/media/kponhoz1/qldc\\_boating-guide\\_lakes-wanaka-and-hawea\\_nov23-web.pdf](https://www.qldc.govt.nz/media/kponhoz1/qldc_boating-guide_lakes-wanaka-and-hawea_nov23-web.pdf)

<sup>29</sup> Part 2 – General Navigation Safety Requirements of the draft bylaw

- iii. It is noted that clause 44 of the draft bylaw sets out the process and considerations for reserving areas for specific purposes, including *for the use of swimmers*<sup>30</sup> and *for the use of a particular type of vessel to the exclusion of other types of vessels*<sup>31</sup>. Officers consider that the relief is best sought through the application of clause 44, where QLDCs Harbourmaster and waterways staff can consider the site-specific navigation safety implications outside of the bylaw development process.
- iv. The changes sought are outside the scope of the draft bylaw and statement of proposal, and may trigger the need for further public consultation.
68. A number of submitters have requested that non-regulatory methods (i.e. education and signage), and more effective enforcement/monitoring of existing clauses be used to achieve the outcomes sought by the draft bylaw's amendments, rather than new or additional regulatory intervention. QLDC undertakes case by case enforcement action in accordance with its Enforcement Strategy and Prosecution Policy 2021<sup>32</sup>. This ranges from education through to escalated enforcement which may be in the form of infringements. QLDC continuously evaluates initiatives to increase compliance. Work is undertaken through a variety of engagement tools. Council's regulatory staff will consider feedback received through the bylaw development process to improve compliance. However, operational methods for improving bylaw compliance, education and enforcement are not within the remit of the bylaw making process itself. In addition, it is noted that updated infringement regulations<sup>33</sup> will be sought where appropriate after Council has adopted a new bylaw, to ensure effective regulation of navigation safety in the district.
69. RNZ has requested that clause 38.4 (relating to the Kawaru River) be amended to extend the area of the Kawarau River beyond which powered vessels can operate. RNZ states *the reason for this is that Realnz currently drops off rafting passengers near the arrow River confluence, which does change). This would provide more flexibility for safe disembarkation of passengers*. It is not clear what navigation safety issue needs to be addressed from the submission, and the bylaw is not intended to provide flexibility for commercial operators outside of a navigation safety rationale. As a consequence, officers do not recommend any changes to the draft bylaw.
70. A range of submitters have requested that boat ramps, markers or buoy lines throughout the district be maintained, upgraded, and that new ramps be provided, or parking issues be addressed. While the draft bylaw contains clauses relating to ramps, launch facilities, and navigation aids, the matters raised by submitters are outside the scope of navigation safety bylaw. It is noted that Schedule 2 of the draft bylaw contains references to markers relating to the likes of access lanes, and the condition of these will be assessed by QLDCs Harbourmaster and regulatory staff.
71. A submitter requested that the definition of lifejacket be amended to remove reference to *type 406* and make the definition as any buoyancy aid that meets *NZ Standard 5823:2005*. It is understood that the specific reference to type 406 would limit the type of lifejackets that could be used. Type 406 is one among many different types of lifejackets and it is not the intention of

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<sup>30</sup> Provision 44.1(c)

<sup>31</sup> Provision 44.1(b)

<sup>32</sup> <https://www.qldc.govt.nz/media/4v5kg35t/enforcement-strategy-and-prosecution-policy-2021.pdf>

<sup>33</sup> <https://www.legislation.govt.nz/regulation/public/2019/0019/latest/LMS154808.html?src=qs>

the amended rule to limit lifejacket use to type 406. As such, officers recommend that the relief is accepted, and that the words 'type 406' be removed from the definition of lifejacket.

72. A submitter requested that a definition of 'passenger' is needed in clause 17 (Refuelling) to clarify that commercial vessels which require 2 persons on the vessel to refuel are not in breach of the draft bylaw. Clause 17 states that *no vessel is to be refuelled at any time while there are passengers on board the vessel*. Officers do not consider that a person on board any commercial vessel engaged in or responsible for refuelling would be considered a passenger. Further, in the event of any legitimate conflict with this clause, clause 53 provides for exemptions to clause 17. No amendment is recommended in regard to this matter.
73. A submitter requested that compulsory radio calls be required on entry and exit from Queenstown Bay to improve safety for non-powered vessels in this area. While it is acknowledged that this part of Lake Whakatipu is busy, officers do not recommend that this request be incorporated in the draft bylaw. The Queenstown Bay access lane<sup>34</sup> identifies 5 knot speed restrictions for powered vessels across a large area. Further, the draft bylaw contains clauses which control *'conduct in access lanes'*<sup>35</sup>. These clauses prevent any person in charge of a vessel obstructing or impeding the passage of any other person using an access lane<sup>36</sup>, and prevent any person operating in a dangerous manner in relation to any vessel or other person in an access lane<sup>37</sup>. It is not clear how compulsory radio calls could be conducted in a manner that is coordinated, effective and would materially improve navigation safety in this area.
74. A number of submitters highlighted concerns in regard to the hazardous conduct of jetski operators, including regular non-compliance with speed restrictions, and their impacts on passive users and other vessels. QLDC is aware of these concerns and considers that the draft bylaw clauses, in particular the vessel identification clauses, will improve the effectiveness and efficiency of monitoring, enforcement, and if necessary the issuing of infringements and escalated enforcement action of jetski operator non-compliance.
75. A submitter has requested that life jackets or full length wetsuits not be required for paddleboards other than for minors. The 19 September Council report canvassed the options available to address lifejacket use in the draft bylaw<sup>38</sup> and are not repeated here. Officers consider that lifejacket clauses are fit for purpose and do not recommend any amendments. Further, it is likely that such material amendments to the lifejacket clauses are outside the scope of the statement of proposal and may require further public consultation.
76. Jet Boating New Zealand (**JBNZ**) submitted that:
- i. the proposed timeframe for the speed uplifting on the Hunter River be extended to apply from 1 November to 30 April through the inclusion of a new clause 39A as follows 'A permanent speed uplifting shall apply to the Hunter River from the mouth of the river at Lake

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<sup>34</sup> Map 1 of the draft bylaw

<sup>35</sup> Clause 42

<sup>36</sup> Clause 42.3

<sup>37</sup> Clause 42.4

<sup>38</sup> Section 6 of the 19 September 2024 Council report

Hāwea to Ferguson Creek between the months of November to April inclusive’, and that Table 1 and Map 10 be updated to reflect this amendment, and

ii. That the definition of lifejacket reinstated to be consistent with Maritime Rules Part 91.

77. In regard to 76 i), it noted that the current Hunter River speed uplifting includes an exclusion period between 12 December and 19 March when the uplifting does not apply. It is understood that the uplifting was considered and inserted into Council’s 2009 navigation safety bylaw as a separate amendment in July 2010<sup>39</sup>. The uplifting was considered necessary to suitably provide for the safety of different user groups (i.e. jetboaters and other users, including anglers). It was considered that by applying the uplift during times of sufficient water flow which facilitates jet boat access, and not applying the uplift over the busiest parts of the summer when the valley can be used by recreational users without jet boats, certainty is provided to different user groups that promotes navigation safety. Further, reporting associated with the development of the current bylaw<sup>40</sup> illustrates that JBNZ had requested amendments to the Hunter River speed uplifting. These amendments were not accepted on the basis of concerns related to fly fishing users of the river. The JBNZ submission does not provide any specific analysis of potential navigation safety impacts of the amendment with regard to anglers/other users of the Hunter River. Officers do not recommend any changes to the draft bylaw in relation to this submission. Further, officers note that such amendments are likely to be considered out of scope of what was contained within the statement of proposal and may require re-consultation.

78. In regard to 76 ii), the rationale for amending the lifejacket clauses was addressed in the 19 September 2024 Council report. The draft bylaw definition brings the definition up to date with current standards. Officers do not recommend that this relief be accepted.

## **Summary**

79. The relief requested by submitters has been canvassed in this report, and full copies of the submissions received are available for the Panel’s consideration in Attachment C. This report provides advice to the Panel on recommended amendments to the draft bylaw on the basis of submissions received.

80. Council can make changes to the draft bylaw as an outcome of formal consultation, in response to submissions, as long these changes are within the scope of the statement of proposal. Material changes to the draft bylaw proposed after consultation that come about through the submissions process but are not contemplated in the statement of proposal may require Council to re-consult.

## **Options and analysis**

81. The Panel is being asked to receive submissions, hear submitters that wish to speak, and recommend to Council a final form of the draft bylaw for adoption.

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<sup>39</sup> QLDC agenda item 4 ‘Hunter River – Proposed amendment to Navigation Safety Bylaw’, 19 July 2010

<sup>40</sup> <https://www.qldc.govt.nz/media/0jajc0hq/2018-march-23-council-agenda.pdf>



82. Officers are proposing to present a final draft bylaw to Council for it to consider and adopt in early 2025. When reporting to Council, the officer’s report will incorporate a summary from this hearing panel meeting. The officer report to Council will address the requirements set out in section 77 of the LGA that local authorities must satisfy through its bylaw decision-making process, and will identify and assess the reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

83. This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.

84. **Option 1:** That the Panel receive all submissions and recommend that Council adopt the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 with no changes to the draft bylaw that went out for consultation.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The Council would have fulfilled its obligations under the LGA to consult on the draft bylaw and to hear submissions received.</li> <li>• If adopted by Council, the draft bylaw that went out for consultation provides a sound basis for regulating navigation safety in the district.</li> </ul>	<ul style="list-style-type: none"> <li>• The draft bylaw would not reflect the wide range of community views contained in the submissions.</li> <li>• The important experience and knowledge of the district’s waterway users as noted in submissions and acknowledged in this report will not be incorporated into the draft bylaw in a way that would improve navigation safety outcomes.</li> </ul>

85. **Option 2:** That the Panel receive all submissions and recommend that Council adopt the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 with changes as an outcome of the consultation process (see Attachments A and F).

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• The version of the bylaw presented to Council for adoption would actively respond to a range of information received in submissions.</li> <li>• The important experience and knowledge of the district’s waterway users as noted in submissions and acknowledged in this report will be incorporated into the draft bylaw in a way that would improve navigation safety outcomes.</li> <li>• Council would have fulfilled its obligations under the LGA to consult on the draft bylaw and to hear submissions received.</li> </ul>	<ul style="list-style-type: none"> <li>• The recommended amendments to the draft bylaw may not align or address all community views received through submissions.</li> </ul>

86. **Option 3:** That the hearings panel receive all submissions and recommend that Council not adopt the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025.

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>The Council would have fulfilled its obligations under the LGA to consult on the draft bylaw and to hear submissions received.</li> </ul>	<ul style="list-style-type: none"> <li>Council could still choose to adopt the draft bylaw as the Panel’s delegation is limited to making a recommendation.</li> <li>If Council chooses to not to adopt a draft bylaw, the current bylaw will lapse, and Council will not have any ability to regulate navigation safety in the district until such time that a new bylaw is endorsed. QLDC would therefore not be fulfilling its obligations under the MTA to achieve navigation safety on the district’s waterways. Unregulated waterways and waterways activities may result in serious harm or death.</li> <li>Officers may need to restart the bylaw development process resulting in cost and time implications.</li> </ul>

87. This report recommends that the Panel proceed with **Option 2** for addressing the matter and receive the written submissions and hear the submitters who wish to be heard on the draft bylaw.

**Option 2** enables Council to:

- continue to regulate navigation safety in the district,
- proactively respond to the experience and knowledge of the district’s waterway users,
- comply with the special consultative procedure requirements in the LGA.

**Next steps**

88. The Panel is being asked to receive written and verbal submissions on 25 November 2025 and recommend to Council a final form of the draft bylaw.

89. It is intended that Council will consider and adopt the final draft bylaw in early 2025. If adopted by Council, the bylaw will come into effect shortly after it is adopted.

## Consultation Process | Hātepe Matapaki

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### Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

90. This matter is of medium significance, as determined by reference to the Council’s Significance and Engagement Policy 2024. While the bylaw review and officers’ recommended options may result in a range of amendments that could change the way lakes and rivers are managed to ensure navigation safety, and which are likely to be of high community interest, this report is not requesting that Council adopt the draft for implementation, and the current bylaw will remain in place until such time that a new bylaw is adopted by Council.
91. The persons who are affected by or interested in this matter are Kāi Tahu, commercial waterway operators, recreational users, and the general public. Council has engaged with Kāi Tahu, MNZ, Waka Kotahi NZTA, the ORC and QLDC Harbourmaster, commercial waterways operators, recreational users, and the general public to guide the development of the draft bylaw through pre-engagement processes.
92. Formal consultation via the special consultative procedure has enabled feedback from the community and stakeholders. Council will give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter, as required by the LGA (s.78(1)).
93. The draft bylaw and statement of proposal were publicly notified by advertisement on QLDC’s website and in local newspapers as well as publications across the wider region, including the Otago Daily Times, Wānaka Sun, Greymouth Star, Southland Times, The Press, Lakes Weekly Bulletin, Mountain Scene, and the Upper Clutha Messenger. In addition, advertising was undertaken on Council’s social media platforms and using radio. Council also conducted three separate drop-in sessions during the consultation period for any person to come ask questions of Council officers and the Harbourmaster.
94. The draft bylaw, statement of proposal and other supporting documents were made available on Council’s website, at the Council offices at 10 Gorge Road, Queenstown, and 47 Ardmore Street, Wānaka.

### Māori Consultation | Iwi Rūnaka

95. Kāi Tahu have been engaged (via Council’s Māori Strategy and Partnerships Manager) in the draft bylaw development process. It is understood that whilst Mana Whenua have a high interest in matters relating to water quality and quantity, the draft bylaw does not address these matters. Water quality and quantity are managed by way of the Resource Management Act 1991.
96. Te Ao Marama and Aukaha were advised of consultation on the draft bylaw, and invited Iwi representatives to make a submission. Te Ao Marama and Aukaha did not make a formal submission.



### Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

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97. This matter relates to the Regulatory/Legal/Compliance risk category. It is associated with RISK10026 Ineffective enforcement within the QLDC Risk Register. This risk has been assessed as having a moderate residual risk rating.
98. The approval of the recommended option will allow Council to implement additional controls for this risk. This will be achieved by ensuring QLDCs navigation safety bylaw provides the most efficient and effective clauses for it to fulfil its obligations under the MTA.

### Financial Implications | Kā Riteka ā-Pūtea

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99. The costs associated with reviewing the bylaw including staff time and advertising will be met within current Council budgets. The draft bylaw does not propose any changes to Council operations that would require additional funding.

### Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

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100. The following Council policies, strategies and bylaws were considered:
- a) Our Strategic Framework and Investment Priorities
  - b) Significance and Engagement Policy 2021
  - c) Enforcement Strategy and Prosecution Policy 2021.
101. The recommended option is consistent with the principles set out in the above-mentioned named policies.
102. Clause for QLDCs Harbourmaster and regulatory staff to address waterway management (including to enforce bylaws and regulations to promote water safety) is identified in the regulatory and enforcement community outcome of the Long-Term Plan<sup>41</sup>.

### Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka Waeture

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103. Council is bound by the LGA when making or reviewing bylaws. The base determination, notification, and consultation procedures set out under sections 155, 156 and 157 of the LGA apply.
104. Council has made the determinations required under s.155 of the LGA before commencing the process of reviewing the current bylaw.
105. Consultation on the draft bylaw is following the requirements of the special consultative procedure outlined in sections 83 and 86 of the LGA.

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<sup>41</sup> QLDC Ten Year Plan 2021–2031 Volume One, page 104, 325

106. The preparation of QLDCs bylaw must be in accordance with the MTA and relevant associated national maritime rules set by MNZ. The draft bylaw and associated documents have been legally reviewed prior to consultation to ensure they give effect to the MTA and national maritime rules.
107. Section 33M of the MTA provides QLDC with the power to create a bylaw to manage navigation safety in the district. Section 33M(1)(a) – (j) sets out the range of matters that a navigation safety bylaw may be made and regulate. Officers consider that the draft bylaw is within the scope of the matters set out in Section 33M.
108. Section 33M requires that any navigation safety bylaw is made in consultation with the Director of MNZ. Officers consulted regularly and directly with MNZ staff in the development of the draft bylaw and much of MNZs advice has been incorporated into the draft bylaw for consultation.

#### Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

109. Section 10 of the Local Government Act 2002 states the purpose of local government is:
- a) to enable democratic local decision-making and action by, and on behalf of, communities; and
  - b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The review of the bylaw will deliver on this purpose as it will ensure QLDC is managing waterways to give effect to section 145 of the LGA.
110. It is considered that the recommendation in this report is appropriate and within the ambit of Section 10 of the Act.
111. The recommended options:
- a) Can be implemented through current funding under the Long-Term Plan and Annual Plan;
  - b) Are consistent with the Council's plans and policies; and
  - c) Would not significantly alter the intended level of service clause for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

#### Attachments | Kā Tāpirihaka

A	Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025
B	Statement of proposal
C	Full submissions pack (circulated separately)
D	Navigation Safety Bylaw 2018
E	Recommended options to address submissions related to ski lanes
F	Schedule of recommended amendments in response to submissions



**Navigation Safety Bylaw ~~2018~~2025**  
**Te Ture ā-Rohe mō te Haumarū Whakatere 2025**

Queenstown Lakes District Council

Date of making: ~~23 March 2018~~TBC

Commencement: ~~6 April 2018 (other than clause 46 which shall take effect on 1 July 2019)~~TBC

This bylaw is adopted pursuant to the Maritime Transport Act 1994 and Local Government Act 2002 by virtue of a transfer of bylaw making powers by the Otago Regional Council pursuant to section 17 of the Local Government Act 2002 and section 650j of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

**Key to amendments**

Blue struck through (deleted) and underlined (additions) text represents amendments included in the draft bylaw for consultation.

Blue struck through (deleted) and underlined (additions) text that is also **highlighted yellow** represents recommended amendments included in the draft bylaw in response to submissions.

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Note – The contents page of this draft bylaw may not illustrate all amendments from the current bylaw (i.e. page numbers)

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## Part 1 – Preliminary

### 1 Title and Commencement

1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw-~~2025~~~~2018~~” Te Ture ā-Rohe mō te Haumaru Whakatere 2025.

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1.2 This bylaw comes into force on a date to be resolved by Council.

### 2 Application

2.1 This bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District, as set out in Schedule 1 of this bylaw.

### 3 Purpose

3.1 To ensure navigation safety the purpose of this bylaw is to:

- (a) regulate and control the use or management of ships;
- (b) regulate the placing and maintenance of moorings and maritime facilities;
- (c) prevent nuisances arising from the use of vessels, actions of persons and things on, in, or near the water;
- (d) reserve the use of any waters for specified persons or vessels;
- (e) in relation to any sporting event, training activity, ceremonial or other authorised customary event:
  - (i) prohibit or regulate the use of vessels;
  - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
- (f) regulate and control the use of anchorages;
- (g) prescribe vessel traffic separation and management schemes;
- (h) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on recreational vessels;
- (i) prescribe administrative requirements, fees and charges for the performance of administrative functions;
- (j) prescribe offences and penalties for contravention or permitting a contravention of the bylaw; ~~and~~
- (k) require the marking and identification of vessels, and
- (l) require the carriage of communication equipment.

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**4 Bylaw to bind the Crown**

4.1 Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

**5 Delegation**

5.1 Any of the various powers and functions of the Queenstown Lakes District Council as detailed and set out in this bylaw may be delegated by it to its Chief Executive Officer and through him or her to any person in accordance with the Act and the Local Government Act 2002.

*Explanatory note: The delegations of Council functions under this bylaw are set out in the QLDC Register of Delegations, Register of Delegations. The Bylaw also contains individual clauses which confer powers directly on the Harbourmaster and/or Enforcement Officers.*

**6 Interpretation**

6.1 In this bylaw, unless the context otherwise requires,-

**Access Lane** means an area defined and designated as an access lane described in clause 4.24 of this bylaw.

**Accident** has the same meaning as in the Maritime Transport Act 1994.

**Act** means the Maritime Transport Act 1994.

**Alcohol** has the same meaning as in section 5 of the Sale and Supply of Alcohol Act 2012.

**Anchorage** in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purpose by the Council or not.

**Buoy** means an anchored float, serving as a navigational mark or locational mark to indicate hazards, reefs or a mooring.

**Commercial Vessel** means a vessel that is not a recreational vessel.

**Commercial Vessel Licence** means a licence referred to in clause 4.4 of the bylaw.

**Contravene** includes fail to comply with.

**Council** means the Queenstown Lakes District Council or anyone delegated or authorised to act on its behalf.

**Dangerous goods** has the same meaning as in Maritime Rule 24A.

**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.

**District** means the area administered by the Queenstown Lakes

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District Council.

**Drug** means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and includes (but is not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

**Enforcement Officer** means a person appointed by the Council as an Enforcement Officer under section 33G of the Act.

**Fee** means the fee prescribed by Council under clause 532.

**Flag A** means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

**Foreshore** means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events.

**GPS or GPS Coordinate(s)** means a Global Positioning System used to determine a location using the WGS84 Lat-Long system.

**Harbourmaster** means the person appointed by the Council to that position and includes any Deputy Harbourmaster.

**Hot work operations** includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

**Impedes the passage** means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to alter course, alter speed or to stop.

**Incident** means any occurrence, other than an accident, collision, grounding or mishap that is associated with the operation of any vessel and affects or could affect the safety of operation.

**Intoxicated** means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

**Jet boat** means a vessel with water jet propulsion that—

- (a) is less than nine metres in length overall; and

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- (b) is designed to carry no more than 34 persons:

**Launch facility** means a place that:

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower Wānaka SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower Wānaka SD (known as Waterfall Creek).

**Length** means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 3.

**Lifejacket** 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) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005.

*Explanatory note: for the purposes of this bylaw the term "lifejacket" has the same meaning as a "personal flotation device" under the Maritime Rule 015.*

**Making way** means being propelled by an instrument or device.

**Maritime rules** means maritime rules made under the Maritime Transport Act 1994.

*Explanatory note: where specific maritime rules apply, these have been expressly stipulated.*

**Master** means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.

**Mishap** means an event that:

- (a) causes any person to be harmed; or
- (b) in different circumstances, might have caused any person to be harmed.

**Moor** means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or

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- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

**Mooring** in relation to water, means any weight or article placed in or on the shore or bed of any lake or river for the purpose of securing a vessel or any floating structure; and

- (a) includes any wire, rope, buoy or other device connected to the weight; but
- (b) does not include an anchor that is normally removed with the vessel or floating structure when it leaves the site or anchorage.

**Mooring permit** means a permit issued under clause ~~46~~7 of this bylaw.

**Navigate** means the act or process of managing or directing the course of a vessel on, through, over or under the water.

**Navigation aid** includes any light, navigation mark, buoy, beacon, wharf, lifebuoy or lifesaving apparatus maintained or otherwise authorised by the Council on, or in, any lake or river within the District.

**Owner** has the same meaning as in section 2 of the Act.

**Paddleboard** is to be given its natural and ordinary meaning, and includes a craft that is:

- (a) powered by paddle; and
- (b) operated by a person in the standing, kneeling or sitting position; and
- (c) is constructed of rigid materials, whether inflatable or not, provided that it is continuously buoyant.

and does not include a kayak, surf ski or canoe.

**Parasailing or paragliding** includes any gliding or flying by use of a parachute or kite either towed by a vessel or released from a vessel.

**Person in charge of a vessel** means as the context requires:

- (a) the master of the vessel; or
- (b) in the absence of the master of the vessel, the owner of the vessel; or
- (c) in the absence of the master or owner of the vessel, the person steering the vessel or who appears to the harbourmaster or an enforcement officer to be responsible the vessel, whether or not it is in the water.

**Personal water craft** means a power-driven vessel such as a Jet Ski, provided it:

- (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 in it.

**Pleasure vessel** means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not a commercial vessel; but does not include:

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or 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; or
- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

**Power-driven vessel** means any vessel propelled by machinery, that is not solely powered manually or by sail.

**Proper speed** means speed through water.

**Public notice** means a notice published on the Council web site and in a newspaper circulating in the area of the District.

**Public notice or publicly notified** means

- a) In relation to Clause 33.4 (Temporary events), a notice published on the Council website and; and
- b) In relation to any other clause in this Bylaw, a notice published on the Council web site and in a newspaper circulating in the area of the District.

**Ramp** in relation to water, means any structure that is provided for launching a vessel into the water or taking a vessel out of the water.

**Recognised authority** means an authority that the Director considers is competent to certify a lifejacket's compliance with a standard.

**Recreational vessel** means a vessel that is:

- (a) a pleasure vessel;
- (b) solely powered manually; or
- (c) solely powered by sail.

**Reserved Area** means an area reserved for a specific purpose under this bylaw.

**Restricted visibility** includes circumstances in which visibility is restricted due to fog, mist, or other adverse weather conditions.

**Sailboard** means any type of board that is propelled by a detachable

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sail apparatus and operated by a person standing on the board.

**Seaworthy** in relation to any vessel means being, in the opinion of the Harbourmaster in a fit condition of readiness to safely undertake a voyage within its designed capabilities.

**Shotover River Concession Area** has the meaning set out in the Queenstown Lakes District Council Shotover River bylaw ~~2015~~2021.

**Speed means:**

(a) ~~in relation to lakes, the speed through the water; or~~

(a)(b) ~~in relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.~~

**Structure** means any building, equipment, device, wharf, jetty, breastwork or other facility which is fixed to land or bed of a waterbody, and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, wharves, marine farms, temporary structures associated with events and other objects whether or not these are above or below the waterline; and
- (b) does not include navigation aids.

**Sunrise/sunset** means the time designated for sunrise/sunset according to New Zealand Standard time.

~~Underway means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure.~~

~~Unseaworthy in relation to any vessel means being, in the opinion of the Harbourmaster in a condition where it is not ready or in a fit condition to safely undertake a voyage within its designed capabilities.~~

**Uplifting** means a lifting of, or change to, speed limits in this bylaw.

**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 surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water raft;
- (h) a kiteboard, sailboard, hydrofoil or paddleboard;

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- (i) an inner tube;
- (j) a kayak or canoe;

but does *not* include a surfboard.

**White water raft** means an inflatable vessel manoeuvred by

- (a) oars or paddles; or
- (b) a combination of oars and paddles,

but does not include inflatable kayaks, inflatable canoes, river bugs, tyre tubes, or tyre tube rafts.

## Part 2 – General navigation safety requirements

### 7 General duties of person in charge of the vessel to ensure safety

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board;
- (b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

7.2 No person may operate or attempt to operate a vessel while intoxicated.

### 8 Minimum age for operating power-driven vessels<sup>1</sup>

8.1 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 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.

8.2 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.

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the [Maritime Rule 91s](#).

### 9 Speed of vessels<sup>2</sup>

9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel

<sup>1</sup> Rule 91.5.

<sup>2</sup> Rule 91.6.

(including a vessel towing a person or some object) at a ~~proper~~ speed greater than five knots within:

- (a) 50 metres of any other vessel or floating structure or person in or on the water;
- (b) 200 metres of the shore or of any structure;
- (c) 200 metres of any vessel that is flying Flag A (the divers flag) of the International Code of Signals;

Explanatory note: The measurement of speed is defined in clause 6 to mean:

- (a) *In relation to lakes, the speed through the water; or*
- (b) *In relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.*

9.2 Clause 9.1(a) does not apply to:

- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
  - (i) a club affiliated to Yachting New Zealand; or
  - (ii) a non profit organisation involved in sail training or racing; or
- (b) a vessel training for or participating in competitive rowing or paddling; or
- (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
- (d) a vessel operating in accordance with a speed uplifting established under this bylaw or ~~the Maritime Rule 918~~.

9.3 Clause 9.1(b) does not apply to:

- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
- (b) a vessel operating in accordance with a speed uplifting established under this bylaw or ~~the Maritime Rule 918~~;
- (c) a vessel training for or participating in competitive rowing or paddling; or
- (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

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- 9.4 No person may propel or navigate a power-~~driven~~ vessel at a ~~proper~~ speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 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 specified in clause 9.1.
- 9.6 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.
- 10 Harbourmaster may instruct vessel not to exceed specified speed**
- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.
- 11 Wake<sup>3</sup>**
- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
  - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
  - (c) does not cause any risk of harm to any other person.
- 12 Embarking and disembarking vessels**
- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.
- 13 Anchoring, mooring and obstructions<sup>4</sup>**
- 13.1 No person may anchor a vessel so as to:
- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
  - (b) create a hazard to other vessels at anchor.

<sup>3</sup> Rule 91.7.

<sup>4</sup> Rule 91.13.



- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
  - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.

- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
  - (b) cause injury or death to any person; or
  - (c) cause damage to any vessel or any property.

#### 14 Vessels to be seaworthy and not abandoned

- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
  - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 3941.3 of this bylaw.

#### 15 Damage to navigation aids<sup>5</sup> (eg. buoys)

- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
  - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

#### 16 Prevention of nuisances

- 16.1 No person may create a nuisance to any other person through:
- (a) his or her use or control of a vessel;
  - (b) the speed of a vessel; or
  - (c) the speed of any item or object towed behind or used in conjunction with such a vessel.

<sup>5</sup> Rule 91.14.



**19 Carriage of communication devices**

19.1 The person in charge of a vessel must ensure two independent forms of communication equipment that are either waterproof or carried in a waterproof bag or container are on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.2 A person in charge of a non-powered vessel being operated on a river must ensure that at least one form of communication equipment that is either waterproof or carried in a waterproof bag or container is carried on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.3 A person in charge of a non-powered vessel being operated between 50 metres and 200 metres of the shore of a lake must ensure that at least one form of communication equipment that is either waterproof or carried in a waterproof bag or container is carried on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.4 Subclauses 19.1 and 19.2 do not apply to:

- (a) a person participating in a sporting event or training activity if there is a support vessel present that complies with subclause 19.1, or
- (b) a person in charge of a non-powered vessel being operated within 50 metres of the shore of a lake where they can communicate with a person using their voice or a whistle.

*Explanatory note: Forms of communication may include but are not limited to VHF radio, distress beacons (EPIRB or PLB), mobile phone in a waterproof bag and flares. The person in charge of a vessel should seek guidance on appropriate forms of communication.*

**Part 3 – Carriage and wearing of lifejackets**

**19.20 Carriage of lifejackets<sup>6</sup>**

19.20.1 No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient lifejackets of an appropriate size for each person on board.

**19.21 Wearing of lifejackets**

19.21.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.

19.21.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way,

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<sup>6</sup> Rule 91.4(1)

each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

~~19-321.3~~ Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.

~~19-421.4~~ Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

#### ~~20-22~~ Requirement to wear lifejackets during dangerous situations<sup>7</sup>

~~20-422.1~~ Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.

#### ~~21-23~~ Requirement to wear lifejackets if being towed<sup>8</sup>

~~21-423.1~~ No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.

#### ~~22-24~~ Exceptions to requirements to carry or wear lifejackets<sup>9</sup>

~~22-424.1~~ Clauses ~~18-20~~, ~~19-21~~, and ~~20-22~~ do not apply to:

- (a) any surfboard, sailboard, paddleboard, windsurfer, ~~or other~~ or similar unpowered craft, if a full wetsuit is worn at all times;
- (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
- (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
- (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
- (e) a commercial raft; and
- (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any

<sup>7</sup> Rule 91.4(6).

<sup>8</sup> Rule 91.4(7).

<sup>9</sup> Rule 91.4.

person participating in the event or activity, and issues an exemption under clause 333;

~~22-224.2~~ Clauses ~~1820~~, ~~1921~~, and ~~20-22~~ do not apply to any sporting event, training activity, authorised customary 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 and carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.

~~22-324.3~~ Clauses ~~21-23~~ does not apply to:

- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
- (b) persons participating in a sporting event that is administered by a national sporting organisation approved under the maritime rules.

## Part 4 – Specific water-based activities

### ~~23-25~~ Water skiing or towing of any person – requirement for a lookout<sup>10</sup>

~~23-25.1~~ No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

~~23-25.2~~ No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

### ~~24-26~~ Water skiing or towing of any person – restriction between sunset and sunrise<sup>11</sup>

~~24-26.1~~ No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.

~~24-26.2~~ No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

<sup>10</sup> Rule 91.8.

<sup>11</sup> Rule 91.9.

**2527 Parasailing**

~~25.27.1~~ Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and [the Health and Safety Guidelines for Commercial Parasailing Operations 2022 issued by the Director](#).

~~25.27.2~~ No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Whakatipu.

*Explanatory note: Applicable [Health and safety guidelines for Commercial Parasailing operations are found on the Maritime New Zealand website](#). [://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf](http://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf).*

**2628 Whitewater rafting**

~~26.1~~ Every person in charge of a white water raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the [Health and Safety at Work \(Adventure Activities\) Regulations 2016](#).

*Explanatory note: Maritime Rule 81: [Commercial Rafting Operations](#) contains the applicable maritime rules.*

**2720 Jet boating**

~~27.20.1~~ Every person in charge of a jet boat that is a commercial vessel must ensure that the jet boat is operated and navigated strictly in accordance with the applicable maritime rules.

*Explanatory note: Commercial river jet boating is subject to Maritime Rule 82: [Commercial Jetboat Operations - River](#).*

**2830 Swimming or diving around wharves or jetties**

~~28.30.1~~ No person may jump, dive, swim or undertake any other related activities:

- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been approved by the Harbourmaster or an enforcement officer;
- (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

**2931 Hot works**

~~29.1~~ A person conducting hot work operations on a vessel must comply with the current edition of the [Code of Safe Working Practices for Merchant Seafarers \(Maritime New Zealand\)](#).

~~29.231.1~~ The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made

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for the continuance of the precautions until the operations are complete.

29-331.2 In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

*Explanatory note: The Health and Safety at Work Act 2015 applies to any person conducting hot work operations on a vessel where it is a place of work.*

**30-32 Dangerous Goods**

30-32.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:

- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
- (b) makes the written record of dangerous goods required under clause 32.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

**31-33 Special Temporary events**

31-33.1 Any person intending to conduct a race, speed trial, competition, display, performance, film, advertisement or other organised water activity must apply to the Harbourmaster to:

- (a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or
- (b) temporarily reserve the area for the purpose of that activity; and/or
- (c) temporarily suspend the designation of permanent access lanes or reserved areas.

31-33.2 Where the Harbourmaster is satisfied, on considering an application under this bylaw (together with any safety plan that may be required), that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 7 days, and on such conditions (if any) as the Harbourmaster may specify.

33.1 Any person intending to conduct a sporting event, training activity or any other organised water activity in an area to which this bylaw applies must do the following prior to the activity occurring:

- (a) Notify the Harbourmaster in every case; and
- (b) Apply for and obtain approval from the Harbourmaster if the activity meets one or more of the following criteria:
  - i. The activity is likely to affect normal operation of another vessel(s) or any other user(s) of the water; or

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- ii. The activity requires a temporary suspension of any clause of this Bylaw; or
- iii. The activity requires an area to be temporarily reserved for a specific purpose; or
- iv. The activity requires the temporary suspension of a reserved area or access lane; or
- v. The activity requires temporary installation of course markers or similar such objects in the water.

33.2 The Harbourmaster has discretion in relation to an application for approval under clause 33.1(b) to either:

- (a) Grant approval if satisfied that the application (together with any safety plan that may be required) can be approved for a period of up to 7 days without endangering the public; or
- (b) Refuse the application.

~~33.3~~ 33.3 The Harbourmaster may grant approval under clause 32.2(a) upon such terms and conditions as the Harbourmaster thinks fit, including conditions that provide for the temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes as determined by the Harbourmaster.

~~33.4~~ 33.4 No grant of an application approval under clause 33.3 has effect unless not less than 7 days or 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 supervision or reserved area.

~~33.5~~ 33.5 The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.

33.6 The Council may prescribe any fees associated with special Temporary events in accordance with clause 532.

33.7 A person may request in writing for Council to review decisions under clause 33.2 and 33.3 to:

- (a) decline an application;
- (b) impose certain terms and conditions under this bylaw or any permission granted by Council; or
- (c) revoke any permission under this bylaw.

33.8 In determining any review under clause 33.7 Council may decide to either:

- (a) confirm its original decision; or
- (b) amend the terms and conditions imposed on any approved application; or

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(c) issue a new approval.

*Explanatory note: Organised water activities typically include pre-planned events that involve multiple participants. This can include activities with a specified purpose such as regattas, races, group excursions, or any other event (including club events) that is coordinated and involves a group of people. They will not typically include spontaneous, impromptu or ad hoc gatherings of a small group of friends or family who do not intend to undertake a coordinated competitive activity.*

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## Part 5 – Rules relating to specific locations

### 3334 Rivers<sup>12</sup>

3334.1 Subject to the more specific rules below, a person in charge of a vessel on a river must:

- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
- (b) if going upstream, give way to any vessel coming downstream; and
- (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

### 3335 Lakes

3335.1 No power-driven vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnson, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

### 3436 Queenstown Bay

3436.1 The proper speed of vessels must not exceed five knots within 50 metres of any boundary of the access lane in Queenstown Bay unless specifically permitted as a condition of the access lane or by a speed uplifting.

### 3537 Clutha River / Mata-Au

37.1 No person may navigate a power-driven vessel under the Albert Town Bridge except in accordance with the following rules (or as may be directed by the Harbourmaster):

- (a) power-driven vessels proceeding downstream must be navigated through the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au;
- (b) power-driven vessels proceeding upstream must be navigated through the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au.

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<sup>12</sup> Rule 91.17.

~~35-137.2~~ The following clauses apply to persons operating power-driven vessels operating in the area between the Outlet Camping Ground (GPS ~~44 39 45 N, 169 08 55 E-44-66 to 169-15~~) and the Albert Town Bridge (GPS ~~44 40 51 N, 169 11 26 E-44-68, 169-19~~):

(a) Between 1 December and 30 April no person may operate a power-driven vessels may operate in this area, unless the ~~powered vessel satisfies expressly authorised to do so under~~ one of the following exceptions:

~~(i)~~ it is expressly authorised to operate in this area by a resource consent issued by the Council;

~~(ii)~~ it is carrying out one of the following permitted activities under the Queenstown Lakes District Plan, with the permission of the Harbourmaster:

- (A) emergency search and rescue;
- (B) hydrological survey;
- (C) public scientific research;
- (D) resource management monitoring;
- (E) water weed control; or
- (F) access to adjoining land for farming activities.

~~(iii)~~ if the power-driven vessel is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.

~~(b)~~ Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council provided the person complies with:

- ~~(i)~~ All other obligation under this bylaw including clause 7.1(b);
- ~~(ii)~~ All resource consent conditions applicable to the activity;
- ~~(iii)~~ Any requirement under an applicable licence issued by Maritime New Zealand.

~~(c)~~ Between 1 May and 30 November any person operating a power-driven vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).

~~35-237.3~~ A permanent speed uplifting shall apply between the Albert Town Bridge (GPS ~~44 40 51 N, 169 11 26 E-44-68, 169-19~~) and the Red Bridge (~~44 43 51 N, 169 16 54 E-44-73 to 169-28~~) as specified in Schedule 2.

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### 3638 Kawarau River

~~3638.1~~ 3638.1 No person may rest or stop a vessel in the areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam ~~are not to be used as rest or stop areas by any vessel.~~

~~3638.2~~ 3638.2 The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.

~~3638.3~~ 3638.3 No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):

- (a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;
- (b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.

~~3638.4~~ 3638.4 No person may operate a power-driven vessel ~~on that part of the Kawarau River located downstream from the confluence between the Kawarau River and below the Arrow River.~~ No powered vessels may operate on that part of the Kawarau River located downstream from the confluence between the Kawarau River and below the Arrow River.

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### 3739 Shotover River

~~3739.1~~ 3739.1 No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw ~~2015-2021~~ 2015-2021 or any bylaw adopted by Council to replace that bylaw.

~~3739.2~~ 3739.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E119) of the movements and location of the commercial vessel at all times.

### 3840 Prohibited areas

~~3840.1~~ 3840.1 No person in charge of a power-driven vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:

- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
- (b) the Outlet of Lake Whakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
- (c) the Shotover, Kawarau and Clutha / Mata-Au Rivers.

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## Part 6 – ~~Accidents, incidents, and mishaps~~ and near misses

### ~~39.41~~ Requirement to report to the Harbourmaster in the event of ~~accident, mishap or serious incident~~

~~39.41.1~~ A person in charge of a vessel that has been involved in an ~~accident, incident or mishap~~ where:

- ~~(a) the incident has caused damage to another vessel, or a navigation aid or any structure;~~
- ~~(b) a vessel has been sunk or grounded or become stranded in any waterway;~~
- ~~(c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or~~
- ~~(d) any person has been injured;~~

must, as well as complying with the reporting requirements in Section 31 of the Maritime Transport Act 1994 (which requires reporting the incident to the Authority), also report the incident to the Harbourmaster.

~~39.41.2~~ A report required by clause ~~39.41.1~~ must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause ~~5.12~~ of this bylaw.

~~39.41.3~~ If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:

- ~~(a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or~~
- ~~(b) in accordance with directions from the Harbourmaster or the police.~~

### ~~40~~ Requirement to report to the Harbourmaster in the event of a near miss

~~40.1~~ The person in charge of any commercial vessel that has been involved in an incident that is not covered by clause ~~39.1~~, but could have potentially led to an accident or collision, must report in writing the details of the incident to the Harbourmaster within ~~24~~ hours of the incident occurring.

## Part 7 – Access Lanes and Reserved Areas

### ~~41.2~~ Access Lanes

~~41.2.1~~ The following areas are access lanes for the purposes of this bylaw:

- ~~(a) the areas specified in Table 2 of Schedule 2 of this bylaw; and~~



- (b) the areas declared to be access lanes in accordance with this clause.

~~41-242.2~~ The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.

~~41-342.3~~ The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

#### ~~42-43~~ Conduct in Access Lane<sup>13</sup>

~~42-43.1~~ Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:

- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
- (b) by the most direct route through the access lane;
- (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
- (d) this clause applies to objects towed by a vessel.

~~42-343.2~~ No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.

~~42-343.3~~ No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.

~~42-443.4~~ No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.

~~42-543.5~~ If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

#### ~~43-44~~ Reserved Areas<sup>14</sup>

~~43-44.1~~ The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:

- (a) for use of vessels generally; or
- (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
- (c) for the use of swimmers, water skiers, scuba divers or any

<sup>13</sup> Rule 91.10

<sup>14</sup> Rule 91.12.

persons undertaking other water recreation activities; or

- (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

~~43-244.2~~ Adequate signs must be provided in the vicinity of any reserved area that:

- (a) define the area;
- (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
- (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.

~~43-344.3~~ The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.

~~43-444.4~~ The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.

~~43-544.5~~ In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.

~~43-644.6~~ No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

## Part 8 – Commercial vessels

### 44 — Commercial vessels to be licensed

~~44.1~~ Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.

~~44.2~~ The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.

~~44.3~~ Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.

~~44.4~~ Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.

~~44.5~~ A licence is personal to the holder and to the vessel specified therein and is not transferable.

~~44.6~~ Every commercial vessel licence issued under this bylaw or the

~~applicable maritime rules must be available for inspection at any time by the Harbourmaster or an enforcement officer.~~

#### ~~45~~ — Requirement as to survey

~~45.1~~ — No person may operate on any waters within the District a commercial vessel that is required to be surveyed under any relevant maritime rule unless the owner of such vessel holds a Maritime Operator Safety System certification or a certificate of compliance under the applicable maritime rule.

## Part 8 – Structures and Moorings

### ~~46~~45 — Permission to use or occupy structures or the foreshore

~~46.45.1~~ No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause ~~46~~5.3 of this bylaw.

~~46.45.2~~ No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause ~~46~~5.3 or clause ~~46~~5.4 of this bylaw.

~~46.45.3~~ The Council may grant permission to any person to use or occupy a structure subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

~~46.45.4~~ The Council may in accordance with the Reserves Act 1977 grant permission to any person to occupy the foreshore subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

### ~~47~~46 — Mooring permits

~~47.46.1~~ No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

~~47.46.2~~ The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause ~~5~~1.2.

~~47.46.3~~ The Council may prescribe fees associated with moorings and mooring permits in accordance with clause ~~5~~2.3.

~~47.46.4~~ Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

~~47.46.5~~ Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

#### **48.47 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**

**48.47.1** The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.

**48.47.2** If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.

**48.47.3** The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:

- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
- (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
- (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
- (d) the mooring does not have an identification number visible.

**48.47.4** The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.

**48.47.5** If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.

### **Part 10 - Administration provisions**

#### **49.48 Powers of Harbourmaster**

**49.48.1** The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and can exercise any of the powers conferred on the Harbourmaster under the Act or this bylaw.

#### **50.49 Impersonation of Harbourmaster**

**50.49.1** It is an offence for any person who is not the Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer to behave in a manner that could lead any person to believe that the person holds any such appointment.

### ~~51~~50 Speed Upliftings<sup>15</sup>

~~51~~50.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.

~~51~~50.2 An application under clause ~~50~~1 must not be granted unless the Council is satisfied that:

- (a) the application has been publicly notified;
- (b) the Director has been consulted;
- (c) affected persons have had a reasonable opportunity to comment on the application;
- (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
- (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
- (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

~~50~~3 The Council may grant an application in accordance with clause ~~50~~2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.

~~51~~350.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause ~~52~~3.

### ~~52~~51 Administrative requirements

~~52~~51.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:

- (a) any forms to be required by Council for the administration of this bylaw.
- (b) any guidelines applicable to issuing a mooring permit, ~~commercial vessel licence~~, or other approval under this bylaw.
- (c) any terms and conditions upon which any approval under this bylaw may be issued.
- (d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

### ~~53~~52 Fees and charges

~~53~~52.1 The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit ~~or licence~~ issued under this bylaw following public consultation in accordance with section 150(3)-

<sup>15</sup> Rule 91.20.

(6) of the Local Government Act 2002.

~~53-252.2~~ The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

### ~~54~~ 53 Exemptions

~~54-153.1~~ The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.

~~54-253.2~~ The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, ~~19~~ 21, ~~28~~ 30, and Part 5 of this bylaw.

~~54-353.3~~ The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses ~~18-20~~ and ~~20-22~~ provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

~~54-453.4~~ In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on ~~public health and safety~~ navigation safety.

~~54-553.5~~ The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe ~~public health or safety~~ navigation safety has, or might be, adversely affected.

~~54-653.6~~ No exemption may be granted:

- (a) for a contravention of this bylaw that has already occurred;
- (b) for a period exceeding 14 days;
- (c) for an activity that has prohibited activity status within ~~any district plan rule having legal effect in the District the Queenstown Lakes District Plan~~; or
- (d) if it would authorise something that is or would be contrary to any other enactment, regulations or a maritime rule.

~~54-753.7~~ The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause ~~523~~.

## Part ~~101~~ – Enforcement

### ~~55~~ 54 General enforcement powers of the Harbourmaster

~~55-154.1~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, the Harbourmaster may prohibit or restrict the activity until satisfied adequate precautions have been taken.

~~55-254.2~~ The Harbourmaster, enforcement officer or police officer may use



powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.

~~55-354.3~~ The Harbourmaster, or enforcement officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules or this bylaw.

~~55-454.4~~ Where any provision in this bylaw imposes an obligation to pay a fee, the owner of the vessel is liable for that fee on the date that payment falls due.

#### ~~56-55~~ **Non-compliance with conditions of a permit or licence**

~~56-155.1~~ Where a holder of any permit or licence issued under this bylaw does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:

- (a) issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit;
- (b) review the permit, which may result in:
  - (i) amendment of the permit; or
  - (ii) suspension of the permit; or
  - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw, including as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.

~~56-255.2~~ There will be no refund of fees if any permit or licence is cancelled.

#### ~~57-56~~ **Offences**

~~57-156.1~~ Every person commits an offence against this bylaw who:

- (a) contravenes or permits a contravention of this bylaw;
- (b) prevents a Harbourmaster or an enforcement officer from carrying out their statutory functions or duties under this bylaw;
- (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
- (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

#### ~~58-57~~ **Penalties**

~~58-157.1~~ Every person who:

- (a) commits an offence against this bylaw will be liable either

under the Act and/or the Local Government Act 2002;

- (b) commits an infringement offence, set out in the regulations created under the Act and/or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

#### ~~595~~ **Exceptions**

~~5958.1~~ A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or a police officer.

## **Part ~~12-11~~ – Revocation and savings**

### ~~605~~ **Revocation**

~~6059.1~~ The Queenstown Lakes District Navigation Safety Bylaw ~~2014~~ ~~2018~~ including all amendments is revoked.

~~60.2~~ ~~The Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 including all amendments is revoked from a date specified by publicly notified resolution of the Council.~~

### ~~616~~ **Savings**

~~6160.1~~ Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014~~ ~~2018~~ remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.

~~61260.2~~ Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under ~~the Queenstown Lakes District Council Navigation Safety Bylaw 2018 that~~ bylaw or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61360.3~~ Directions of the Harbourmaster issued under ~~the Queenstown Lakes District Council Navigation Safety Bylaw 2018 that~~ bylaw or preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61460.4~~ Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014~~ ~~2018~~ ~~or the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014~~ continues in force but:

- (a) expires on the date specified; or
- (b) if no expiry date is specified, expires ~~on 1 July 2019~~ TBC [same period as current bylaw - 15 months 8 days from date of making]; and
- (c) can be renewed only by application made and determined under this bylaw.

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~~61-560.5~~ Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Navigation Safety Bylaw ~~2014-2018 or the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014~~ that was filed before the date specified under clause ~~60-59~~ of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

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*The Queenstown Lakes District Council Navigation Safety Bylaw ~~2018-2025~~ Te Ture ā-Rohe mō te Haumaru Whakatere 2025 was adopted pursuant to the Maritime Transport Act 1994 and the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on ~~23 March 2018~~ TBC.*

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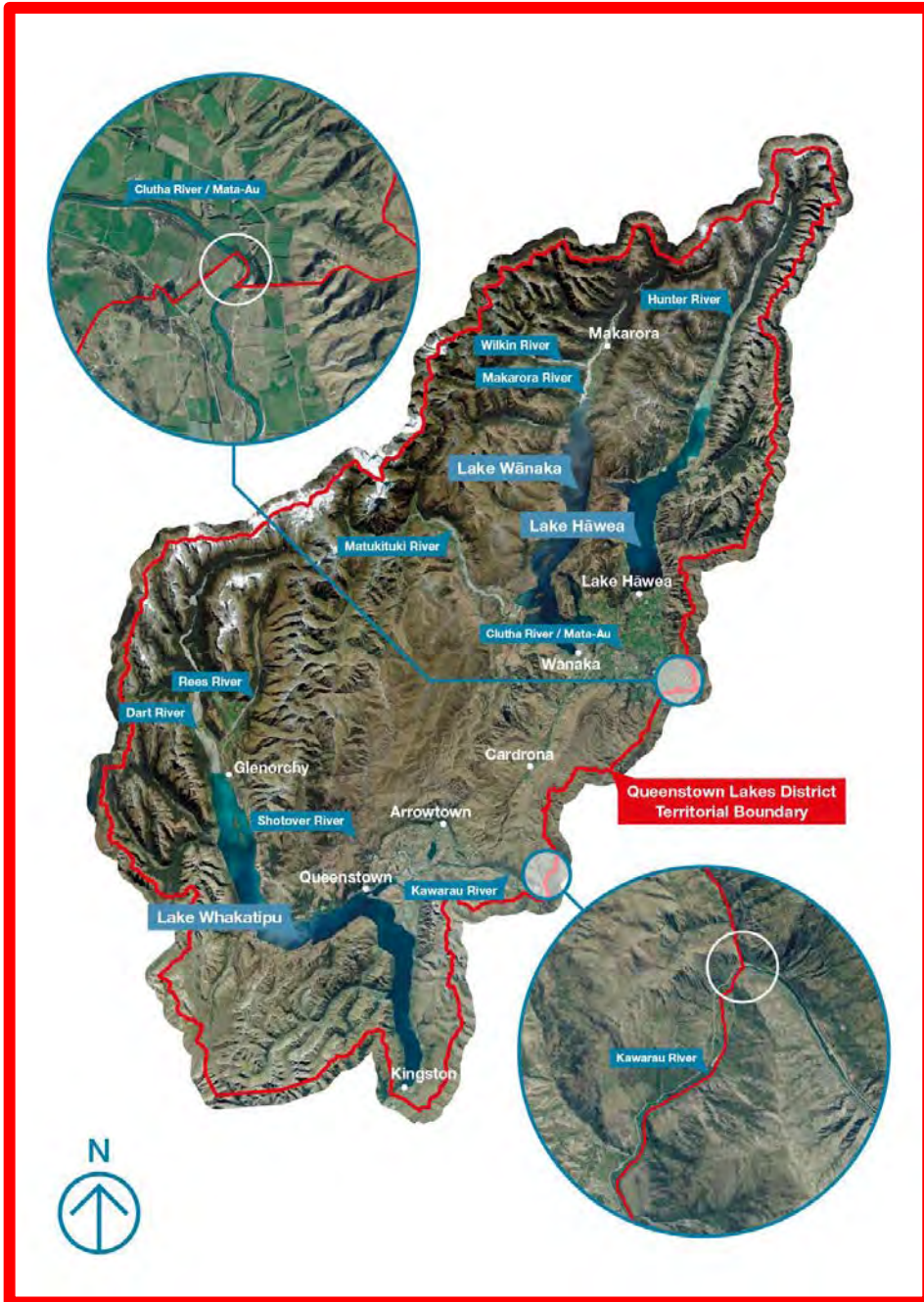
Mayor:

Chief Executive Officer:

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## Schedule 1 – Map of Queenstown Lakes District





## Schedule 2 – Speed upliftings and access lanes

### 1 Upliftings for Lakes and Rivers

- (i) The uplifting of speed restrictions applies in the areas and locations and for the durations described in Table 1.

Explanatory note: If the waterbody is not listed below a 5 knots speed limit applies, unless otherwise stipulated by clause 9, or elsewhere in this bylaw.

Table 1 – Speed Upliftings

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Whakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	<a href="#">-44 50 60 N, 168 21 37 E</a> - <a href="#">44 85 40 S, 168 36 40 E</a>
			Upper Boundary	<a href="#">-44 34 12 N, 168 20 60 E</a> - <a href="#">44 57 40 S, 168 35 40 E</a>
Rock Burn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	<a href="#">-44 40 12 N, 168 18 36 E</a> - <a href="#">44 67 40 S, 168 31 40 E</a>
Rees River	From Lake Whakatipu to Muddy Creek	30 October to 1 May	River Mouth	<a href="#">-44 51 00 N, 168 22 48 E</a> - <a href="#">44 85 40 S, 168 38 40 E</a>
			Upper Boundary	<a href="#">-44 41 52 N, 168 27 54 E</a> - <a href="#">44 70 40 S, 168 33 40 E</a>
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	<a href="#">-44 53 35 N, 168 40 27 E</a> - <a href="#">44 89 40 S, 168 67 40 E</a>
			Skippers Bridge	<a href="#">-44 50 39 N, 168 41 13 E</a> - <a href="#">44 84 40 S, 168 69 40 E</a>
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	<a href="#">-45 0 59 N, 168 46 30 E</a> - <a href="#">45 02 40 S, 168 77 40 E</a>
			Oxenbridge Tunnel	<a href="#">-44 58 51 N, 168 39 52 E</a> - <a href="#">44 98 40 S, 168 67 40 E</a>
Kawarau River	From Lake Whakatipu to the	All Year	Lake Whakatipu	<a href="#">-45 01 40 N, 168 43 54 E</a> - <a href="#">45 03 40 S, 168 73 40 E</a>

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Makarora River	Arrow River confluence, excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place. From Lake <a href="#">Wānaka</a> upstream to the confluence of the Young River.	All Year	Arrow River confluence	<a href="#">-45 0 28 N, 168 52 53 E</a> - <a href="#">-45 01 to -168 89</a>
			River Mouth	<a href="#">-44 19 12 N, 168 10 12 E</a> - <a href="#">-44 32 to -169 17</a>
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	Young River confluence	<a href="#">-44 12 01 N, 169 14 12 E</a> - <a href="#">-44 20 to -169 24</a>
			River Mouth	<a href="#">-44 16 9 N, 169 10 53 E</a> - <a href="#">-44 27 to -169 18</a>
			Kerin Forks	<a href="#">-44 14 15 N, 169 01 53 E</a> - <a href="#">-44 24 to -169 03</a>
Matukituki River	From Lake <a href="#">Wānaka</a> upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	<a href="#">-44 37 12 N, 169 01 08 E</a> - <a href="#">-44 62 to -169 019</a>
			East Branch	<a href="#">-44 26 58 N, 168 48 54 E</a> - <a href="#">-44 44 to -168 81</a>
			West Branch	<a href="#">-44 30 0 N, 168 46 53 E</a> - <a href="#">-44 5 to -168 79</a>
			Outlet camping ground	<a href="#">-44 39 45 N, 169 08 55 E</a> - <a href="#">-44 66 to -169 15</a>
Clutha River / <a href="#">Mata-Au</a>	From Lake <a href="#">Wānaka</a> outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	Albert Town Bridge	<a href="#">-44 40 51 N, 169 11 26 E</a> - <a href="#">-44 68 to -169 19</a>

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Hunter River	From the Albert Town Bridge to the Red Bridge.	All Year  1 November to 12 December inclusive and from 19 March to 30 April.	Albert Town Bridge	<del>-44 40 51 N, 169 11 26 E</del> <del>-44.68 to -169.19</del>
			Red Bridge	<del>-44 43 51 N, 169 16 54 E</del> <del>-44.73 to -169.28</del>
	From Lake Hāwea to Ferguson Creek		River Mouth	<del>-44 18 59 N, 169 25 58 E</del> <del>-44.28 to -169.45</del>
			Ferguson Creek	<del>44 06 49 N, 169 33 58 E</del> <del>-44.71 to -169.21</del>

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**2 Upliftings for Access Lanes**

- (i) The Vessel TSS Earnslaw is excluded from the 5 knot limit due to the nature of her propulsion and manoeuvring characteristics.

**3 Upliftings for Water Ski access lanes**

- (i) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

**Table 2 – Access Lanes**

Water ski access lanes – Lake Whakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	<del>-44 51 23 N 168 22 47 E</del> <del>-44.86 to -168.38</del>
Kinloch Main Beach	<del>-44.84 to -168.35</del>
Kelvin Grove	<del>-45 02 33 N 168 40 51 E</del> <del>-45.04 to -168.68</del>
Frankton Beach	<del>-45.02 to -168.73</del>
Willow Place West Side	<del>-45.03 to -168.72</del>
Loop Road, Loop Road	<del>-45.036 to -168.70</del> <del>-45 02 07 N, 168 41 59 E</del>

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Frankton Arm North Side	~45.03 to 168.69
Kingston Main Beach	~45.19 51 N 168.43 11 E ~45.33 to 168.72
Bobs Cove	~45.04 22 N 168.30 41 E ~45.07 to 168.51
Wilson's Bay	~45.03 42 N 168.33 53 E ~45.06 to 168.57
Sunshine Bay	~45.02 54 N 168.37 32 E
<b>Water ski access lanes - Lake Wānaka</b>	
Roys Bay - Eely Point (water ski launch lane)	~44.68 to 169.12 ~44.40 60 N, 169.07 15 E
Roys Bay - Main Beach adjacent Pembroke Park	~44.70 to 169.13
Roys Bay - Water Fall Creek / Roys Bay - Waterfall Creek	~44.69 to 169.10 ~44.41 15 N 169.06 7 E
Dublin Bay	~44.38 56 N 169.10 9 E ~44.65 to 169.17
Glendhu Bay - West ski lane	~44.40 14 N 169.0 49 E ~44.67 to 169.01
Glendhu Bay - East ski lane	~44.40 23 N 169.01 19 E ~44.67 to 169.02
<b>Water ski access lanes - Lake Hāwea</b>	
Lake Hāwea Ski Lane	~44.36 23 N 169.16 03 E ~44.61 to 169.27
<b>High speed access lanes - Lake Whakatipu</b>	
<b>Location</b>	<b>Description</b>
Queenstown Bay	Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references ~45.03 to 168.66, ~45.04 to 168.66 (see Map 1 - Queenstown Bay). These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).
The Narrows	Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Whakatipu, with the outer boundary of the Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).
Kawarau Dam Access Lanes (Downstream):	Access lanes between Lake Whakatipu and the Kawarau River to terminate at the notices erected on each side of 200 metres northwest of the Willow Tree Island 150-200 metres into the from the shore Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Whakatipu to terminate at the notices erected on each side 200 metres northwest of Willow Tree Island 150-200 metres into the from the shore Lake from the Kawarau Dam/Bridge (refer

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	Map 3).
<u>Kawarau Dam Access Lanes (Hilton Hotel entry)</u>	<u>Access lane located to the immediate west of the Willow Tree Island that starts 100 metres from the shore and terminates 200 metres from the shore.</u>

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Map 1 – Queenstown Bay







Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 23, Table 2
5 knot limit within 50m of boundary of access lane	Clause 364.1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 4038.1(a)



Map 2 – The Narrows, Queenstown



DR



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 23, Table 2

Map 3 – Kawarau Dam





Amend map 3 and table below to change the scale and location of the access lanes as per the RealNZ submission and the recommendations contained in the 25 November 2025 Council hearing report.

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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 386.1
Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(a)
Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(b)

Map 4 - Queenstown, Sunshine Bay, Frankton Arm, Lower Shotover & Kawarau River





Amend map 3 and table below to show the retained Loop Road ski lane and the Bobs Cove Ski lane as per the recommendations contained in the 25 November 2025 Council hearing report.

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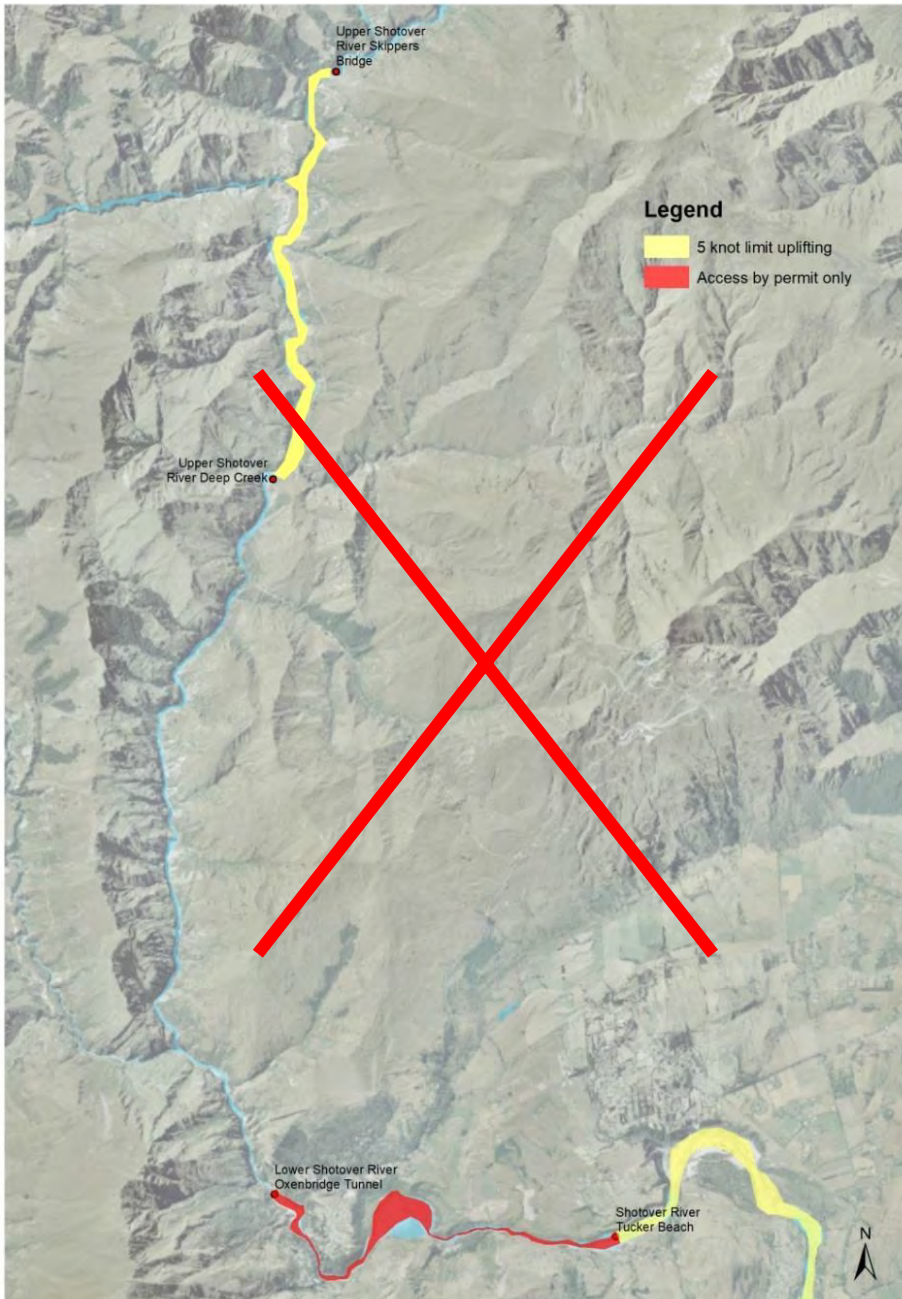
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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause /schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2021/2015	Clause 397.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lanes: <del>Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove, Sunshine Bay.</del>	Schedule 2, Table 2
Kawarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kawarau River or Shotover River	Clause 384.1(b)-(c)

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Map 5 – Upper Shotover



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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2021/2015	Clause 307.1
Speed upliftings: Upper Shotover River, Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 307.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause 384.1(c)

Map 6 – Kawarau River



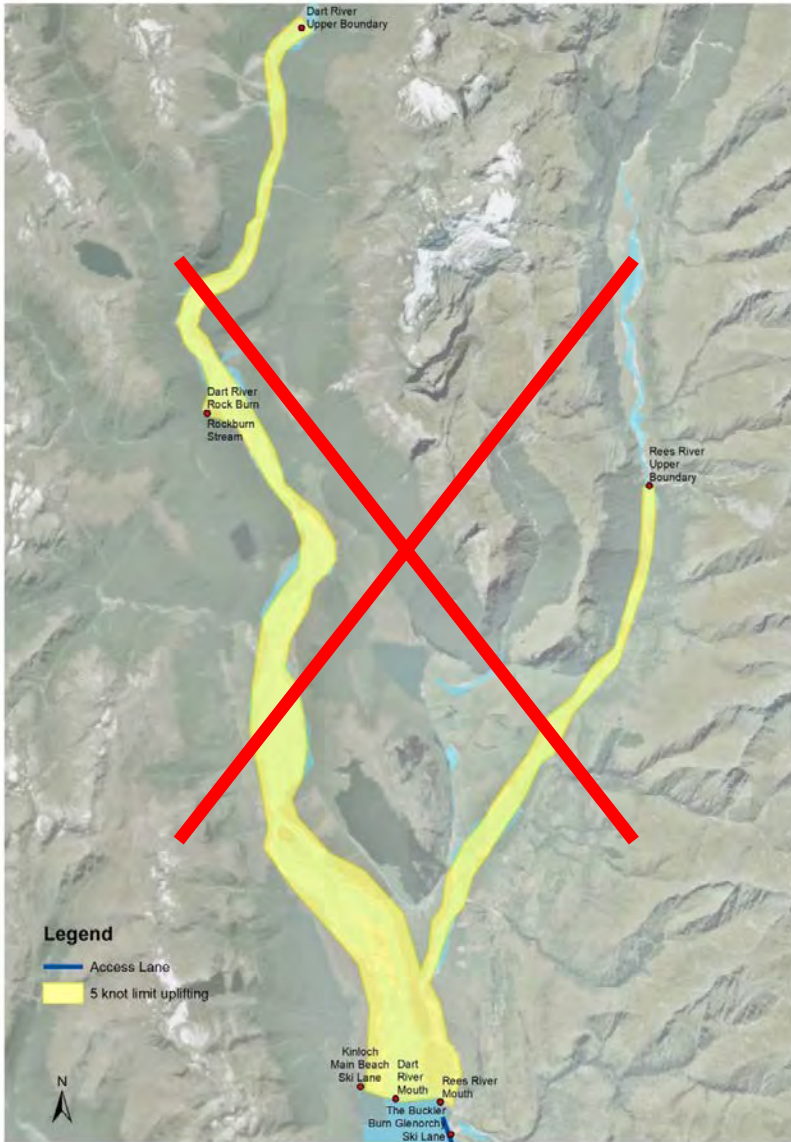


Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015/2021	Clause 379.1
Speed uplifiting for Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 397.2
Any vessel using the Kawarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause 368.2
No power-driven vessel may operate on the part of the Kawarau River downstream from the confluence between the Kawarau River and below the Arrow River	Clause 368.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kawarau River or Shotover River.	Clause 384.1(b) - (c)
Water-ski access-lane: Frankton Beach	Schedule 2, Table 2

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Map 7 – Dart & Rees River

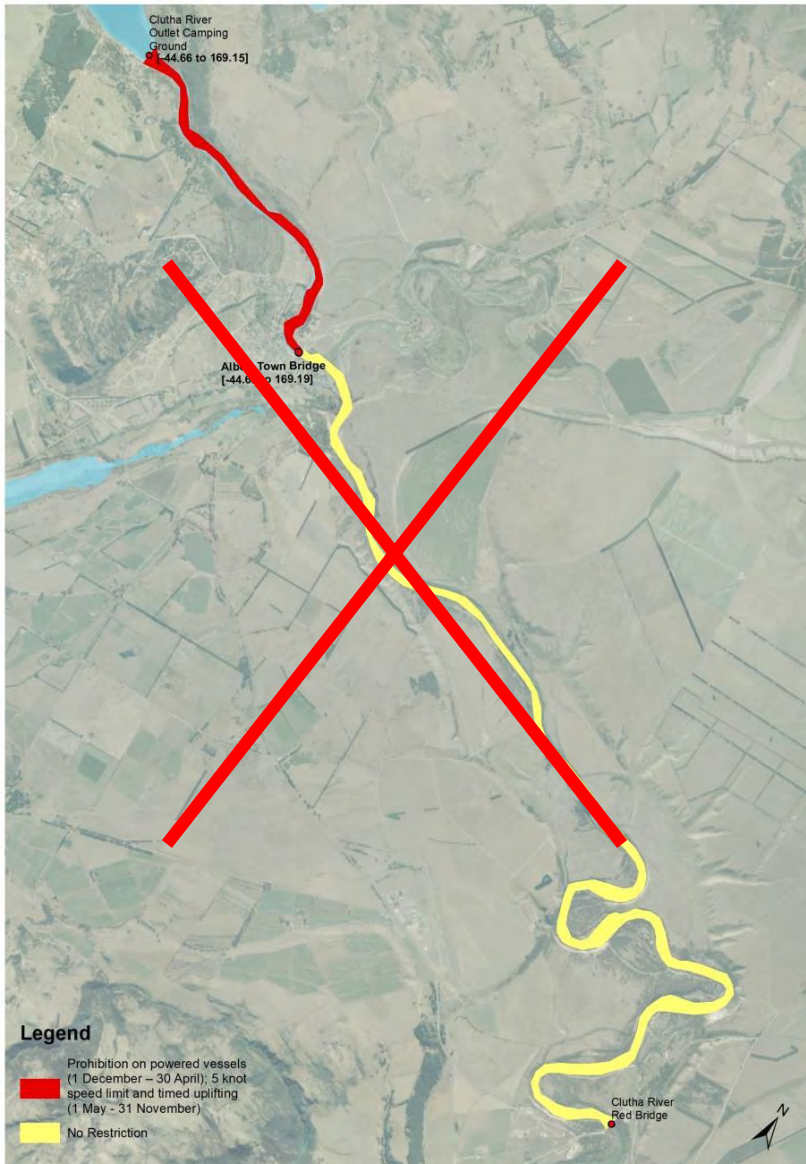




Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed upliftings: Dart River (all year), Rock Burn Stream (all year), Rees River (30 October to 1 May)	Schedule 2, Table 1
Water ski access lanes: Kinloch Main Beach, Buckler Burn Glenorchy	Schedule 2, Table 2

Map 8 – Clutha River / Mata-Au

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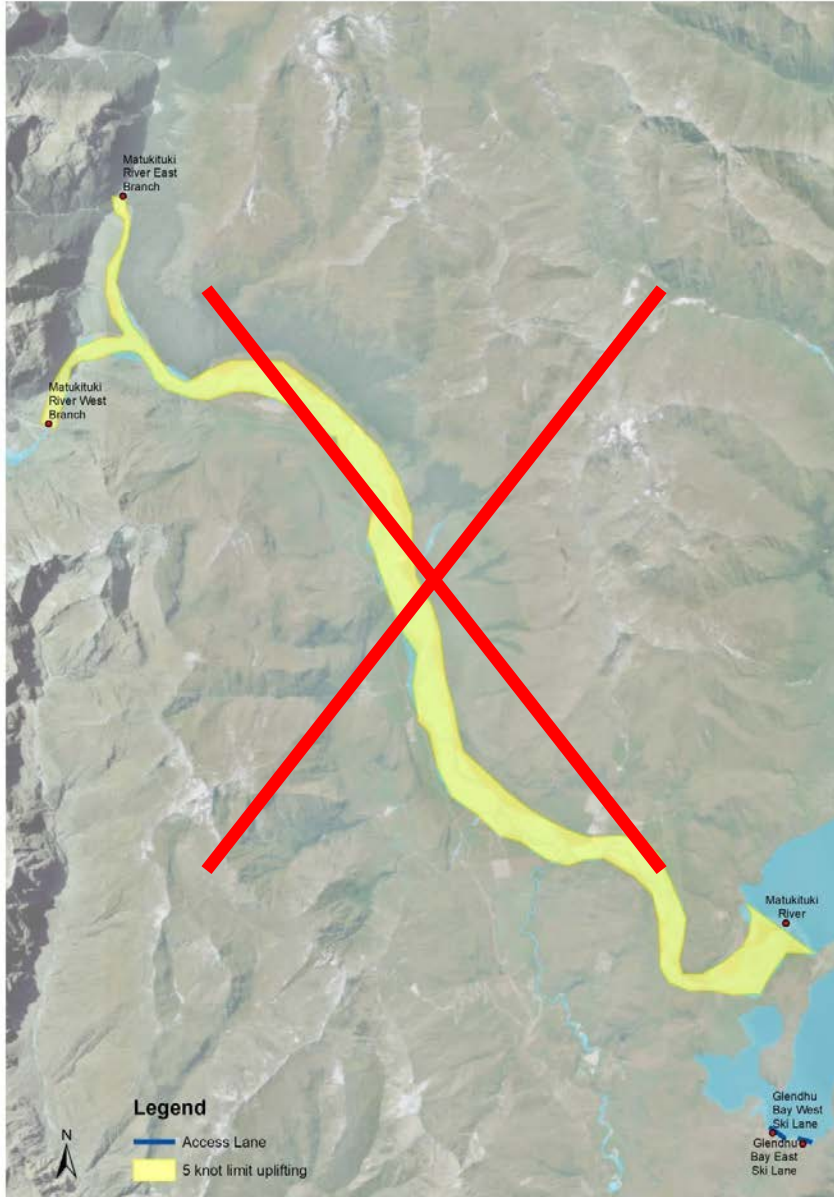


Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of power-driven vessels (subject to specified exceptions) from the Lake Wānaka Outlet to Albert Town Bridge between 1 December and 30 April.	Clause 375.2(a)
5 knot speed limit applies from the Lake Wānaka Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am - 6pm.	Clause 375.2(c) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1
Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council.	Clause 37.2(b)

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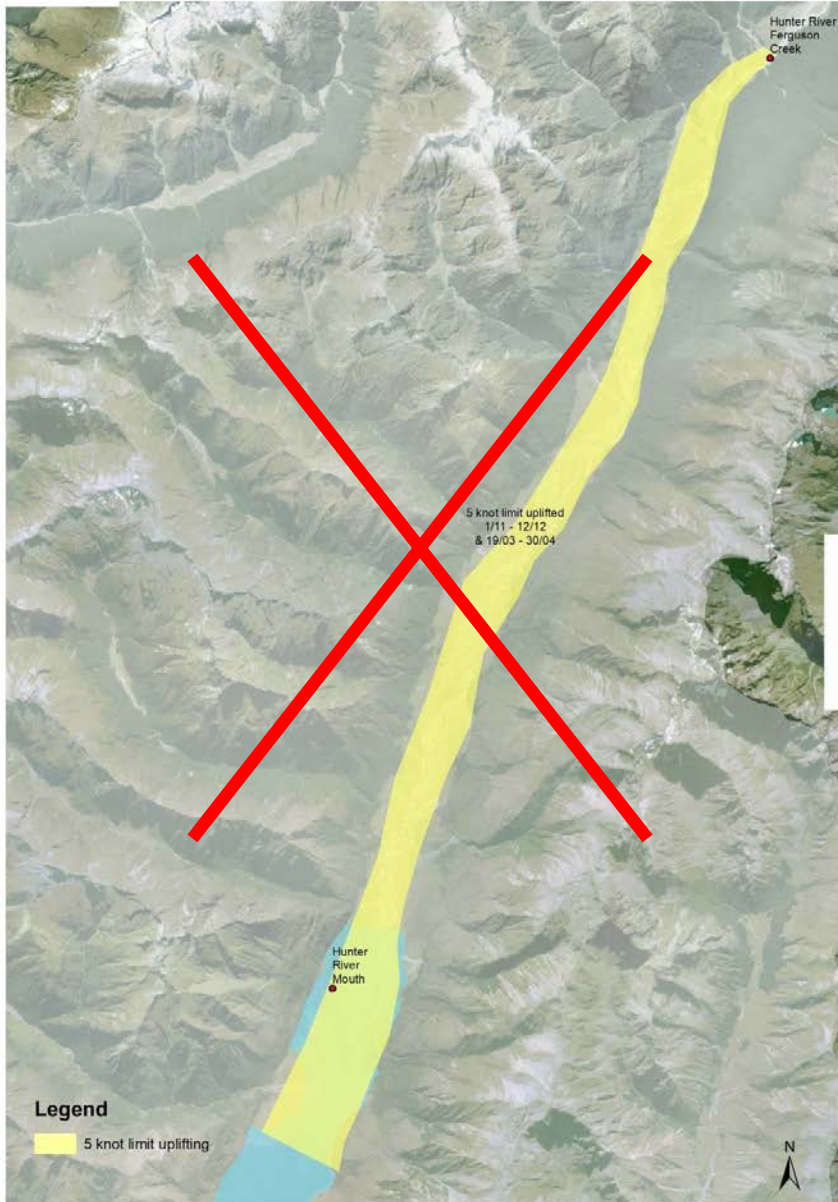
Map 9 – Matukituki River





Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Matukituki River	Schedule 2, Table 1
Water ski access lane: Glendhu Bay West, Glendhu Bay East	Schedule 2, Table 2

Map 10 – Hunter River







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Hunter River (1 November to 12 December; 19 March to 30 April)	Schedule 2, Table 1

Map 11 – Makarora & Wilkin River







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Upliftings: Makarora River and Wilkin River	Schedule 2, Table 1

Map 12 – ~~Wānaka~~ Wānaka Ski Lanes





Amend map 12 and table below to show the retained Roys Bay – Eely Point ski lane and the Roys Bay – Waterfall Creek as per the recommendations contained in the 25 November 2025 Council hearing report.



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Glendhu Bay West, Glendhu Bay East, <del>Roy's Bay, Roy's Bay-Main Beach adjacent Pembroke Park, Roy's Bay-Eely Point,</del> Dublin Bay	Schedule 2, Table 2

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Map 13 – Hāwea Ski Lane



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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Lake Hāwea ski lane	Schedule 2, Table 2

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Map 14 – Albert Town Bridge vessel passage lanes



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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No person may navigate a power-driven vessel under the Albert Town Bridge except through the identified downstream passage lane (the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au) and upstream passage lane (the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au).	Clause 37.1-

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## Schedule 3 – Length Overall of a Vessel

### 1 Length overall of a vessel

- (1) Length overall of a vessel is measured from the foreside of the head of the bow to the aftermost part of the transom or stern of the vessel (see Figure 1 below).
- (2) For the purposes of this bylaw length overall:
  - (a) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond these terminal points; and
  - (b) includes structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) that project beyond these terminal points

Figure 1 – guide to measuring the length overall of a vessel (other than a yacht)

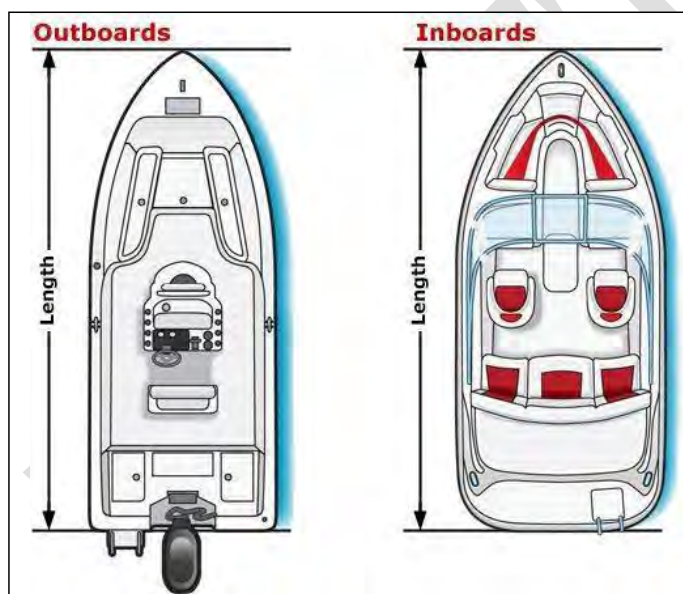
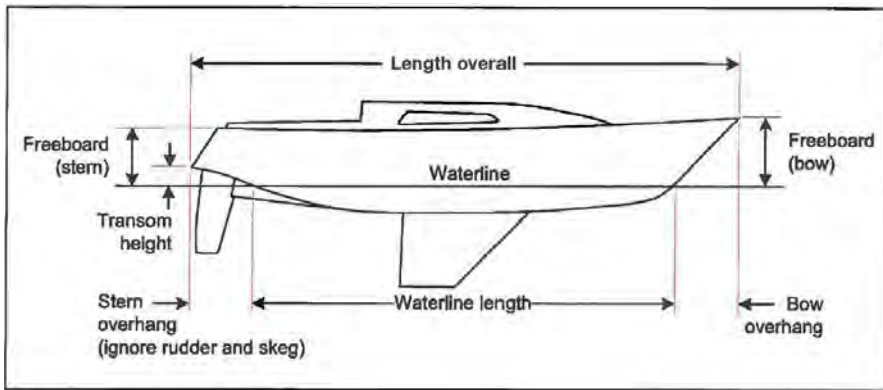


Figure 2 – guide to measuring the length overall of a yacht



# Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakāterē 2025

## Introduction

### Why do we have a navigation safety bylaw?

Queenstown Lakes District Council (**QLDC, Council**) can address certain issues for our district using a bylaw. Bylaws are made under the Local Government Act 2002 (**LGA**) for one (or more) of the following reasons:<sup>1</sup>

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places

The Maritime Transport Act 1994 (**MTA**) empowers regional councils to make navigation safety bylaws<sup>2</sup> to ensure maritime safety. This power has been delegated to **QLDC** from Otago Regional Council (**ORC**).

The purpose of navigation safety bylaws is to ensure maritime safety is achieved. The MTA enables QLDC to create a bylaw that addresses a range of different matters relating to navigation safety. The MTA also provides QLDC with the power to enforce navigation safety regulations using infringement fines.

### What does the current navigation safety bylaw address?

The Navigation Safety Bylaw 2018 (**the current bylaw**) applies to all navigable waters and foreshores in the district. Its purpose is to regulate the following matters:

- the use or management of ships, anchorages, and vessel traffic,
- moorings and maritime facilities,
- preventing nuisances arising on, in, or near the water,
- reserving the use of water for specified purposes,
- manage events on the water,
- wearing of life jackets and buoyancy aids on recreational vessels,
- administrative requirements including fees and charges for administrative functions, and
- offences and penalties for contravention of the bylaw's provisions.

The current bylaw has been in place since March 2018. It is due for review and will automatically expire if not reviewed prior to March 2025.

A full copy of the current bylaw can be found on Council's website here <https://www.qldc.govt.nz/your-council/council-documents/bylaws>.

### What are the effects and implications of the current bylaw?

The current bylaw addresses a wide range of matters to achieve navigation safety on the district's lakes and rivers. Each of these matters is supported by provisions in the bylaw that could be enforced by the Harbourmaster, Council's enforcement officers or police officers.

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<sup>1</sup> LGA Section 145

<sup>2</sup> MTA Section 33M

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**Attachment A** identifies the range of matters addressed within the current bylaw and provides a brief summary of how its provisions regulate navigation safety.

## Council's proposal

During October and November 2023 QLDC undertook a period of pre-engagement to understand community views on a range of key navigation safety issues for the district. Feedback was also invited on any other aspect of the bylaw. In October 2022 Council undertook informal public consultation in relation to the district's ski lanes. In addition, Council has engaged with QLDCs Harbourmaster, Maritime New Zealand and a range of other key stakeholders. All of this feedback has been taken into consideration to determine how best to manage navigation safety in the district.

At a Council meeting on 19 September 2024, Council endorsed the draft Navigation Safety Bylaw 2025 | Te Ture ā-Rohe mō te Haumarū Whakātere 2025 (**the draft bylaw**) for consultation with the community. The draft bylaw proposes a range of changes from the current bylaw to ensure navigation safety is achieved in the district. The draft bylaw is attached to this Statement of Proposal as **Attachment B**.

The draft bylaw includes:

- > provisions that are proposed to be carried forward into the draft bylaw without any amendment,
- > amendments proposed to provisions of the current bylaw, and
- > new provisions addressing matters that are not currently addressed in the bylaw.

All of the proposed amendments are identified in the draft bylaw (included as **Attachment B**) by way of tracked changed text. Deletions are shown as ~~struck through~~ and additions are shown as underlined. Images that are proposed to be deleted are crossed out with a red x and new and/or replacement images are indicated with a red border. Carried over text or images are shown in the draft bylaw as unaltered text (i.e. no tracked changes).

This statement of proposal is prepared under sections 83 and 86 of the LGA and contains:

- > a copy of the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakātere 2025,
- > information about the proposed amendments, including Council's determinations under section 155 of the LGA,
- > the reasons for the proposed amendments,
- > how the public and any interested person can have their say on the draft bylaw, and
- > the timetable for consultation.

## The reason for the proposal

The key reasons for this proposal are to:

- > address issues related to navigation safety, including:
  - > ski lane locations and identification,



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- > navigation safety risk associated with recreational jumping from the Albert Town Bridge,
  - > vessel identification,
  - > temporary events on the water,
  - > vessel speed interpretation,
  - > Kawarau Dam access lanes,
  - > carriage of communication devices, and
  - > other miscellaneous minor corrections to improve the clarity, legibility and overall accessibility of the bylaw.
- > seek community views on the draft bylaw,
  - > to encourage people to give feedback on the draft bylaw, and
  - > to let people know how they can give feedback.

The 19 September 2024 Council report contains more detailed information on these points:  
<https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>

## How you can have your say

Anyone can make a submission online using the survey provided at <https://letstalk.qldc.govt.nz>.

Submissions can also be received in writing by post or hand delivery, or via email ([letstalk@qldc.govt.nz](mailto:letstalk@qldc.govt.nz)) but we recommend your submission be made using the online survey.

Submissions will be accepted from 8.00am on 30 September 2024 and must be received by 5.00pm on 31 October 2024.

All submissions should state:

- > the submitter's name<sup>3</sup>,
- > details of any organisation the submitter is representing (if applicable),
- > the submitter's contact details, and
- > whether or not the submitter would like to speak at a hearing on the draft bylaw.

Copies of this Statement of Proposal and the draft bylaw may be obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown or 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website at <https://letstalk.qldc.govt.nz>. If you need help

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<sup>3</sup> Note: if you do not feel comfortable providing your name or contact details in a submission, please contact Council, who can facilitate an anonymous submission.

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submitting, please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council within the submission period will be acknowledged.

Submissions are considered public information under the Local Government Official Information and Meetings Act 1987, and submissions will be made publicly available including by being published on our website following the consultation period. Your personal contact details will not be published<sup>4</sup>.

Council intends to hold a hearing in the week of 25 November 2024. This is when anyone who has made a submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audio-visual link. If at the hearing you have any requirements, please let us know.

## Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Indicative date	Activity
19 September 2024	Council adopted the proposal for consultation
30 September 2024	Consultation period begins (8.00am)
31 October 2024	Consultation period ends (5.00pm)
week of 25 November 2024	Oral submissions heard by Council hearing panel
first quarter of 2025	Deliberations and adoption by Council

## Proposed draft bylaw

Council is proposing the following as part of the draft bylaw:

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<sup>4</sup> In accordance with LGOIMA section 7(2)(a) to protect the privacy of natural persons.

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## Ski lanes

A ski lane is an ‘access lane’ that enables powered boats to legally exceed 5 knots for the purpose of towing water skiers. Ski lanes cannot be used for any other purpose. Speed is otherwise limited to 5 knots within 200 metres of a shore outside of an access lane.

Currently, the bylaw identifies 10 ski lanes in Lake Whakatipu, six in Lake Wānaka and one at Lake Hāwea. Council has considered the current location, size and usage characteristics of each ski lane. In some cases, these characteristics create risk to navigation safety, including conflict between different users. Council has undertaken an analysis of the current ski lanes to understand any navigation safety issues associated with their use and location, and advice has been sought from QLDCs Harbourmaster and regulatory staff on how to address these issues.

The draft bylaw includes a number of changes to the district’s existing ski lanes to remedy these navigation safety concerns. These changes include amending or removing some ski lanes. The table below describes the changes proposed.

Ski lane	Proposed amendments
<b>Lake Whakatipu</b>	
Kelvin Grove	Amend – Reduce width of ski lane by shifting the eastern pole 50 metres west
Wilson's Bay	Amend – Retain ski lane but shift approximately 80 metres west by moving the right pole to the left pole location
Buckler Burn	No change
Kingston Main Beach	No change
Bobs Cove	No change
Sunshine Bay	Amend – Formally establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area
Kinloch Main Beach	Remove ski lane
Frankton Beach	Remove ski lane
Willow Place West Side	Remove ski lane
Loop Road	Remove ski lane
Frankton Arm North Side	Remove ski lane
<b>Lake Wānaka</b>	
Roys Bay – Main Beach adjacent to Pembroke Park	Remove ski lane
Roys Bay – Eely Point	Remove ski lane
Roys Bay – Waterfall Creek	Remove ski lane
Dublin Bay	No change

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Glendhu Bay – East	Amend – Reduce the width of the ski lane by shifting the western pole east by 50 metres
Glendhu Bay – West	No change
<b>Lake Hāwea</b>	
Lake Hāwea	No change

In addition, Council is proposing to improve the accuracy of the GPS coordinates for each ski lane, formally include the existing Sunshine Bay ski lane in the draft bylaw, and update the ski lane identification maps.

You can find maps and co-ordinates identifying the ski lanes in schedule 2 of the draft bylaw (link TBC). Clauses 42 and 43 of the draft bylaw control ski lanes.

Clauses 42 and 43 of the draft bylaw contains the provisions controlling ski lanes.

## **Albert Town Bridge recreational jumping**

The Albert Town Bridge is a common place for people to jump into the Clutha River Mata-Au. This is a busy stretch of the river with frequent vessel movements. People jumping off the bridge in this location can therefore create a navigation safety risk due to the presence of both vessels and swimmers in the water. Council have received concerns and complaints in regard to this risk.

To better understand this risk, Council commissioned Drowning Prevention Aotearoa to undertake a risk assessment. This assessment (link TBC) shows the risk to vessels and jumpers (once they are in the water) is unacceptable and warrants intervention.

Council is proposing to amend the bylaw to mitigate this navigation safety risk. This amendment would create new upstream and downstream vessel passage lanes to separate vessel traffic from the section of river people are understood to jump into. This would prevent vessels from travelling under the Albert Town Bridge except through the identified passage lanes.

You can find an image identifying the location of the proposed vessel passage lanes at map 14 of the proposed bylaw.

Clause 37.1 of the draft bylaw contains the provisions controlling vessel traffic through the Albert Town Bridge (link TBC).

## **Vessel identification**

The current bylaw does not require vessels to be identifiable. This limits the ability to respond to waterway incidents and complaints involving vessels (including emergency events). Council is proposing to amend the bylaw to introduce vessel identification rules. These rules would require specified vessels<sup>5</sup> to display a name or number which meets the proposed identification standards. The proposed vessel identification rules can be found at clause 18 of the draft bylaw (link TBC).

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<sup>5</sup> In general, this applies to vessels 6 metres or more in length, with some exceptions.

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A range of different forms of identification would be acceptable, including those that meet the requirements of Maritime New Zealand or an equivalent foreign authority, a sporting body, a radio call sign, a trailer registration number, a sail number, or markings that comply with an identification requirement within other navigation safety bylaws.

## Temporary events on the water

The current bylaw specifies event organisers need to apply to the Harbourmaster only if they propose to hold events on the water **and** if the event seeks to:

- uplift speed restrictions for the event location (i.e. temporarily provide for vessels to travel at any speed), and/or
- temporarily reserve the event area (i.e. temporarily prevent access to any other vessels), and/or
- temporarily suspend the designation of permanent access lanes or reserved areas (i.e. temporarily remove existing restrictions that limit vessel access to an area).

Some events may not trigger these existing requirements for notification, meaning they could take place without Harbourmaster approval, Council notification or public notice.

The current provisions also contain strict public notice requirements, including in a printed newspaper. This requirement is challenging for event organisers and Council regulatory staff given the tight timeframes of event programming and newspaper circulation.

Council is proposing to amend the bylaw as follows:

- event organisers will be required to notify the Harbourmaster of all temporary events regardless of their impact on speed uplifts, reserved areas or access lanes,
- event organisers will need to obtain approval from the Harbourmaster if the temporary event is likely to affect the normal operation of another vessel or any other users of the water and the Harbourmaster will have discretion to approve or refuse event applications subject to terms and conditions, and
- amend the requirement to give public notice of any event requiring approval of the Harbourmaster by removing the need for a newspaper advertisement and associated time constraints, but requiring notice on Council's website and social media platforms.

Applications will continue to be required to the Harbourmaster for events which already require an approval under the current bylaw.

Clause 33 (also note the definition of 'public notice or publicly notified' in clause 6.1) of the draft bylaw contains the provisions controlling temporary events.

## Vessel speed interpretation

### Part A - How speed is interpreted when travelling on rivers

The current bylaw defines speed as '*speed through water*', and vessels are required to travel 5 knots on rivers (unless a speed uplifting is present). This can be problematic when traveling on rivers due to the velocity of



water moving in a river. In many cases, vessels may need to travel faster than 5 knots (when measured through the water) to navigate safely, and would therefore be in breach of the bylaw.

Council is proposing to amend the definition of speed to address this interpretation issue so that it differentiates the way that speed is measured on rivers and lakes. This amendment would provide for speed to be measured over the ground if vessels are travelling on a river and against a river's current (i.e. travelling upstream). The current interpretation of speed would remain for vessels travelling on a river and with a river's current (i.e. travelling downstream), and when travelling on lakes.

Clause 6.1 of the draft bylaw contains the proposed definition of speed.

#### **Part B - A speed uplifting between 1 December and 30 April for the Clutha River / Mata-Au to clarify speed interpretation for commercial vessels that operate under an approved resource consent**

Clause 35 of the current bylaw controls vessel speed on the Clutha River / Mata-Au between the Lake Wānaka outlet and the Albert Town Bridge. These controls prohibit powered vessels between 1 December and 30 April, and provides an exception for vessels authorised by a resource consent. This exception recognises that commercial vessels are primarily assessed and managed by Maritime New Zealand.

However, QLDC resource consents may not specify the speed at which commercial vessels are permitted to travel. This provides a speed interpretation tension where it is unclear if such vessels are permitted to exceed the 5 knot speed limit on rivers during the 1 December to 30 April powered vessel prohibition period.

The bylaw is not intended to impose a 5 knot speed limit on commercial vessels authorised by a resource consent. The Maritime New Zealand approvals process provides the framework for managing commercial vessel speed and safety. This interpretation issue has led to questions from members of the public and commercial vessel operators concerning the speed of commercial vessels.

Council is proposing to amend the bylaw to address this speed interpretation tension by introducing a speed uplifting for the Clutha River / Mata-Au that applies to commercial vessels operating under an approved resource consent<sup>6</sup>. This uplifting would enable these vessels to travel at speeds that exceed 5 knots provided they are complying with all other relevant obligations of the bylaw, their resource consent conditions, and any applicable Maritime New Zealand licence.

Clause 37 and map 8 of the proposed bylaw contains the proposed provisions relating to vessel speed on the Clutha River / Mata-Au.

#### **Kawarau Dam access lanes**

The current bylaw identifies an upstream and downstream access lane which directs vessel traffic under the Kawarau Dam and enables vessels to exceed 5 knots. Shallower water levels in this part of Lake Whakatipu, larger vessels and vessel congestion in the area around the Hilton Hotel mean that the current Kawarau Dam access lanes are no longer fit for purpose. The current lake conditions mean that vessels need to get on the

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<sup>6</sup> At the time of writing two active resource consents are known to have been approved for commercial vessels on this part of the Clutha River / Mata-Au

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plane (i.e. exceed 5 knots) in areas which they cannot do so lawfully (i.e. within 200 metres of the shore), and have access to other areas of water at higher speeds. It is proposed to address this issue by amending the bylaw to increase the size of the existing access lanes.

The proposed access lane is shown in map 3 in the draft bylaw (link TBC) and the provisions controlling the use of this access lane are in clause 38 of the draft bylaw.

## Carriage of communication devices

The current bylaw does not specify requirements for people operating a vessel to carry any form of communication. This presents a navigation safety issue because the district's dynamic alpine lakes and rivers have unique and sometimes dangerous conditions, including low water temperatures, fast flowing and deep waters, as well as large and isolated waterways. These conditions may present navigation safety risks to waterway users. In emergency situations it is critical that people are able to contact emergency services.

Council is proposing to amend the current bylaw to require vessel operators to carry communication devices commensurate to the context and waterway. The proposed provisions require that:

- two independent forms of communication are carried that are either waterproof or carried in a waterproof bag or container except that:
  - people using non-powered vessels on a river are required to carry at least one form of communication,
  - people using non-powered vessels on a lake within 50 metres of the shore are not required to carry communication equipment, and
  - people participating in a sporting event or training activity are not required to carry communication equipment provided a compliant support vessel is present.

Communication devices may comprise (but not are not limited to) equipment that uses satellites (i.e. emergency locator beacons (EPIRBs, PLBs) and satellite phones), equipment that uses land based stations (i.e. marine radio and mobile phones), or audio/visual signals (i.e. flares, lights, whistles, horns).

The proposed provisions requiring the carriage of communication devices are in clause 19 of the draft bylaw (link TBC).

## Other miscellaneous amendments

A number of provisions within the current bylaw require minor corrections. Amending these various provisions will help to improve the clarity, legibility and overall accessibility of the draft bylaw.

The proposed amendments to these provisions can be viewed in the draft bylaw here (link TBC).

## Determinations under section 155 of the LGA

Before adopting a new bylaw, Council will consider whether there has been adequate consultation and, under section 155 of the LGA, must determine that a bylaw is the most appropriate way of addressing the perceived problems, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). Council has made these determinations in relation to the draft bylaw, discussed below.

### **Most appropriate way of addressing the perceived problem**

The perceived problem that requires addressing is navigation safety<sup>7</sup>. The district has a large number of navigable lakes and rivers with a range of unique conditions which attract year-round use from residents and visitors. Together, these conditions give rise to a wide range of perceived and/or actual navigation safety problems.

A number of specific navigation safety problems have been considered through the review. Council considers that a bylaw is the most appropriate way to address navigation safety problems in the district. The MTA and MNZs national maritime rules provide a legislative framework for QLDC to effectively and efficiently manage navigation safety problems in the district through the use of a bylaw.

Council could rely solely on the MTA and MNZs national maritime rule framework or the Queenstown Lakes District Plan to manage waterways activities. However, Council has determined that these mechanisms alone would not sufficiently address the district's unique local navigation safety problems.

### **Most appropriate form of bylaw to address the perceived problem**

Different forms of the bylaw could include a standalone document, amendment to another existing document, or consolidation with other bylaws. Council has determined that a standalone document is the most appropriate form of bylaw because it would provide an accessible single repository for all relevant regulatory matters, is appropriately concise, and there are no other appropriate documents or bylaws that could reasonably be applied to achieve QLDCs navigation safety roles and responsibilities.

QLDC has used a standalone navigation safety bylaw since at least 2009. This form of bylaw has been generally considered fit for purpose. The draft bylaw takes a very similar format to other navigation safety bylaws (i.e. those of ORC, Environment Canterbury and Environment Southland) and achieves a degree of consistency with navigation safety bylaws of surrounding regions.

### **Does the draft bylaw give rise to implications under the NZBORA**

The NZBORA protects the civil and political rights and freedoms of all New Zealanders. In accordance with section 5 of the NZBORA, *'the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'*.

Section 18 of the NZBORA relates to 'freedom of movement' and provides that *'everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand'*.

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<sup>7</sup> Also referred to as maritime safety in the MTA

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The draft bylaw includes a number of provisions which restrict and/or prevent waterways activities to ensure navigation safety is achieved. Among others, this includes general powers conferred on the Harbourmaster to prohibit or restrict activities. The bylaw also includes offence and penalty clauses for breaches the bylaw's provisions. In addition to the bylaw's restrictive provisions, it includes a wide range of enabling provisions that provide for and protect the safe and enjoyable use of the district's lakes and rivers.

On balance, Council has determined that the draft bylaw's restrictive and enabling provisions, considered together, have been '*demonstrably justified*' and present '*reasonable limits*' on the rights and freedoms contained within the NZBORA to achieve navigation safety, and do not unreasonably interfere with any of the rights contained in the NZBORA. Council has determined that the draft bylaw is consistent with the NZBORA.

## What happens next?

After it has received written and oral submissions, it is intended Council will make decisions on the draft bylaw in the first quarter of 2025. As with the formal review, or making, of any bylaw, it is open to Council to consider other amendments that could be included in the bylaw. Council may make other changes to the draft bylaw in response to feedback, but any further changes after the consultation period concludes could be subject to further consultation, if the changes are material and go beyond the scope of the draft bylaw and this Statement of Proposal may require further consultation.

During the consultation process, Council may consider community views that seek to:

- make changes to the issues that are regulated in the draft bylaw,
- add additional issues that are regulated by the draft bylaw,
- make additional changes to the draft bylaw,
- not adopt a bylaw.

Once the hearing panel has received submissions and made their recommendations on the draft bylaw, Council will consider the following options about how to proceed:

Option 1 – adopt the draft bylaw

Advantages:

- Efficiently and effectively addresses the identified navigation safety issues.
- Responds to issues concerning navigation safety in the district that are not addressed in the current bylaw.
- Enables QLDC to give effect to its roles and responsibilities under the MTA.

Disadvantages

- Some of the proposed provisions in the bylaw may introduce new costs and obligations that may not be supported by waterways users.
- Changes to the current bylaw will be unfamiliar to waterway users, and may require education programmes by QLDCs Harbourmaster and regulatory staff.

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## Option 2 – adopt an amended draft bylaw

### Advantages

- Efficiently and effectively addresses some of the identified navigation safety issues.
- Responds to some of the issues concerning navigation safety in the district that are not addressed in the current bylaw.
- Partly enables QLDC to give effect to its roles and responsibilities under the MTA.

### Disadvantages

- Some of the identified navigation safety issues, new information and advice may not be addressed by the new bylaw, and as such, it may not be the most efficient or effective means for QLDC to give effect to its roles and responsibilities under the MTA.
- Some of the proposed provisions in the bylaw may introduce new costs and obligations that may not be supported by waterways users.

## Option 3 – do not adopt the draft bylaw or an amended draft bylaw

### Advantages

- There are no clear advantages.

### Disadvantages

- The current bylaw has been in place since March 2018 and will automatically expire if not reviewed prior to March 2025. If a draft bylaw is not adopted, the district will not have navigation safety regulations (other than those provided by way of national maritime rules).



**Attachment A – Summary of matters addressed within the current bylaw and their effect**

<b>Matters addressed in the current bylaw</b>	<b>Summary of relevant provisions</b>
<p>The use or management of ships, anchorages, and vessel traffic</p>	<p>Part 2 of the current bylaw<sup>8</sup> contains general navigation safety requirements for people in charge of vessels. Part 2 contains a range of provisions that address the following matters:</p> <ul style="list-style-type: none"> <li>• obligations relating to the safety and wellbeing of people on vessels, and any other person on the water</li> <li>• setting a minimum age for operating powered vessels</li> <li>• managing the speed of vessels, including in proximity to other vessels, structures, people in the water, and to the shore</li> <li>• the wake of vessels</li> <li>• embarking and disembarking from vessels</li> <li>• anchoring, mooring and obstructions, including in relation to obstructions, hazards, including risks to navigating vessels, any person or property</li> <li>• the seaworthiness of anchored or moored vessels</li> <li>• impacts to navigation aids</li> <li>• safe refueling of vessels</li> <li>• Preventing nuisances arising on, in, or near the water</li> </ul>
<p>Moorings, structures and maritime facilities</p>	<p>Part 9 of the current bylaw<sup>9</sup> contains provisions regulating structures and moorings. Part 9 contains a range of provisions that address the following matters:</p> <ul style="list-style-type: none"> <li>• Permissions to use or occupy structures or the foreshore, including for loading or unloading</li> <li>• Placing of moorings and issuing mooring permits</li> <li>• Specifying the powers of the Harbourmaster and Council with respect to moorings vessels on moorings in relation to compliance with mooring permits or any other clause of the bylaw</li> </ul>
<p>Reserving and use of water for specified purposes</p>	<p>Part 7 of the current bylaw<sup>10</sup> contains provisions regulating access lanes and reserved areas. These provisions:</p> <ul style="list-style-type: none"> <li>• Illustrate areas identified as access lanes</li> <li>• That Council can, using public notice identify or revoke access lanes and reserved areas</li> <li>• Establish conduct requirements within access lanes to achieve navigation safety, which prevent swimming, obstructions and dangerous use within access lanes</li> <li>• Set out how reserved areas are to be identified</li> </ul>

<sup>8</sup> Clauses 7 – 17, pages 10 - 14

<sup>9</sup> Clauses 46 – 48, pages 25 - 26

<sup>10</sup> Clauses 41 – 43, pages 22 - 24

Events on the water	<p>Clause 31 of the current bylaw<sup>11</sup> contains provisions that regulate events on the water.</p> <p>The bylaw specifies a need to apply to the Harbourmaster if an event seeks to uplift speed restrictions, temporarily reserve an area, suspend an access lane or reserved area. Applications can be granted if an event will not endanger the public.</p> <p>Public notice<sup>12</sup> must be given (including in a newspaper) detailing the event not less than seven days or more than 14 days before its commencement.</p>
Life jackets on recreational vessels	<p>Part 3 of the current bylaw<sup>13</sup> sets out the provisions relating to the carriage and wearing of lifejackets.</p> <p>The current bylaw's lifejacket provisions essentially replicate those contained within Part 91.4 of the national maritime rules. Part 3 sets out that:</p> <ul style="list-style-type: none"> <li>• lifejackets must be carried on vessels, be readily accessible and suitable for each person on board,</li> <li>• lifejackets must be worn if instructed by the person in charge,</li> <li>• every person must wear a lifejacket on vessels 6 metres or less in length while it is moving,</li> <li>• people 10 years old or less must wear a lifejacket at all times on vessels of any length,</li> <li>• every person must wear a lifejacket on a moving jet boat,</li> <li>• lifejackets must be worn during dangerous situations,</li> <li>• people being towed must wear a lifejacket,</li> <li>• exceptions are provided in limited and specific circumstances.</li> </ul>
Rules relating to specific locations	<p>Part 5 of the current bylaw<sup>14</sup> include prohibitions, restrictions or enabling provisions relating to certain activities at certain times to address navigation safety concerns unique to specific locations. Areas subject to specific rules include, Queenstown Bay, Clutha river / Mata – Au, Kawarau River and the Shotover River among other identified in clause 33.</p> <p>All rivers are subject to the standards in clause 32.</p>
Incidents and near misses	<p>Part 6 of the current bylaw<sup>15</sup> addresses procedures that need to be followed in the event of an incident or near miss, including that:</p>

<sup>11</sup> Page 18 - 19

<sup>12</sup> Public notice means a notice published on the Council website and in a newspaper circulating in the area of the District.

<sup>13</sup> Clauses 18 – 22, pages 14 – 16

<sup>14</sup> Clauses 32 – 38, pages 19 – 21

<sup>15</sup> Clauses 39 and 40, pages 21 – 22

	<ul style="list-style-type: none"> <li>• a person in charge of a vessel subject to a specified incident is required to report the event to Maritime New Zealand and the Harbourmaster</li> <li>• no person can move a vessel subject to the event unless required to maintain navigation access or to prevent further damage</li> </ul>
Commercial vessels	<p>Part 8 of the current bylaw<sup>16</sup> includes provisions related to the operation of commercial vessels. They address:</p> <ul style="list-style-type: none"> <li>• license processes for commercial vessels that are not subject to a Maritime New Zealand licensing requirement.</li> <li>• Council’s discretion in regard to commercial licenses</li> <li>• Surveying requirements for commercial vessels</li> </ul>
Administrative functions	<p>Part 10 of the current bylaw<sup>17</sup> includes provisions that address fees and charges for administrative functions of council. These provisions regulate:</p> <ul style="list-style-type: none"> <li>• Responsibilities and powers of the Harbourmaster</li> <li>• Impersonation of a Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer</li> <li>• Processes associated a request to uplift any speed limit on any waterway</li> <li>• Council’s powers to specify forms, guidelines, terms and conditions or any other processing functions</li> <li>• Council’s power to specify fees or charges for any permit or licence, and to recover costs</li> <li>• The Harbourmaster’s powers to grant exemptions from the bylaw’s provisions</li> </ul>
Enforcement, offences and penalties	<p>Part 11 of the current bylaw<sup>18</sup> set out powers held by various officers, including the Harbourmaster, Council’s enforcement officers or police officers. These provisions set out:</p> <ul style="list-style-type: none"> <li>• powers of the Harbourmaster, including to prohibit or restrict any activity to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, and to direct any vessel or person to take any action to comply with the bylaw</li> <li>• an obligation to pay any relevant fee</li> <li>• steps to be taken in the event of any non compliance with any permit or license issued under the bylaw</li> <li>• what activities comprise an offence</li> <li>• that penalties can be issued under the bylaw, the Maritime Transport Act 1994 or the Local Government Act 2002</li> <li>• that infringement fees can be issued as specified in associated regulations that may be created under the Maritime Transport Act 1994</li> </ul>

<sup>16</sup> Clauses 44 – 45, pages 24 – 25

<sup>17</sup> Clauses 49 – 54, pages 26 – 29

<sup>18</sup> Clauses 55 – 59, pages 29 – 30



**Navigation Safety Bylaw ~~2018~~2025**  
**Te Ture ā-Rohe mō te Haumarū Whakātere 2025**

Queenstown Lakes District Council

Date of making: ~~23 March 2018~~TBC

Commencement: ~~6 April 2018 (other than clause 46 which shall take effect on 1 July 2019)~~TBC

This bylaw is adopted pursuant to the Maritime Transport Act 1994 and Local Government Act 2002 by virtue of a transfer of bylaw making powers by the Otago Regional Council pursuant to section 17 of the Local Government Act 2002 and section 650j of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

Note – The contents page of this draft bylaw does not illustrate all amendments from the current bylaw (i.e. page numbers)

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## Part 1 – Preliminary

### 1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw- ~~2025~~~~2018~~” [Te Ture ā-Rohe mō te Haumaru Whakatere 2025](#).
- 1.2 This bylaw comes into force on a date to be resolved by Council.

### 2 Application

- 2.1 This bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District, as set out in Schedule 1 of this bylaw.

### 3 Purpose

- 3.1 [To ensure navigation safety](#) the purpose of this bylaw is to:
- (a) regulate and control the use or management of ships;
  - (b) regulate the placing and maintenance of moorings and maritime facilities;
  - (c) prevent nuisances arising from the use of vessels, actions of persons and things on, in, or near the water;
  - (d) reserve the use of any waters for specified persons or vessels;
  - (e) in relation to any sporting event, training activity, ceremonial or other authorised customary event:
    - (i) prohibit or regulate the use of vessels;
    - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
  - (f) regulate and control the use of anchorages;
  - (g) prescribe vessel traffic separation and management schemes;
  - (h) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on recreational vessels;
  - (i) prescribe administrative requirements, fees and charges for the performance of administrative functions;
  - (j) ~~prescribe offences and penalties for contravention or permitting a contravention of the bylaw; [and](#)~~
  - (k) ~~[require the marking and identification of vessels.](#)~~  
~~[and](#)~~
  - (l) ~~[require the carriage of communication equipment.](#)~~

#### 4 **Bylaw to bind the Crown**

- 4.1 Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

#### 5 **Delegation**

- 5.1 Any of the various powers and functions of the Queenstown Lakes District Council as detailed and set out in this bylaw may be delegated by it to its Chief Executive Officer and through him or her to any person in accordance with the Act and the Local Government Act 2002.

*Explanatory note: The delegations of Council functions under this bylaw are set out in the QLDC Register of Delegations. Register of Delegations. The Bbylaw also contains individual clauses which confer powers directly on the Harbourmaster and/or Enforcement Officers.*

#### 6 **Interpretation**

- 6.1 In this bylaw, unless the context otherwise requires,-

**Access Lane** means an area defined and designated as an access lane described in clause ~~42~~ of this bylaw.

**Accident** has the same meaning as in the Maritime Transport Act 1994.

**Act** means the Maritime Transport Act 1994.

**Alcohol** has the same meaning as in section 5 of the Sale and Supply of Alcohol Act 2012.

**Anchorage** in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purpose by the Council or not.

**Buoy** means an anchored float, serving as a navigational mark or locational mark to indicate hazards, reefs or a mooring.

**Commercial Vessel** means a vessel that is not a recreational vessel.

~~**Commercial Vessel Licence** means a licence referred to in clause 44 of the bylaw.~~

**Contravene** includes fail to comply with.

**Council** means the Queenstown Lakes District Council or anyone delegated or authorised to act on its behalf.

**Dangerous goods** has the same meaning as in Maritime Rule 24A.

**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.

**District** means the area administered by the Queenstown Lakes

District Council.

**Drug** means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and includes (but is not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

**Enforcement Officer** means a person appointed by the Council as an Enforcement Officer under section 33G of the Act.

**Fee** means the fee prescribed by Council under clause 532.

**Flag A** means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

**Foreshore** means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events.

**GPS or GPS Coordinate(s)** means a [Global Positioning System used to determine a location using the WGS84 Lat-Long system.](#)

**Harbourmaster** means the person appointed by the Council to that position and includes any Deputy Harbourmaster.

**Hot work operations** includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

**Impedes the passage** means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to alter course, alter speed or to stop.

**Incident** means [any occurrence, other than an accident, collision, grounding or mishap that is associated with the operation of any vessel and affects or could affect the safety of operation.](#)

**Intoxicated** means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

**Jet boat** means a vessel with water jet propulsion that—

- (a) is less than nine metres in length overall; and

- (b) is designed to carry no more than 34 persons:

**Launch facility** means a place that:

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower ~~Wānaka~~ Wanaka-SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower ~~Wānaka~~ Wanaka-SD (known as Waterfall Creek).

**Length** means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 3.

**Lifejacket** 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) type ~~401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005~~; or
- (b) a national or international standard that the Director is satisfied substantially complies with types ~~401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005~~.

*Explanatory note: for the purposes of this bylaw the term “lifejacket” has the same meaning as a “personal flotation device” under ~~the Maritime Rule 918~~.*

**Making way** means being propelled by an instrument or device.

**Maritime rules** means maritime rules made under the Maritime Transport Act 1994.

*Explanatory note: where specific maritime rules apply, these have been expressly stipulated.*

**Master** means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.

**Mishap means an event that:**

- ~~(a)~~ causes any person to be harmed; or
- ~~(a)~~(b) in different circumstances, might have caused any person to be harmed.

**Moor** means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or

- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

**Mooring** in relation to water, means any weight or article placed in or on the shore or bed of any lake or river for the purpose of securing a vessel or any floating structure; and

- (a) includes any wire, rope, buoy or other device connected to the weight; but
- (b) does not include an anchor that is normally removed with the vessel or floating structure when it leaves the site or anchorage.

**Mooring permit** means a permit issued under clause 467 of this bylaw.

**Navigate** means the act or process of managing or directing the course of a vessel on, through, over or under the water.

**Navigation aid** includes any light, navigation mark, buoy, beacon, wharf, lifebuoy or lifesaving apparatus maintained or otherwise authorised by the Council on, or in, any lake or river within the District.

**Owner** has the same meaning as in section 2 of the Act.

**Paddleboard** is to be given its natural and ordinary meaning, and includes a craft that is:

- (a) powered by paddle; and
- (b) operated by a person in the standing, kneeling or sitting position; and
- (c) is constructed of rigid materials, whether inflatable or not, provided that it is continuously buoyant.

and does not include a kayak, surf ski or canoe.

**Parasailing or paragliding** includes any gliding or flying by use of a parachute or kite either towed by a vessel or released from a vessel.

**Person in charge of a vessel** means as the context requires:

- (a) the master of the vessel; or
- (b) in the absence of the master of the vessel, the owner of the vessel; or
- (c) in the absence of the master or owner of the vessel, the person steering the vessel or who appears to the harbourmaster or an enforcement officer to be responsible for the vessel, whether or not it is in the water.

**Personal water craft** means a power-driven vessel such as a Jet Ski, provided it:

- (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 in it.

**Pleasure vessel** means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not a commercial vessel; but does not include:

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or 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; or
- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

**Power-driven ed Vessel** means any vessel propelled by machinery.  
~~that is not solely powered manually or by sail.~~

~~Proper speed means speed through water.~~

~~Public notice means a notice published on the Council website and in a newspaper circulating in the area of the District.~~

Public notice or publicly notified means

- a) In relation to Clause 33.4 (Temporary events), a notice published on the Council website and; and
- a)b) In relation to any other clause in this Bylaw, a notice published on the Council web site and in a newspaper circulating in the area of the District.

**Ramp** in relation to water, means any structure that is provided for launching a vessel into the water or taking a vessel out of the water.

**Recognised authority** means an authority that the Director considers is competent to certify a lifejacket's compliance with a standard.

**Recreational vessel** means a vessel that is:

- (a) a pleasure vessel;
- (b) solely powered manually; or
- (c) solely powered by sail.

**Reserved Area** means an area reserved for a specific purpose under this bylaw.

**Restricted visibility** includes circumstances in which visibility is restricted due to fog, mist, or other adverse weather conditions.

**Sailboard** means any type of board that is propelled by a detachable

sail apparatus and operated by a person standing on the board.

**Seaworthy** in relation to any vessel means being, in the opinion of the Harbourmaster in a fit condition of readiness to safely undertake a voyage within its designed capabilities.

**Shotover River Concession Area** has the meaning set out in the Queenstown Lakes District Council Shotover River bylaw ~~2015~~2021.

**Speed means:**

(a) in relation to lakes, the speed through the water; or

~~(a)(b)~~ in relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

**Structure** means any building, equipment, device, wharf, jetty, breastwork or other facility which is fixed to land or bed of a waterbody, and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, wharves, marine farms, temporary structures associated with events and other objects whether or not these are above or below the waterline; and
- (b) does not include navigation aids.

**Sunrise/sunset** means the time designated for sunrise/sunset according to New Zealand Standard time.

~~Underway means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure.~~

~~Unseaworthy in relation to any vessel means being, in the opinion of the Harbourmaster in a condition where it is not ready or in a fit condition to safely undertake a voyage within its designed capabilities.~~

**Uplifting** means a lifting of, or change to, speed limits in this bylaw.

**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 surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water raft;
- (h) a kiteboard, sailboard, hydrofoil or paddleboard;

- (i) an inner tube;
- (j) a kayak or canoe;

but does *not* include a surfboard.

**White water raft** means an inflatable vessel manoeuvred by

- (a) oars or paddles; or
- (b) a combination of oars and paddles,

but does not include inflatable kayaks, inflatable canoes, river bugs, tyre tubes, or tyre tube rafts.

## Part 2 – General navigation safety requirements

### 7 General duties of person in charge of the vessel to ensure safety

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board;
- (b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

7.2 No person may operate or attempt to operate a vessel while intoxicated.

### 8 Minimum age for operating power-driven vessels<sup>1</sup>

8.1 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 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.

8.2 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.

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the [Maritime Rule 91s](#).

### 9 Speed of vessels<sup>2</sup>

9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel

<sup>1</sup> Rule 91.5.

<sup>2</sup> Rule 91.6.

(including a vessel towing a person or some object) at a ~~proper~~ speed greater than five knots within:

- (a) 50 metres of any other vessel or floating structure or person in or on the water;
- (b) 200 metres of the shore or of any structure;
- ~~(c) 200 metres of any vessel that is flying Flag A (the divers flag) of the International Code of Signals;~~

*Explanatory note: The measurement of speed is defined in clause 6 to mean:*

*(a) In relation to lakes, the speed through the water; or*

*(b) In relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.*

9.2 Clause 9.1(a) does not apply to:

- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
  - (i) a club affiliated to Yachting New Zealand; or
  - (ii) a non profit organisation involved in sail training or racing; or
- (b) a vessel training for or participating in competitive rowing or paddling; or
- (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
- (d) a vessel operating in accordance with a speed uplifting established under this bylaw ~~or the maritime Rule 918.~~

9.3 Clause 9.1(b) does not apply to:

- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
- (b) a vessel operating in accordance with a speed uplifting established under this bylaw ~~or the maritime Rule 918;~~
- (c) a vessel training for or participating in competitive rowing or paddling; or
- (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

- 9.4 No person may propel or navigate a power-~~driven~~ vessel at a ~~proper~~ speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 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 specified in clause 9.1.
- 9.6 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.

## **10 Harbourmaster may instruct vessel not to exceed specified speed**

- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.

## **11 Wake<sup>3</sup>**

- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
  - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
  - (c) does not cause any risk of harm to any other person.

## **12 Embarking and disembarking vessels**

- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.

## **13 Anchoring, mooring and obstructions<sup>4</sup>**

- 13.1 No person may anchor a vessel so as to:
- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
  - (b) create a hazard to other vessels at anchor.

<sup>3</sup> Rule 91.7.

<sup>4</sup> Rule 91.13.



- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
  - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.
- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
  - (b) cause injury or death to any person; or
  - (c) cause damage to any vessel or any property.

#### **14 Vessels to be seaworthy and not abandoned**

- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
  - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 394.3 of this bylaw.

#### **15 Damage to navigation aids<sup>5</sup> (eg. buoys)**

- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
  - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

#### **16 Prevention of nuisances**

- 16.1 No person may create a nuisance to any other person through:
- (a) his or her use or control of a vessel;
  - (b) the speed of a vessel; or
  - (c) the speed of any item or object towed behind or used in conjunction with such a vessel.

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<sup>5</sup> Rule 91.14.

- 16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:
- (a) causing an obstruction or loitering while loading or unloading a trailer; ~~and/or~~
  - (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.

## 17 Refuelling of vessels

- ~~17.1~~ No vessel is to be refuelled at any time while there are passengers on board the vessel.

## 18 Vessels to be identified

- ~~18.1~~ No person shall navigate a vessel (excluding vessels listed in clause ~~18.3~~) unless it displays an identifying name or number above the waterline on each side of the vessel that is recognised under clause ~~18.2~~, and satisfies the following criteria:

- ~~(a)~~ consists of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
- ~~(b)~~ is unique to that vessel; and
- ~~(c)~~ unless it is a type recognised by an organisation listed in subclause ~~18.2(a)~~, is a minimum height of 90 millimetres and is capable of being read by the Harbourmaster or an enforcement officer from a distance of at least 50 metres.

- ~~18.2~~ The following identifying name or number referred are recognised for the purposes of subclause ~~18.1~~ of the Bylaw:

- ~~(a)~~ an identification approved by and conforming to the requirements of:
  - ~~(i)~~ Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
  - ~~(ii)~~ A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
- ~~(b)~~ the vessel's radio call sign; or
- ~~(c)~~ for any trailer borne vessel without a registration or identification listed in subclauses (a) or (b), the registration number of its trailer; or
- ~~(d)~~ for sail vessels the identifying name or number may be the vessel's sail number.

- ~~18.3~~ The requirements of clause ~~18.1~~ – ~~18.2~~ do not apply to the following vessels:

- ~~(a)~~ non-power-driven vessels of six metres or less in length
- ~~(b)~~ vessels powered solely by paddles or oars of six metres or less in length;
- ~~(a)(c)~~ a vessel which is temporarily being operated on waterways in the district and which display markings that comply with an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

- ~~18.4~~ Vessels referred to in subclause ~~18.3~~ must be marked with the current owner's name and contact details somewhere on the vessel.

## 19 Carriage of communication devices

19.1 The person in charge of a vessel must ensure two independent forms of communication equipment that are either waterproof or carried in a waterproof bag or container are on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.2 A person in charge of a non-powered vessel being operated on a river must ensure that at least one form of communication equipment that is either waterproof or carried in a waterproof bag or container is carried on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.3 Subclauses 19.1 and 19.2 do not apply to:

- (a) a person participating in a sporting event or training activity if there is a support vessel present that complies with subclause 19.1, or
- (b) a person in charge of a non-powered vessel being operated within 50 metres of the shore of a lake where they can communicate with a person using their voice or a whistle.

*Explanatory note: Forms of communication may include but are not limited to VHF radio, distress beacons (EPIRB or PLB), mobile phone in a waterproof bag and flares. The person in charge of a vessel should seek guidance on appropriate forms of communication.*

## Part 3 – Carriage and wearing of lifejackets

### 1820 Carriage of lifejackets<sup>6</sup>

1820.1 No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient lifejackets of an appropriate size for each person on board.

### 1921 Wearing of lifejackets

1921.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.

1921.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

1921.3 Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.

<sup>6</sup> Rule 91.4(1)

~~19-421.4~~ Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

#### ~~20-22~~ Requirement to wear lifejackets during dangerous situations<sup>7</sup>

~~20-22.1~~ Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.

#### ~~21-23~~ Requirement to wear lifejackets if being towed<sup>8</sup>

~~21-23.1~~ No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.

#### ~~22-24~~ Exceptions to requirements to carry or wear lifejackets<sup>9</sup>

~~22-24.1~~ Clauses ~~18-20~~, ~~19-21~~, and ~~20-22~~ do not apply to:

- (a) any surfboard, sailboard, paddleboard, windsurfer, ~~or other~~ or similar unpowered craft, if a full wetsuit is worn at all times;
- (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
- (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
- (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
- (e) a commercial raft; and
- (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause ~~3-33~~;

~~22-24.2~~ Clauses ~~18-20~~, ~~19-21~~, and ~~20-22~~ do not apply to any sporting event, training activity, authorised customary 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 and

<sup>7</sup> Rule 91.4(6).

<sup>8</sup> Rule 91.4(7).

<sup>9</sup> Rule 91.4.

carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.

~~22.24.3~~ 24.3 Clauses ~~21-23~~ does not apply to:

- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
- (b) persons participating in a sporting event that is administered by a national sporting organisation approved under the maritime rules.

## Part 4 – Specific water-based activities

### ~~23.25~~ 25 Water skiing or towing of any person – requirement for a lookout<sup>10</sup>

~~23.25.1~~ 25.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

~~23.25.2~~ 25.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

### ~~24.26~~ 26 Water skiing or towing of any person – restriction between sunset and sunrise<sup>11</sup>

~~24.26.1~~ 26.1 No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.

~~24.26.2~~ 26.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

### ~~25.27~~ 27 Parasailing

~~25.27.1~~ 27.1 Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and [the Health and Safety Guidelines for Commercial Parasailing Operations 2022-issued by the Director](#).

~~25.27.2~~ 27.2 No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Whakatipu.

<sup>10</sup> Rule 91.8.

<sup>11</sup> Rule 91.9.



*Explanatory note: Applicable [Health and safety guidelines for Commercial Parasailing operations are found on the Maritime New Zealand website. \[://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf\]\(http://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf\).](http://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf)*

### **2628 Whitewater rafting**

~~26.1~~ — Every person in charge of a white water raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the [Health and Safety at Work \(Adventure Activities\) Regulations 2016](#).

*Explanatory note: Maritime Rule 81: Commercial Rafting Operations contains the applicable maritime rules.*

### **2729 Jet boating**

~~27.129.1~~ Every person in charge of a jet boat that is a commercial vessel must ensure that the jet boat is operated and navigated strictly in accordance with the applicable maritime rules.

*Explanatory note: Commercial river jet boating is subject to Maritime Rule 82: Commercial Jetboat Operations - River.*

### **2830 Swimming or diving around wharves or jetties**

~~28.130.1~~ No person may jump, dive, swim or undertake any other related activities:

- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been approved by the Harbourmaster or an enforcement officer;
- (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

### **2931 Hot works**

~~29.1~~ — A person conducting hot work operations on a vessel must comply with the current edition of the [Code of Safe Working Practices for Merchant Seafarers \(Maritime New Zealand\)](#).

~~29.231.1~~ The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.

~~29.331.2~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

Explanatory note: The Health and Safety at Work Act 2015 applies to any person conducting hot work operations on a vessel where it is a place of work.

### 30.32 **Dangerous Goods**

30.32.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:

- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
- (b) makes the written record of dangerous goods required under clause 32.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

### 31.33 **Special Temporary events**

~~Any person intending to conduct a race, speed trial, competition, display, performance, film, advertisement or other organised water activity must apply to the Harbourmaster to:~~

- ~~(a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or~~
- ~~(b) temporarily reserve the area for the purpose of that activity; and/or~~

~~temporarily suspend the designation of permanent access lanes or reserved areas.~~

~~31.2 Where the Harbourmaster is satisfied, on considering an application under this bylaw (together with any safety plan that may be required), that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 7 days, and on such conditions (if any) as the Harbourmaster may specify.~~

33.1 Any person intending to conduct a sporting event, training activity or any other organised water activity in an area to which this bylaw applies must do the following prior to the activity occurring:

- (a) Notify the Harbourmaster in every case; and
- (b) Apply for and obtain approval from the Harbourmaster if the activity meets one or more of the following criteria:
  - i. The activity is likely to affect normal operation of another vessel(s) or any other user(s) of the water; or
  - ii. The activity requires a temporary suspension of any clause of this Bylaw; or
  - iii. The activity requires an area to be temporarily reserved for a specific purpose; or
  - iv. The activity requires the temporary suspension of a reserved area or access lane; or

v. The activity requires temporary installation of course markers or similar such objects in the water.

~~33.2~~ The Harbourmaster has discretion in relation to an application for approval under clause 33.1(b) to either:

(a) Grant approval if satisfied that the application (together with any safety plan that may be required) can be approved for a period of up to 7 days without endangering the public; or

(b) Refuse the application.

~~31-33.3~~ The Harbourmaster may grant approval under clause 32.2(a) upon such terms and conditions as the Harbourmaster thinks fit, including conditions that provide for the temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes as determined by the Harbourmaster.

~~31-33.4~~ No ~~grant of an application approval~~ under clause ~~33.3~~ has effect unless ~~not less than 7 days or 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 supervision or reserved area.

~~31-43.5~~ The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.

~~31-53.6~~ The Council may prescribe any fees associated with ~~special~~ Temporary events in accordance with clause ~~53~~.

## Part 5 – Rules relating to specific locations

### ~~32~~ 34 Rivers<sup>12</sup>

~~32-34.1~~ Subject to the more specific rules below, a person in charge of a vessel on a river must:

- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
- (b) if going upstream, give way to any vessel coming downstream; and
- (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

### ~~33~~ 35 Lakes

~~33-35.1~~ No power-~~driven~~ vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnston, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

<sup>12</sup> Rule 91.17.

**3436 Queenstown Bay**

~~34.136.1~~ The ~~proper~~ speed of vessels must not exceed five knots within 50 metres of any boundary of the access lane in Queenstown Bay unless specifically permitted as a condition of the access lane or by a speed uplifting.

**3537 Clutha River / Mata-Au**

~~37.1~~ No person may navigate a power-driven vessel under the Albert Town Bridge except in accordance with the following rules (or as may be directed by the Harbourmaster):

- (a) power-driven vessels proceeding downstream must be navigated through the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au;
- (b) power-driven vessels proceeding upstream must be navigated through the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au.

~~35.137.2~~ The following clauses apply to persons operating power-driven vessels ~~operating~~ in the area between the Outlet Camping Ground (GPS ~~-44 39 45 N, 169 08 55 E~~ ~~-44.66 to -46.15~~) and the Albert Town Bridge (GPS ~~-44 40 51 N, 169 11 26 E~~ ~~-44.68, -46.19~~):

- (a) Between 1 December and 30 April no person may operate a power-driven vessels ~~may operate~~ in this area, unless ~~the powered vessel satisfies~~ expressly authorised to do so under one of the following exceptions:
  - (i) it is expressly authorised to operate in this area by a resource consent issued by the Council;
  - (ii) it is carrying out one of the following permitted activities under the Queenstown Lakes District Plan, with the permission of the Harbourmaster:
    - (A) emergency search and rescue;
    - (B) hydrological survey;
    - (C) public scientific research;
    - (D) resource management monitoring;
    - (E) water weed control; or
    - (F) access to adjoining land for farming activities.
  - (iii) it is the power-driven vessel is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.

- (b) ~~Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council provided the person complies with:~~
- (i) ~~All other obligation under this bylaw including clause 7.1(b);~~
  - (ii) ~~All resource consent conditions applicable to the activity;~~
  - (iii) ~~Any requirement under an applicable licence issued by Maritime New Zealand.~~

~~(b)(c)~~ Between 1 May and 30 November any person operating a power-driven vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).

~~35-237.3~~ A permanent speed uplifting shall apply between the Albert Town Bridge (GPS ~~-44 40 51 N, 169 11 26 E-44-68, -169-19~~) and the Red Bridge (~~-44 43 51 N, 169 16 54 E-44-73 to -169-28~~) as specified in Schedule 2.

### ~~36-38~~ **Kawarau River**

~~36-38.1~~ No person may rest or stop a vessel in tThe areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam ~~are not to be used as rest or stop areas by any vessel.~~

~~36-38.2~~ The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.

~~36-38.3~~ No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):

- (a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;
- (b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.

~~36-438.4~~ No person may operate a power-driven vessel ~~No powered vessels may operate~~ on that part of the Kawarau River located downstream from the confluence between the Kawarau River and below the Arrow River.

### ~~37-39~~ **Shotover River**

~~37-39.1~~ No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw ~~2015-2021~~ or any bylaw adopted by Council to replace that bylaw.

~~37-239.2~~ Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E119) of the movements and location of the



commercial vessel at all times.

### 3840 Prohibited areas

~~3840.1~~ No person in charge of a power-~~driven~~ vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:

- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
- (b) the Outlet of Lake Whakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
- (c) the Shotover, Kawarau and Clutha / Mata-Au Rivers.

## Part 6 – Accidents, incidents, and mishaps and near misses

### 3941 Requirement to report to the Harbourmaster in the event of accident, mishap or serious incident

~~3941.1~~ A person in charge of a vessel that has been involved in an accident, incident or mishap where:

- ~~(a) the incident has caused damage to another vessel, or a navigation aid or any structure;~~
- ~~(b) a vessel has been sunk or grounded or become stranded in any waterway;~~
- ~~(c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or~~
- ~~(d) any person has been injured;~~

must, as well as complying with the reporting requirements in Section 31 of the Maritime Transport Act 1994 (which requires reporting the incident to the Authority), also report the incident to the Harbourmaster.

~~3941.2~~ A report required by clause ~~3941.1~~ must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause ~~513~~ of this bylaw.

~~3941.3~~ If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:

- (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or

- (b) in accordance with directions from the Harbourmaster or the police.

~~40~~ — **Requirement to report to the Harbourmaster in the event of a near miss**

~~40.1~~ — The person in charge of any commercial vessel that has been involved in an incident that is not covered by clause ~~39.1~~, but could have potentially led to an accident or collision, must report in writing the details of the incident to the Harbourmaster within ~~24~~ hours of the incident occurring.

## Part 7 – Access Lanes and Reserved Areas

### ~~41~~42 Access Lanes

~~41.1~~42.1 The following areas are access lanes for the purposes of this bylaw:

- (a) the areas specified in Table 2 of Schedule 2 of this bylaw; and
- (b) the areas declared to be access lanes in accordance with this clause.

~~41.2~~42.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.

~~41.3~~42.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

### ~~42~~43 Conduct in Access Lane<sup>13</sup>

~~42.1~~43.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:

- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
- (b) by the most direct route through the access lane;
- (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
- (d) this clause applies to objects towed by a vessel.

~~42.2~~43.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.

~~42.3~~43.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.

<sup>13</sup> Rule 91.10

~~42-443.4~~ No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.

~~42-543.5~~ If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

#### ~~4344~~ Reserved Areas<sup>14</sup>

~~43-144.1~~ The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:

- (a) for use of vessels generally; or
- (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
- (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
- (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

~~43-244.2~~ Adequate signs must be provided in the vicinity of any reserved area that:

- (a) define the area;
- (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
- (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.

~~43-344.3~~ The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.

~~43-444.4~~ The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.

~~43-544.5~~ In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.

~~43-644.6~~ No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

## Part 8 – Commercial vessels

### ~~44~~ Commercial vessels to be licensed

<sup>14</sup> Rule 91.12.

~~44.1~~ — Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.

~~44.2~~ — The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.

~~44.3~~ — Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.

~~44.4~~ — Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.

~~44.5~~ — A licence is personal to the holder and to the vessel specified therein and is not transferable.

~~44.6~~ — Every commercial vessel licence issued under this bylaw or the applicable maritime rules must be available for inspection at any time by the Harbourmaster or an enforcement officer.

#### ~~45~~ — Requirement as to survey

~~45.1~~ — No person may operate on any waters within the District a commercial vessel that is required to be surveyed under any relevant maritime rule unless the owner of such vessel holds a Maritime Operator Safety System certification or a certificate of compliance under the applicable maritime rule.

## Part ~~9~~8 – Structures and Moorings

### ~~46.45~~ — Permission to use or occupy structures or the foreshore

~~46.45.1~~ No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause ~~46.5~~45.3 of this bylaw.

~~46.45.2~~ No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause ~~46.5~~45.3 or clause ~~46.5~~45.4 of this bylaw.

~~46.45.3~~ The Council may grant permission to any person to use or occupy a structure subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

~~46.45.4~~ The Council may in accordance with the Reserves Act 1977 grant permission to any person to occupy the foreshore subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

#### ~~47.46~~ **Mooring permits**

~~47.46.1~~ No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

~~47.46.2~~ The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause ~~51~~.

~~47.46.3~~ The Council may prescribe fees associated with moorings and mooring permits in accordance with clause ~~52~~.

~~47.46.4~~ Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

~~47.46.5~~ Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

#### ~~48~~ **Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**

~~48.47.1~~ The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.

~~48.47.2~~ If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.

~~48.47.3~~ The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:

- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
- (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
- (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
- (d) the mooring does not have an identification number visible.

~~48.47.4~~ The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.

~~48.47.5~~ If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.



## Part 10 - Administration provisions

### 49.48 Powers of Harbourmaster

49.48.1 The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and can exercise any of the powers conferred on the Harbourmaster under the Act or this bylaw.

### 50.49 Impersonation of Harbourmaster

50.49.1 It is an offence for any person who is not the Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer to behave in a manner that could lead any person to believe that the person holds any such appointment.

### 51.50 Speed Upliftings<sup>15</sup>

51.50.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.

51.50.2 An application under clause 50.1 must not be granted unless the Council is satisfied that:

- (a) the application has been publicly notified;
- (b) the Director has been consulted;
- (c) affected persons have had a reasonable opportunity to comment on the application;
- (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
- (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
- (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

50.3 The Council may grant an application in accordance with clause 51.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.

51.50.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 523.

### 52.51 Administrative requirements

52.51.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:

<sup>15</sup> Rule 91.20.

- (a) any forms to be required by Council for the administration of this bylaw.
- (b) any guidelines applicable to issuing a mooring permit, ~~commercial vessel license~~, or other approval under this bylaw.
- (c) any terms and conditions upon which any approval under this bylaw may be issued.
- (d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

### ~~5352~~ Fees and charges

~~53-52.1~~ The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit ~~or licence~~ issued under this bylaw following public consultation in accordance with section 150(3)-(6) of the Local Government Act 2002.

~~53-52.2~~ The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

### ~~5453~~ Exemptions

~~54-53.1~~ The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.

~~54-53.2~~ The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, ~~19~~~~21~~, ~~28~~~~30~~, and Part 5 of this bylaw.

~~54-53.3~~ The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses ~~18-20~~ and ~~20-22~~ provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

~~54-53.4~~ In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on ~~public health and safety~~~~navigation safety~~.

~~54-53.5~~ The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe ~~public health or safety~~~~navigation safety~~ has, or might be, adversely affected.

~~54-63.6~~ No exemption may be granted:

- (a) for a contravention of this bylaw that has already occurred;
- (b) for a period exceeding 14 days;
- (c) for an activity that has prohibited activity status within ~~any district plan rule having legal effect in the District the Queenstown Lakes District Plan~~; or
- (d) if it would authorise something that is or would be contrary

to any other enactment, regulations or a maritime rule.

~~54-753.7~~ The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause ~~523~~.

## Part ~~101~~ – Enforcement

### ~~554~~ General enforcement powers of the Harbourmaster

~~55-54.1~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, the Harbourmaster may prohibit or restrict the activity until satisfied adequate precautions have been taken.

~~55-54.2~~ The Harbourmaster, enforcement officer or police officer may use powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.

~~55-54.3~~ The Harbourmaster, or enforcement officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules or this bylaw.

~~55-54.4~~ Where any provision in this bylaw imposes an obligation to pay a fee, the owner of the vessel is liable for that fee on the date that payment falls due.

### ~~5655~~ Non-compliance with conditions of a permit ~~or licence~~

~~56-55.1~~ Where a holder of any permit ~~or licence~~ issued under this bylaw does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:

- (a) issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit;
- (b) review the permit, which may result in:
  - (i) amendment of the permit; ~~or~~
  - (ii) suspension of the permit; or
  - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw, including as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.

~~56-55.2~~ There will be no refund of fees if any permit ~~or licence~~ is cancelled.

### ~~5756~~ Offences

~~57-56.1~~ Every person commits an offence against this bylaw who:

- (a) contravenes or permits a contravention of this bylaw;
- (b) prevents a Harbourmaster or an enforcement officer from

carrying out their statutory functions or duties under this bylaw;

- (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
- (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

### ~~5857~~ Penalties

~~58.157.1~~ Every person who:

- (a) commits an offence against this bylaw will be liable either under the Act and/or the Local Government Act 2002;
- (b) commits an infringement offence, set out in the regulations created under the Act and/or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

### ~~5958~~ Exceptions

~~59.158.1~~ A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or a police officer.

## Part ~~12-11~~ – Revocation and savings

### ~~6059~~ Revocation

~~60.159.1~~ The Queenstown Lakes District Navigation Safety Bylaw ~~2014~~ 2018 including all amendments is revoked.

~~60.2~~ ~~The Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 including all amendments is revoked from a date specified by publicly notified resolution of the Council.~~

### ~~6160~~ Savings

~~61.160.1~~ Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014-2018~~ remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.

~~61.260.2~~ Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2018 ~~that bylaw~~ or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61.360.3~~ Directions of the Harbourmaster issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2018 ~~that bylaw~~ or

preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61.460.4~~ Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014-2018~~ or the ~~Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014~~ continues in force but:

- (a) expires on the date specified; or
- (b) if no expiry date is specified, expires ~~on 1 July 2019~~ TBC [same period as current bylaw - 15 months 8 days from date of making]; and
- (c) can be renewed only by application made and determined under this bylaw.

~~61.560.5~~ Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Navigation Safety Bylaw ~~2014-2018~~ or the ~~Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014~~ that was filed before the date specified under clause ~~60-59~~ of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

*The Queenstown Lakes District Council Navigation Safety Bylaw ~~2018-2025~~ Te Ture ā-Rohe mō te Haumarū Whakatere 2025 was adopted pursuant to the Maritime Transport Act 1994 and the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on ~~23 March 2018~~ TBC.*

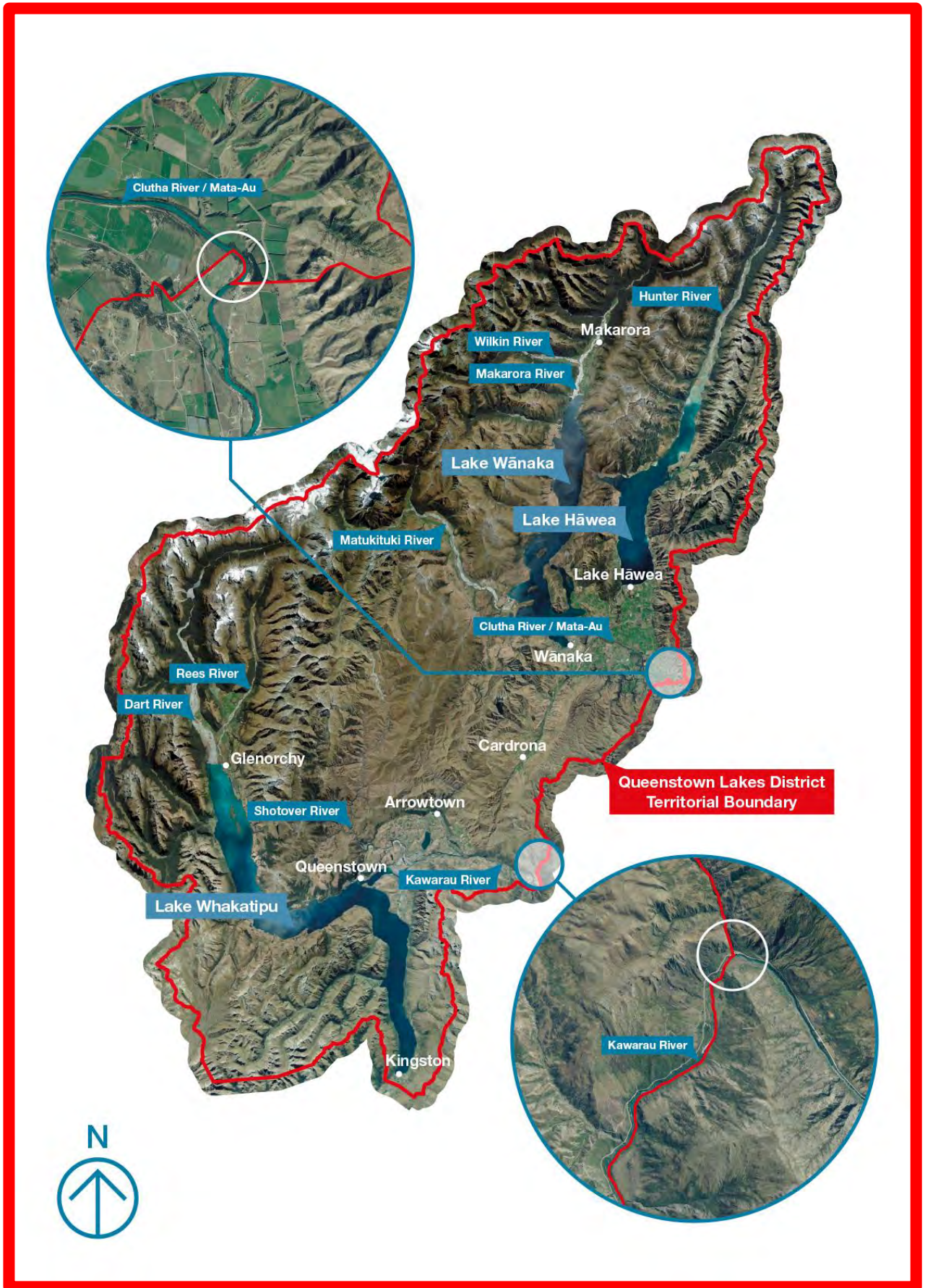
Mayor:

Chief Executive Officer:

## Schedule 1 – Map of Queenstown Lakes District







## Schedule 2 – Speed upliftings and access lanes

### 1 Upliftings for Lakes and Rivers

- (1) The uplifting of speed restrictions applies in the areas and locations and for the durations described in Table 1.

Explanatory note: If the waterbody is not listed below a 5 knots speed limit applies, unless otherwise stipulated by clause 9, or elsewhere in this bylaw.

Table 1 – Speed Upliftings

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Whakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	<a href="#">-44 50 60 N, 168 21 37 E</a> to <a href="#">-44.85 to -168.36</a>
			Upper Boundary	<a href="#">-44 34 12 N, 168 20 60 E</a> to <a href="#">-44.57 to -168.35</a>
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	<a href="#">-44 40 12 N, 168 18 36 E</a> to <a href="#">-44.67 to -168.31</a>
Rees River	From Lake Whakatipu to Muddy Creek	30 October to 1 May	River Mouth	<a href="#">-44 51 00 N, 168 22 48 E</a> to <a href="#">-44.85 to -168.38</a>
			Upper Boundary	<a href="#">-44 41 52 N, 168 27 54 E</a> to <a href="#">-44.70 to -168.33</a>
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	<a href="#">-44 53 35 N, 168 40 27 E</a> to <a href="#">-44.89 to -168.67</a>
			Skippers Bridge	<a href="#">-44 50 39 N, 168 41 13 E</a> to <a href="#">-44.84 to -168.69</a>
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	<a href="#">-45 0 59 N, 168 46 30 E</a> to <a href="#">-45.02 to -168.77</a>
			Oxenbridge Tunnel	<a href="#">-44 58 51 N, 168 39 52 E</a> to <a href="#">-44.98 to -168.67</a>
Kawarau River	From Lake Whakatipu to the	All Year	Lake Whakatipu	<a href="#">-45 01 40 N, 168 43 54 E</a> to <a href="#">-45.03 to -168.73</a>

	Arrow River confluence, excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.		Arrow River confluence	<del>-45 0 28 N, 168 52 53 E -45.01 to -168.89</del>
Makarora River	From Lake <del>Wānaka</del> <del>Wanaka</del> upstream to the confluence of the Young River.	All Year	River Mouth	<del>-44 19 12 N, 168 10 12 E -44.32 to -169.17</del>
			Young River confluence	<del>-44 12 01 N, 169 14 12 E -44.20 to -169.24</del>
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	<del>-44 16 9 N, 169 10 53 E -44.27 to -169.18</del>
			Kerin Forks	<del>-44 14 15 N, 169 01 53 E -44.24 to -169.03</del>
Matukituki River	From Lake <del>Wānaka</del> <del>Wanaka</del> upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	<del>-44 37 12 N, 169 01 08 E -44.62 to -169.019</del>
			East Branch	<del>-44 26 58 N, 168 48 54 E -44.44 to -168.81</del>
			West Branch	<del>-44 30 0 N, 168 46 53 E -44.5 to -168.79</del>
Clutha River / <del>Mata-Au</del>	From Lake <del>Wānaka</del> <del>Wanaka</del> outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	Outlet camping ground	<del>-44 39 45 N, 169 08 55 E -44.66 to -169.15</del>
			Albert Town Bridge	<del>-44 40 51 N, 169 11 26 E -44.68 to -169.19</del>
	From the Albert Town Bridge to the Red	All Year	Albert Town Bridge	<del>-44 40 51 N, 169 11 26 E -44.68 to -169.19</del>

	Bridge.			
			Red Bridge	<a href="#">-44 43 51 N, 169 16 54 E</a> - <a href="#">44.73 to 169.28</a>
	<a href="#">From Lake Wānaka outlet to the Albert Town bridge (only for power-driven vessels authorised under a resource consent</a>	<a href="#">1 December to 30 April</a>	<a href="#">Outlet camping ground</a>	<a href="#">-44 39 45 N, 169 08 55 E</a>
			<a href="#">Albert Town Bridge</a>	<a href="#">-44 40 51 N, 169 11 26 E</a>
Hunter River	From Lake <del>Hāwea</del> Hāwea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	<a href="#">-44 18 59 N, 169 25 58 E</a> - <a href="#">44.28 to 169.45</a>
			Ferguson Creek	<a href="#">44 06 49 N, 169 33 58 E</a> - <a href="#">44.71 to 169.21</a>

**2 Upliftings for Access Lanes**

- (i) The Vessel TSS Earnslaw is excluded from the 5 knot limit due to the nature of her propulsion and manoeuvring characteristics.

**3 Upliftings for Water Ski access lanes**

- (i) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

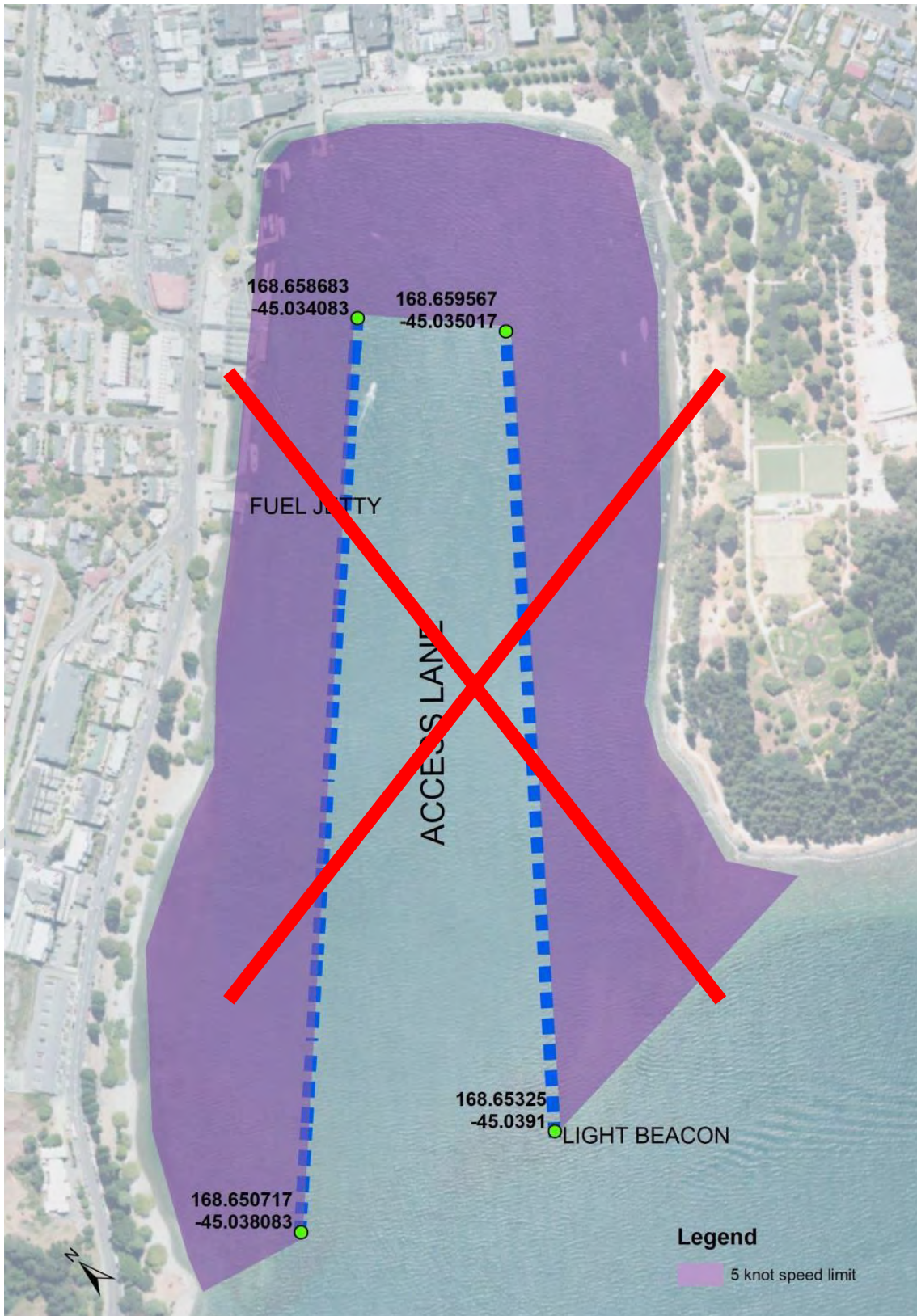
**Table 2 – Access Lanes**

Water ski access lanes – Lake Whakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	<a href="#">-44 51 23 N 168 22 47 E</a> - <a href="#">44.86 to 168.38</a>
<del>Kinloch Main Beach</del>	<del><a href="#">-44.84 to 168.35</a></del>
Kelvin Grove	<a href="#">-45 02 33 N 168 40 51 E</a> - <a href="#">45.04 to 168.68</a>
<del>Frankton Beach</del>	<del><a href="#">-45.02 to 168.73</a></del>
<del>Willow Place West Side</del>	<del><a href="#">-45.03 to 168.72</a></del>
<del>Loop Road</del>	<del><a href="#">-45.036 to 168.70</a></del>



<del>Frankton Arm North Side</del>	<del>-45.03 to 168.69</del>
Kingston Main Beach	<del>-45 19 51 N 168 43 11 E -45.33 to 168.72</del>
Bobs Cove	<del>-45 04 22 N 168 30 41 E -45.07 to 168.51</del>
Wilson's Bay	<del>-45 03 42 N 168 33 53 E -45.06 to 168.57</del>
Sunshine Bay	<del>-45 02 54 N 168 37 32 E</del>
<b>Water ski access lanes – Lake <del>Wānaka</del>Wanaka</b>	
<del>Roys Bay – Eely Point</del>	<del>-44.68 to 169.12</del>
<del>Roys Bay – Main Beach adjacent Pembroke Park</del>	<del>-44.70 to 169.13</del>
<del>Roys Bay – Water Fall Creek</del>	<del>-44.69 to 169.10</del>
Dublin Bay	<del>-44 38 56 N 169 10 9 E -44.65 to 169.17</del>
Glendhu Bay - West ski lane	<del>-44 40 14 N 169 0 49 E -44.67 to 169.01</del>
Glendhu Bay - East ski lane	<del>-44 40 23 N 169 01 19 E -44.67 to 169.02</del>
<b>Water ski access lanes – Lake Hāwea</b>	
Lake <del>Hāwea</del> Hawea-Ski Lane	<del>-44 36 23 N 169 16 03 E -44.61 to 169.27</del>
<b>High speed access lanes – Lake Whakatipu</b>	
<b>Location</b>	<b>Description</b>
Queenstown Bay	Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references <del>-45.03 to 168.66, -45.04 to 168.66</del> (see Map 1 – Queenstown Bay). These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).
The Narrows	Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Whakatipu, with the outer boundary of the Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).
Kawarau Dam Access Lanes (Downstream):	Access lanes between Lake Whakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Whakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).

Map 1 – Queenstown Bay







Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 23, Table 2
5 knot limit within 50m of boundary of access lane	Clause 364.1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 4038.1(a)

Map 2 – The Narrows, Queenstown



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Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 23, Table 2



Map 3 – Kawarau Dam







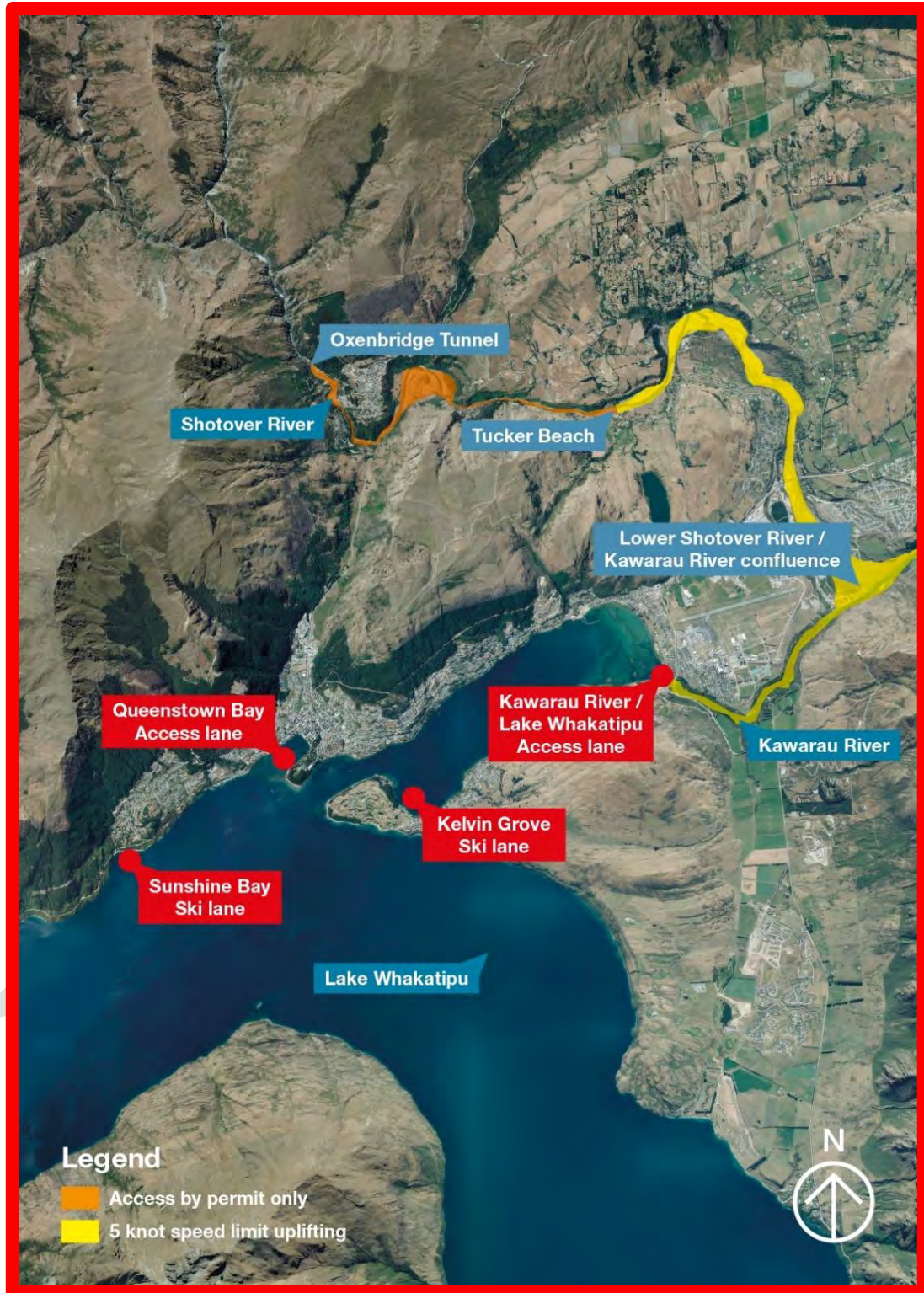
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 368.1
Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(a)
Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(b)



Map 4 – [Queenstown, Sunshine Bay](#) Frankton Arm, Lower Shotover & Kawarau River







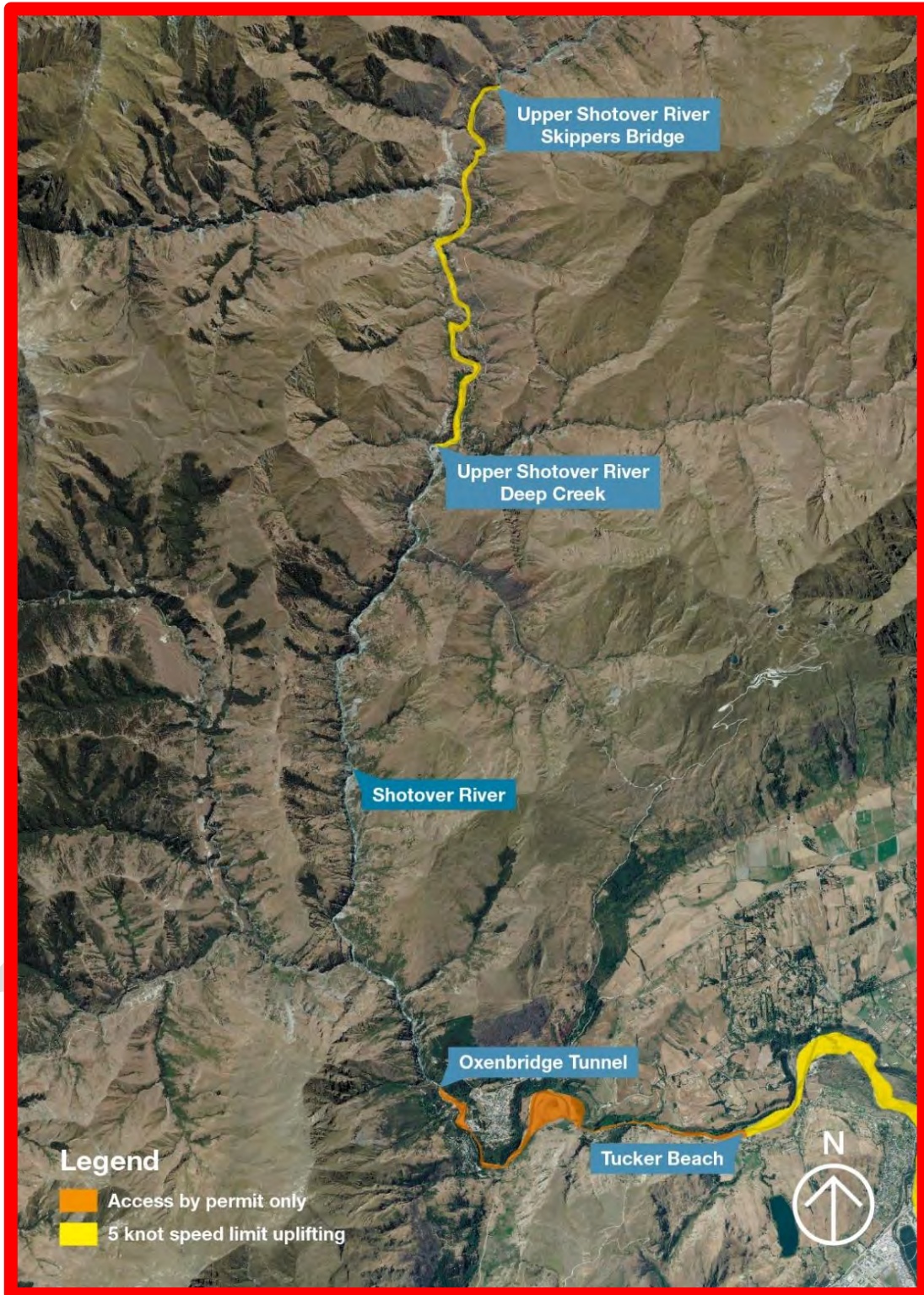
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw <del>2021</del> 2015	Clause <del>397</del> 1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lanes: <del>Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove, Sunshine Bay.</del>	Schedule 2, Table 2
Kowarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kowarau River or Shotover River	Clause <del>3840</del> 1(b)-(c)



Map 5 – Upper Shotover







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw <del>2021</del> 2025	Clause <del>39</del> 7.1
Speed upliftings: Upper Shotover River, Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause <del>39</del> 7.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause <del>38</del> 40.1(c)



Map 6 – Kawarau River

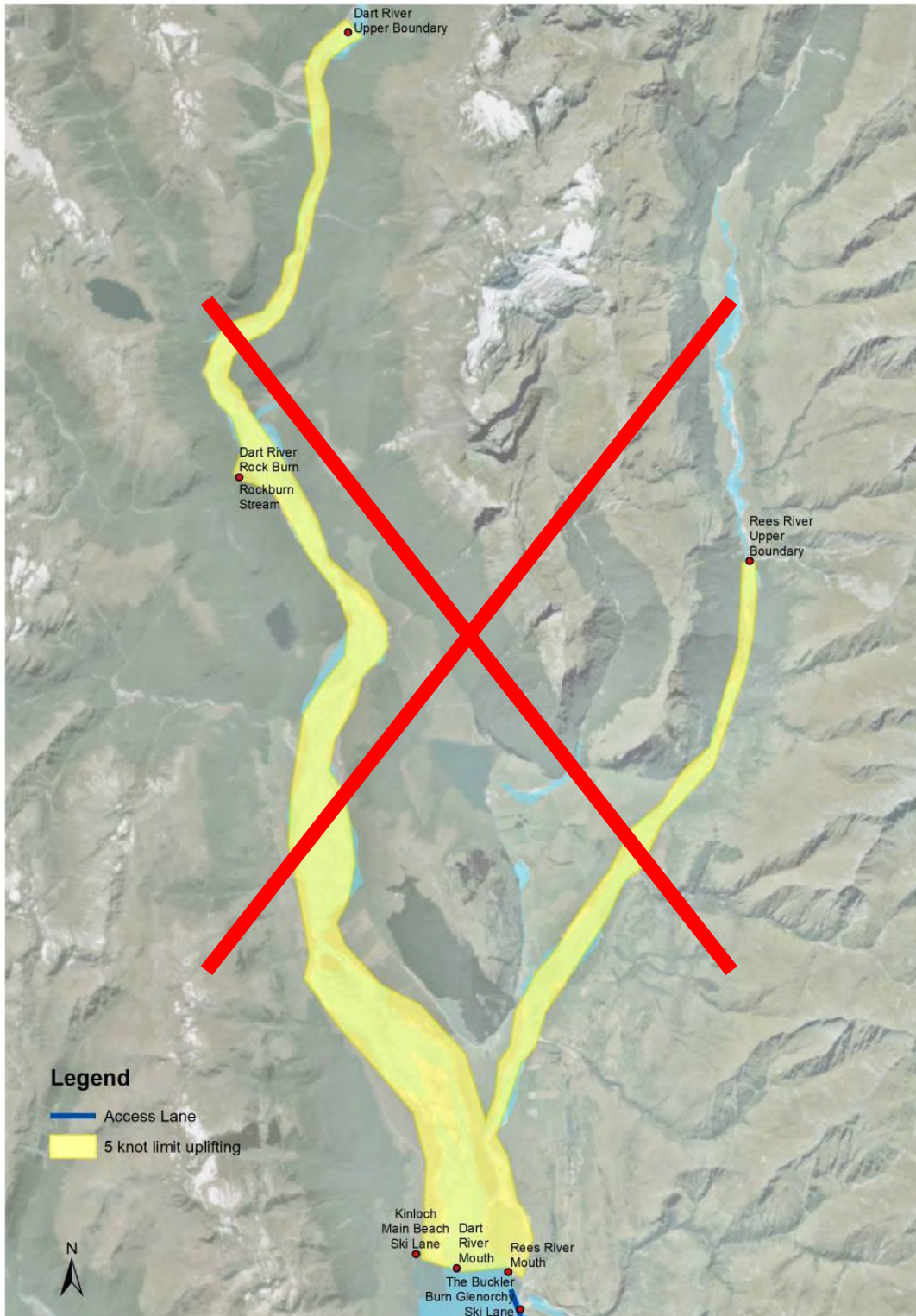






Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw <del>2015</del> 2021	Clause <del>37</del> 9.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause <del>37</del> 7.2
Any vessel using the Kowarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause <del>36</del> 8.2
No power-driven vessel may operate on the part of the Kowarau River <u>downstream from the confluence between the Kowarau River and below</u> the Arrow River	Clause <del>36</del> 8.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kowarau River or Shotover River.	Clause <del>38</del> 40.1(b) - (c)
<u>Water ski access lane: Frankton Beach</u>	Schedule <del>2</del> 2, Table <del>2</del> 2

Map 7 – Dart & Rees River







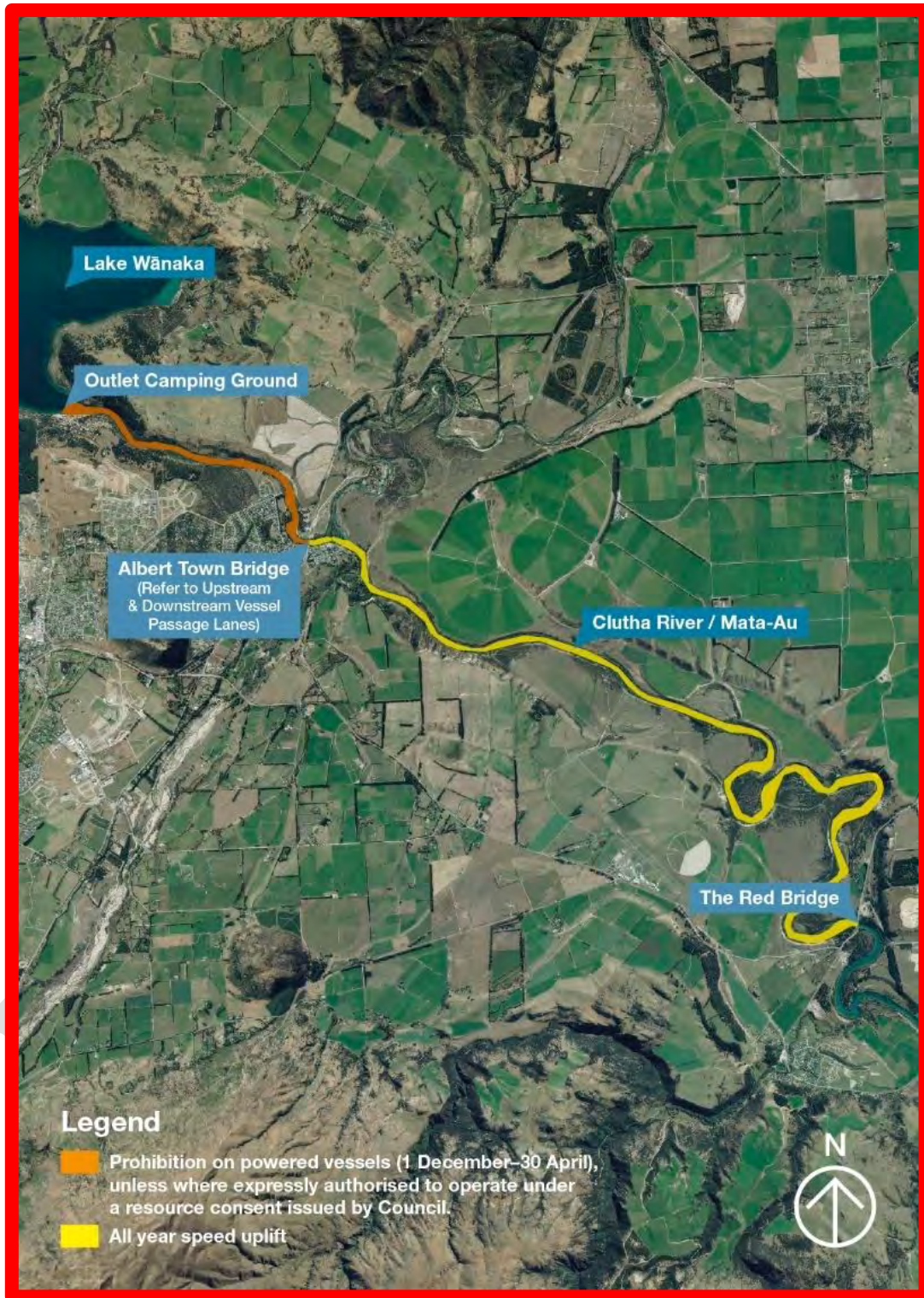
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed upliftings: Dart River (all year), <b>Rock Burn Stream</b> (all year), Rees River (30 October to 1 May)	Schedule 2, Table 1
Water ski access lanes: <del>Kinloch Main Beach</del> , Buckler Burn Glenorchy	Schedule 2, Table 2



Map 8 – Clutha River / [Mata-Au](#)



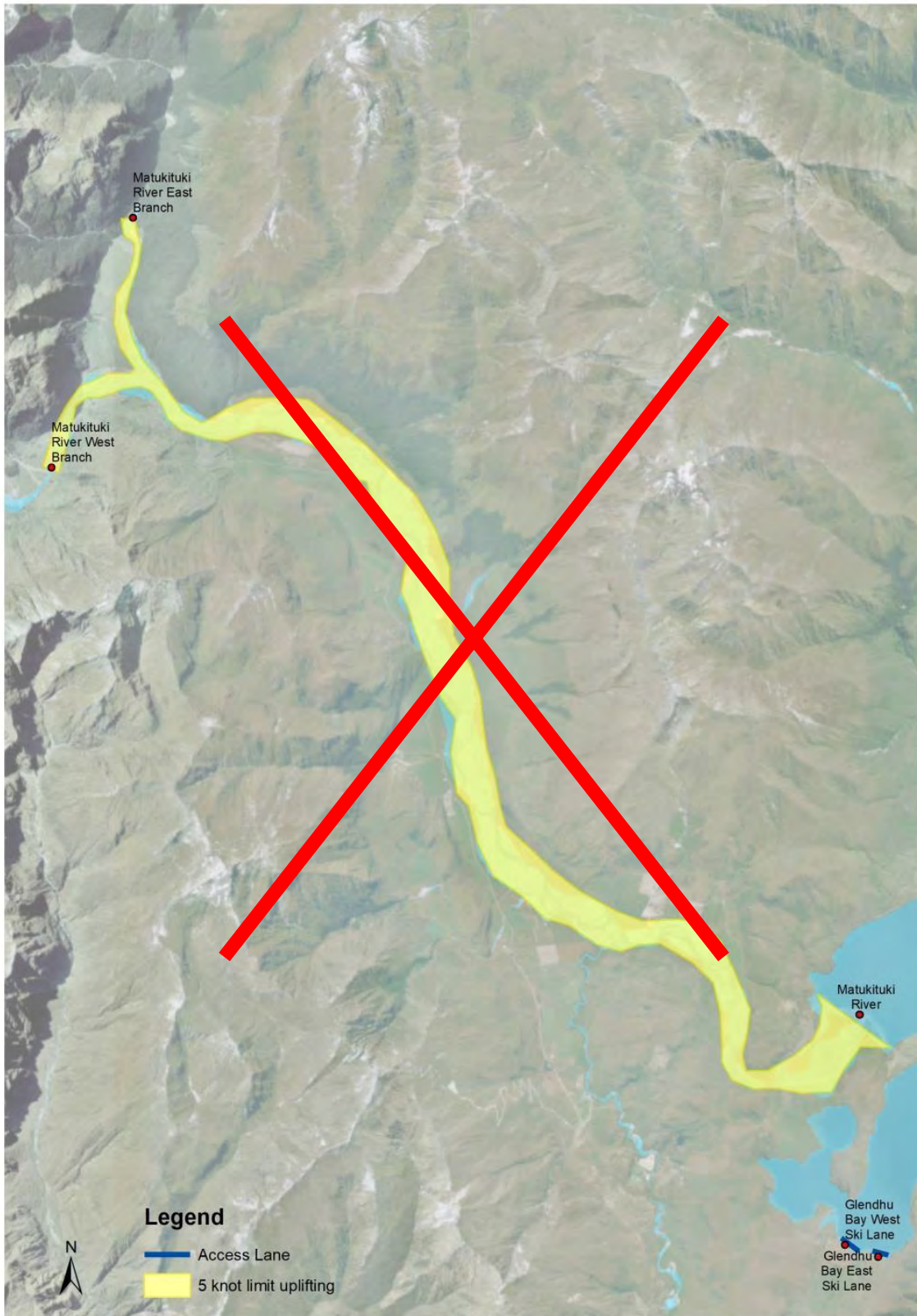




Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of power-driven vessels (subject to specified exceptions) from the Lake Wānaka Outlet to Albert Town Bridge between 1 December and 30 April.	Clause 375.42(a)
5 knot speed limit applies from the Lake Wānaka Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause 375.42(cb) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1
Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council.	Clause 37.2(b)



Map 9 – Matukituki River







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Matukituki River	Schedule 2, Table 1
Water ski access lane: Glendhu Bay West, Glendhu Bay East	Schedule 2, Table 2



Map 10 – Hunter River







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Hunter River (1 November to 12 December; 19 March to 30 April)	Schedule 2, Table 1



Map 11 – Makarora & Wilkin River







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Upliftings: Makarora River and Wilkin River	Schedule 2, Table 1



Map 12 – ~~Wānaka~~ Wanaka Ski Lanes







Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Glendhu Bay West, Glendhu Bay East, <del>Roy's Bay, Roy's Bay Main Beach adjacent Pembroke Park, Roy's Bay Eely Point,</del> Dublin Bay	Schedule 2, Table 2



Map 13 – Hāwea Ski Lane



<a href="#">Access lane, reserved area, speed limit, prohibition or other navigation safety rule</a>	<a href="#">Refer to clause / schedule</a>
Water ski access lane: Lake Hāwea ski lane	Schedule 2, Table 2



Map 14 – Albert Town Bridge power-driven vessel passage lanes



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No person may navigate a power-driven vessel under the Albert Town Bridge except through the identified downstream passage lane (the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au) and upstream passage lane (the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au).	Clause 37.1-

## Schedule 3 – Length Overall of a Vessel

### 1 Length overall of a vessel

- (1) Length overall of a vessel is measured from the foreside of the head of the bow to the aftermost part of the transom or stern of the vessel (see Figure 1 below).
- (2) For the purposes of this bylaw length overall:
  - (a) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond these terminal points; and
  - (b) includes structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) that project beyond these terminal points

Figure 1 – guide to measuring the length overall of a vessel (other than a yacht)

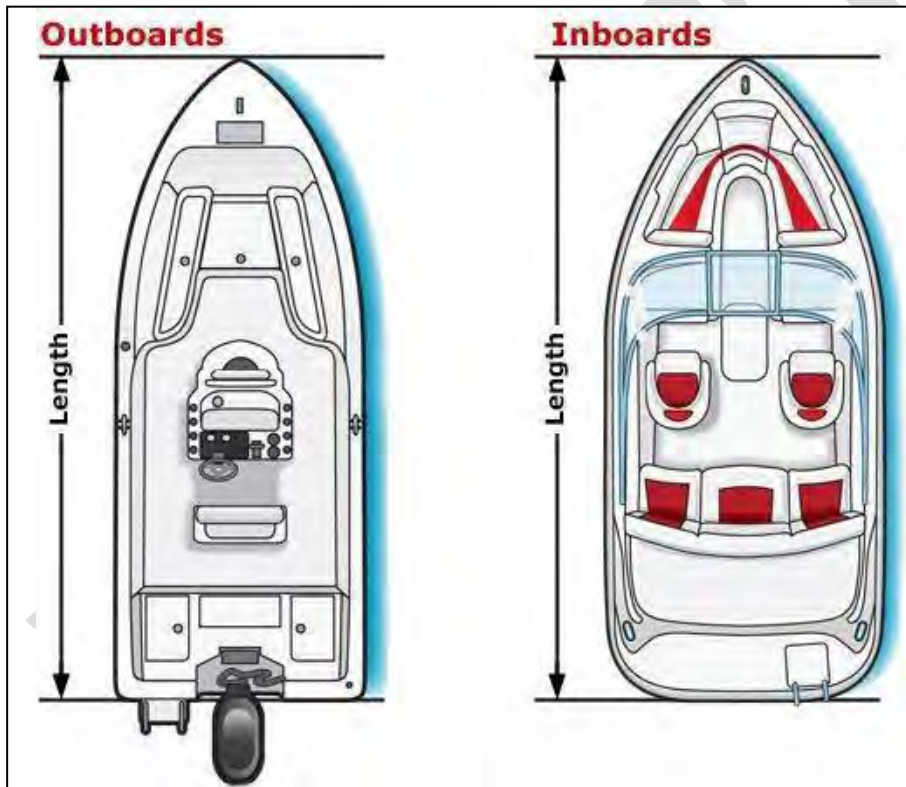
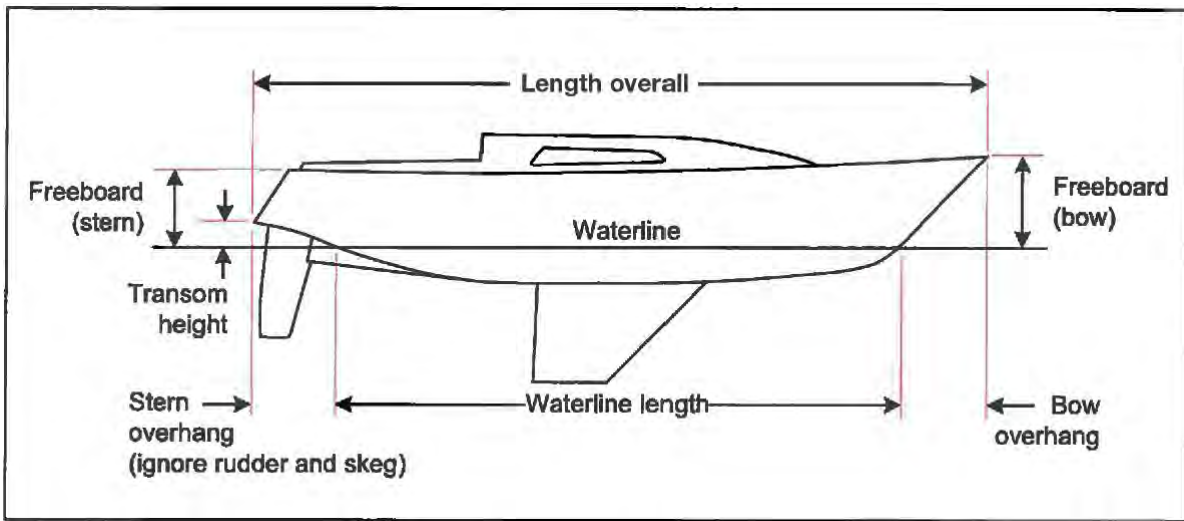


Figure 2 – guide to measuring the length overall of a yacht



DRAFT





## Navigation Safety Bylaw 2018

Queenstown Lakes District Council

Date of making: 23 March 2018

Commencement: 6 April 2018 (other than clause 46 which shall take effect on  
1 July 2019)

This bylaw is adopted pursuant to the Maritime Transport Act 1994 and Local Government Act 2002 by virtue of a transfer of bylaw making powers by the Otago Regional Council pursuant to section 17 of the Local Government Act 2002 and section 650J of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

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## Part 1 – Preliminary

### 1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw 2018”.
- 1.2 This bylaw comes into force on a date to be resolved by Council.

### 2 Application

- 2.1 This bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District, as set out in Schedule 1 of this bylaw.

### 3 Purpose

- 3.1 The purpose of this bylaw is to:
  - (a) regulate and control the use or management of ships;
  - (b) regulate the placing and maintenance of moorings and maritime facilities;
  - (c) prevent nuisances arising from the use of vessels, actions of persons and things on, in, or near the water;
  - (d) reserve the use of any waters for specified persons or vessels;
  - (e) in relation to any sporting event, training activity, ceremonial or other authorised customary event:
    - (i) prohibit or regulate the use of vessels;
    - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
  - (f) regulate and control the use of anchorages;
  - (g) prescribe vessel traffic separation and management schemes;
  - (h) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on recreational vessels;
  - (i) prescribe administrative requirements, fees and charges for the performance of administrative functions;
  - (j) prescribe offences and penalties for contravention or permitting a contravention of the bylaw.

#### 4 **Bylaw to bind the Crown**

- 4.1 Except as provided in section 153 of the Local Government Act 2002, the Crown is bound by the provisions of this bylaw.

#### 5 **Delegation**

- 5.1 Any of the various powers and functions of the Queenstown Lakes District Council as detailed and set out in this bylaw may be delegated by it to its Chief Executive Officer and through him or her to any person in accordance with the Act and the Local Government Act 2002.

#### 6 **Interpretation**

- 6.1 In this bylaw, unless the context otherwise requires,-

**Access Lane** means an area defined and designated as an access lane described in clause 41 of this bylaw.

**Accident** has the same meaning as in the Maritime Transport Act 1994.

**Act** means the Maritime Transport Act 1994.

**Alcohol** has the same meaning as in section 5 of the Sale and Supply of Alcohol Act 2012.

**Anchorage** in relation to vessels, means a place (enclosed or otherwise) used for the anchoring of vessels to the bed of waters, whether the place is reserved for such purpose by the Council or not.

**Buoy** means an anchored float, serving as a navigational mark or locational mark to indicate hazards, reefs or a mooring.

**Commercial Vessel** means a vessel that is not a recreational vessel.

**Commercial Vessel Licence** means a licence referred to in clause 44 of the bylaw.

**Contravene** includes fail to comply with.

**Council** means the Queenstown Lakes District Council.

**Dangerous goods** has the same meaning as in Maritime Rule 24A.

**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.

**District** means the area administered by the Queenstown Lakes District Council.



**Drug** means any mind altering or legally controlled substance unless it is prescribed by a doctor and used in accordance with medical directions. This includes any drugs listed in the Misuse of Drugs Act 1975 and includes (but is not limited to) synthetic cannabinoids and herbal highs, as well as other synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.

**Enforcement Officer** means a person appointed by the Council as an Enforcement Officer under section 33G of the Act.

**Fee** means the fee prescribed by Council under clause 53.

**Flag A** means flag A of the International Code of Signals (the divers flag) being a swallow tailed flag, or a rigid equivalent, coloured in white and blue with white to the mast, of not less than 600mm by 600mm.

**Foreshore** means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events.

**Harbourmaster** means the person appointed by the Council to that position and includes any Deputy Harbourmaster.

**Hot work operations** includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

**Impede the passage** means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to alter course, alter speed or to stop.

**Incident** means an accident, collision, grounding or mishap associated with the operation of any vessel.

**Intoxicated** means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

**Jet boat** means a vessel with water jet propulsion that—

- (a) is less than nine metres in length overall; and

- (b) is designed to carry no more than 34 persons:

**Launch facility** means a place that:

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower Wanaka SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower Wanaka SD (known as Waterfall Creek).

**Length** means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 3.

**Lifejacket** 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) type 401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with types 401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005.

*Explanatory note: for the purposes of this bylaw the term “lifejacket” has the same meaning as a “personal flotation device” under the Maritime Rules.*

**Making way** means being propelled by an instrument or device.

**Maritime rules** means maritime rules made under the Maritime Transport Act 1994.

**Master** means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel.

**Moor** means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or
- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

**Mooring** in relation to water, means any weight or article placed in or on the shore or bed of any lake or river for the purpose of securing a

vessel or any floating structure; and

- (a) includes any wire, rope, buoy or other device connected to the weight; but
- (b) does not include an anchor that is normally removed with the vessel or floating structure when it leaves the site or anchorage.

**Mooring permit** means a permit issued under clause 47 of this bylaw.

**Navigate** means the act or process of managing or directing the course of a vessel on, through, over or under the water.

**Navigation aid** includes any light, navigation mark, buoy, beacon, wharf, lifebuoy or lifesaving apparatus maintained or otherwise authorised by the Council on, or in, any lake or river within the District.

**Owner** has the same meaning as in section 2 of the Act.

**Paddleboard** is to be given its natural and ordinary meaning, and includes a craft that is:

- (a) powered by paddle; and
- (b) operated by a person in the standing, kneeling or sitting position; and
- (c) is constructed of rigid materials, whether inflatable or not, provided that it is continuously buoyant.

and does not include a kayak, surf ski or canoe.

**Parasailing or paragliding** includes any gliding or flying by use of a parachute or kite either towed by a vessel or released from a vessel.

**Person in charge of a vessel** means as the context requires:

- (a) the master of the vessel; or
- (b) in the absence of the master of the vessel, the owner of the vessel; or
- (c) in the absence of the master or owner of the vessel, the person steering the vessel or who appears to the harbourmaster or an enforcement officer to be responsible the vessel, whether or not it is in the water.

**Personal water craft** means a power driven vessel such as a Jet Ski, provided it:

- (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 in it.

**Pleasure vessel** means a vessel that is used exclusively for the owner's pleasure or as the owner's residence, and is not a commercial vessel; but does not include:

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or 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; or
- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

**Powered Vessel** means any vessel that is not solely powered manually or by sail.

**Proper speed** means speed through water.

**Public notice** means a notice published on the Council website and in a newspaper circulating in the area of the District.

**Ramp** in relation to water, means any structure that is provided for launching a vessel into the water or taking a vessel out of the water.

**Recognised authority** means an authority that the Director considers is competent to certify a lifejacket's compliance with a standard.

**Recreational vessel** means a vessel that is:

- (a) a pleasure vessel;
- (b) solely powered manually; or
- (c) solely powered by sail.

**Reserved Area** means an area reserved for a specific purpose under this bylaw.

**Restricted visibility** includes circumstances in which visibility is restricted due to fog, mist, or other adverse weather conditions.

**Sailboard** means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board.



**Seaworthy** in relation to any vessel means being, in the opinion of the Harbourmaster in a fit condition of readiness to safely undertake a voyage within its designed capabilities.

**Shotover River Concession Area** has the meaning set out in the Queenstown Lakes District Council Shotover River bylaw 2015.

**Structure** means any building, equipment, device, wharf, jetty, breastwork or other facility which is fixed to land or bed of a waterbody, and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, wharves, marine farms, temporary structures associated with events and other objects whether or not these are above or below the waterline; and
- (b) does not include navigation aids.

**Sunrise/sunset** means the time designated for sunrise/sunset according to New Zealand Standard time.

**Underway** means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure.

**Unseaworthy** in relation to any vessel means being, in the opinion of the Harbourmaster in a condition where it is not ready or in a fit condition to safely undertake a voyage within its designed capabilities.

**Uplifting** means a lifting of, or change to, speed limits in this bylaw.

**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 surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water raft;
- (h) a kiteboard, sailboard or paddleboard;
- (i) an inner tube;

- (j) a kayak or canoe;

but does *not* include a surfboard.

**White water raft** means an inflatable vessel manoeuvred by

- (a) oars or paddles; or  
(b) a combination of oars and paddles,

but does not include inflatable kayaks, inflatable canoes, river bugs, tyre tubes, or tyre tube rafts.

## Part 2 – General navigation safety requirements

### 7 General duties of person in charge of the vessel to ensure safety

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board;  
(b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

7.2 No person may operate or attempt to operate a vessel while intoxicated.

### 8 Minimum age for operating powered vessels<sup>1</sup>

8.1 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 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.

8.2 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.

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the maritime rules.

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<sup>1</sup> Rule 91.5.

## 9 Speed of vessels<sup>2</sup>

- 9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed greater than five knots within:
- (a) 50 metres of any other vessel or floating structure or person in or on the water;
  - (b) 200 metres of the shore or of any structure;
  - (c) 200 metres of any vessel that is flying Flag A of the International Code of Signals;
- 9.2 Clause 9.1(a) does not apply to:
- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
    - (i) a club affiliated to Yachting New Zealand; or
    - (ii) a non profit organisation involved in sail training or racing; or
  - (b) a vessel training for or participating in competitive rowing or paddling; or
  - (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
  - (d) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules.
- 9.3 Clause 9.1(b) does not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
  - (b) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules;
  - (c) a vessel training for or participating in competitive rowing or paddling; or
  - (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

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<sup>2</sup> Rule 91.6.

- 9.4 No person may propel or navigate a powered vessel at a proper speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 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 specified in clause 9.1.
- 9.6 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.

**10 Harbourmaster may instruct vessel not to exceed specified speed**

- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.

**11 Wake<sup>3</sup>**

- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
  - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
  - (c) does not cause any risk of harm to any other person.

**12 Embarking and disembarking vessels**

- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.

**13 Anchoring, mooring and obstructions<sup>4</sup>**

- 13.1 No person may anchor a vessel so as to:

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<sup>3</sup> Rule 91.7.

<sup>4</sup> Rule 91.13.



- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
  - (b) create a hazard to other vessels at anchor.
- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
  - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.
- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
  - (b) cause injury or death to any person; or
  - (c) cause damage to any vessel or any property.
- 14 Vessels to be seaworthy and not abandoned**
- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
  - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 39.3 of this bylaw.
- 15 Damage to navigation aids<sup>5</sup> (eg. buoys)**
- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
  - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

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<sup>5</sup> Rule 91.14.

**16 Prevention of nuisances**

16.1 No person may create a nuisance to any other person through:

- (a) his or her use or control of a vessel;
- (b) the speed of a vessel; or
- (c) the speed of any item or object towed behind or used in conjunction with such a vessel.

16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:

- (a) causing an obstruction or loitering while loading or unloading a trailer; and
- (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.

**17 Refuelling of vessels**

17.1 No vessel is to be refuelled at any time while there are passengers on board the vessel.

## Part 3 – Carriage and wearing of lifejackets

**18 Carriage of lifejackets<sup>6</sup>**

18.1 No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient lifejackets of an appropriate size for each person on board.

**19 Wearing of lifejackets**

19.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.

19.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

19.3 Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.

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<sup>6</sup> Rule 91.4(1)

- 19.4 Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.
- 20 Requirement to wear lifejackets during dangerous situations<sup>7</sup>**
- 20.1 Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.
- 21 Requirement to wear lifejackets if being towed<sup>8</sup>**
- 21.1 No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.
- 22 Exceptions to requirements to carry or wear lifejackets<sup>9</sup>**
- 22.1 Clauses 18, 19, and 20 do not apply to:
- (a) any surfboard, sailboard, paddleboard, windsurfer, or other or similar unpowered craft, if a full wetsuit is worn at all times;
  - (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
  - (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
  - (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
  - (e) a commercial raft; and
  - (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause 31;

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<sup>7</sup> Rule 91.4(6).

<sup>8</sup> Rule 91.4(7).

<sup>9</sup> Rule 91.4.

- 22.2 Clauses 18, 19, and 20 do not apply to any sporting event, training activity, authorised customary 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 and carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.
- 22.3 Clauses 21 does not apply to:
- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
  - (b) persons participating in a sporting event that is administered by a national sporting organisation approved under the maritime rules.

## Part 4 – Specific water-based activities

### 23 **Water skiing or towing of any person – requirement for a lookout<sup>10</sup>**

- 23.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 23.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

### 24 **Water skiing or towing of any person – restriction between sunset and sunrise<sup>11</sup>**

- 24.1 No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.
- 24.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

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<sup>10</sup> Rule 91.8.

<sup>11</sup> Rule 91.9.



**25 Parasailing**

- 25.1 Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and safety guidelines issued by the Director.
- 25.2 No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Wakatipu.

*Explanatory note: Applicable maritime guidelines can be found in <https://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf>.*

**26 Whitewater rafting**

- 26.1 Every person in charge of a white water raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the applicable maritime rules.

*Explanatory note: Maritime Rule 81: Commercial Rafting Operations contains the applicable maritime rules.*

**27 Jet boating**

- 27.1 Every person in charge of a jet boat that is a commercial vessel must ensure that the jet boat is operated and navigated strictly in accordance with the applicable maritime rules.

*Explanatory note: Commercial river jet boating is subject to Maritime Rule 82: Commercial Jetboat Operations - River.*

**28 Swimming or diving around wharves or jetties**

- 28.1 No person may jump, dive, swim or undertake any other related activities:
- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been approved by the Harbourmaster or an enforcement officer;
  - (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

**29 Hot works**

- 29.1 A person conducting hot work operations on a vessel must comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand).

- 29.2 The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.
- 29.3 In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

### **30 Dangerous Goods**

- 30.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:
- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
  - (b) makes the written record of dangerous goods required under clause 30.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

### **31 Special events**

- 31.1 Any person intending to conduct a race, speed trial, competition, display, performance, film, advertisement or other organised water activity must apply to the Harbourmaster to:
- (a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or
  - (b) temporarily reserve the area for the purpose of that activity; and/or
  - (c) temporarily suspend the designation of permanent access lanes or reserved areas.
- 31.2 Where the Harbourmaster is satisfied, on considering an application under this bylaw (together with any safety plan that may be required), that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 7 days, and on such conditions (if any) as the Harbourmaster may specify.
- 31.3 No grant of an application under clause 31.2 has effect unless not less than 7 days or 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 supervision or reserved area.

- 31.4 The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.
- 31.5 The Council may prescribe any fees associated with special events in accordance with clause 53.

## Part 5 – Rules relating to specific locations

### 32 Rivers<sup>12</sup>

- 32.1 Subject to the more specific rules below, a person in charge of a vessel on a river must:
- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
  - (b) if going upstream, give way to any vessel coming downstream; and
  - (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

### 33 Lakes

- 33.1 No powered vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnston, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

### 34 Queenstown Bay

- 34.1 The proper speed of vessels must not exceed five knots within 50 metres of any boundary of the access lane in Queenstown Bay unless specifically permitted as a condition of the access lane or by a speed uplifting.

### 35 Clutha River

- 35.1 The following clauses apply to powered vessels operating in the area between the Outlet Camping Ground (GPS -44.66 to 169.15) and the Albert Town Bridge (GPS -44.68, 169.19):
- (a) Between 1 December and 30 April no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
    - (i) it is expressly authorised to operate in this area by a resource consent issued by the Council;

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<sup>12</sup> Rule 91.17.

- (ii) it is carrying out one of the following permitted activities under the Queenstown Lakes District Plan, with the permission of the Harbourmaster:
    - (A) emergency search and rescue;
    - (B) hydrological survey;
    - (C) public scientific research;
    - (D) resource management monitoring;
    - (E) water weed control; or
    - (F) access to adjoining land for farming activities.
  - (iii) it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
- (b) Between 1 May and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).
- 35.2 A permanent speed uplifting shall apply between the Albert Town Bridge (GPS -44.68, 169.19) and the Red Bridge (-44.73 to 169.28) as specified in Schedule 2.
- 36 Kawarau River**
- 36.1 The areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel.
- 36.2 The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.
- 36.3 No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):
- (a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;
  - (b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.
- 36.4 No powered vessels may operate on that part of the Kawarau River located below the Arrow River.



**37 Shotover River**

- 37.1 No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw 2015 or any bylaw adopted by Council to replace that bylaw.
- 37.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E119) of the movements and location of the commercial vessel at all times.

**38 Prohibited areas**

- 38.1 No person in charge of a powered vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:
- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
  - (b) the Outlet of Lake Wakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
  - (c) the Shotover, Kawarau and Clutha Rivers.

**Part 6 – Incidents and near misses****39 Requirement to report to the Harbourmaster in the event of mishap or serious incident**

- 39.1 A person in charge of a vessel that has been involved in an incident where:
- (a) the incident has caused damage to another vessel, or a navigation aid or any structure;
  - (b) a vessel has been sunk or grounded or become stranded in any waterway;
  - (c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or
  - (d) any person has been injured;

must, as well as complying with the reporting requirements in Section 31 of the Maritime Transport Act 1994 (which requires reporting the

incident to the Authority), also report the incident to the Harbourmaster.

- 39.2 A report required by clause 39.1 must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause 52 of this bylaw.
- 39.3 If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:
- (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or
  - (b) in accordance with directions from the Harbourmaster or the police.

**40 Requirement to report to the Harbourmaster in the event of a near miss**

- 40.1 The person in charge of any commercial vessel that has been involved in an incident that is not covered by clause 39.1, but could have potentially led to an accident or collision, must report in writing the details of the incident to the Harbourmaster within 24 hours of the incident occurring.

## **Part 7 – Access Lanes and Reserved Areas**

**41 Access Lanes**

- 41.1 The following areas are access lanes for the purposes of this bylaw:
- (a) the areas specified in Table 2 of Schedule 2 of this bylaw; and
  - (b) the areas declared to be access lanes in accordance with this clause.
- 41.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.
- 41.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

**42 Conduct in Access Lane<sup>13</sup>**

- 42.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:
- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
  - (b) by the most direct route through the access lane;
  - (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
  - (d) this clause applies to objects towed by a vessel.
- 42.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.
- 42.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.
- 42.4 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 42.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

**43 Reserved Areas<sup>14</sup>**

- 43.1 The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:
- (a) for use of vessels generally; or
  - (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
  - (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
  - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

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<sup>13</sup> Rule 91.10

<sup>14</sup> Rule 91.12.

- 43.2 Adequate signs must be provided in the vicinity of any reserved area that:
- (a) define the area;
  - (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
  - (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.
- 43.3 The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.
- 43.4 The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.
- 43.5 In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.
- 43.6 No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

## **Part 8 – Commercial vessels**

### **44 Commercial vessels to be licensed**

- 44.1 Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.
- 44.2 The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.
- 44.3 Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.
- 44.4 Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- 44.5 A licence is personal to the holder and to the vessel specified therein and is not transferable.



44.6 Every commercial vessel licence issued under this bylaw or the applicable maritime rules must be available for inspection at any time by the Harbourmaster or an enforcement officer.

**45 Requirement as to survey**

45.1 No person may operate on any waters within the District a commercial vessel that is required to be surveyed under any relevant maritime rule unless the owner of such vessel holds a Maritime Operator Safety System certification or a certificate of compliance under the applicable maritime rule.

## **Part 9 – Structures and Moorings**

**46 Permission to use or occupy structures or the foreshore**

46.1 No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause 46.3 of this bylaw.

46.2 No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause 46.3 or clause 46.4 of this bylaw.

46.3 The Council may grant permission to any person to use or occupy a structure subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

46.4 The Council may in accordance with the Reserves Act 1977 grant permission to any person to occupy the foreshore subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

**47 Mooring permits**

47.1 No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

47.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 52.

47.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 53.

47.4 Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

- 47.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.
- 48 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**
- 48.1 The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.
- 48.2 If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.
- 48.3 The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:
- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
  - (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
  - (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
  - (d) the mooring does not have an identification number visible.
- 48.4 The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.
- 48.5 If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.

## **Part 10 - Administration provisions**

### **49 Powers of Harbourmaster**

- 49.1 The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and can exercise any of the powers conferred on the Harbourmaster under the Act or this bylaw.

**50 Impersonation of Harbourmaster**

- 50.1 It is an offence for any person who is not the Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer to behave in a manner that could lead any person to believe that the person holds any such appointment.

**51 Speed Upliftings<sup>15</sup>**

- 51.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.
- 51.2 An application under clause 51.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified;
  - (b) the Director has been consulted;
  - (c) affected persons have had a reasonable opportunity to comment on the application;
  - (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
  - (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
  - (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.
- 51.3 The Council may grant an application in accordance with clause 51.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.
- 51.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 53.

**52 Administrative requirements**

- 52.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:
- (a) any forms to be required by Council for the administration of this bylaw.

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<sup>15</sup> Rule 91.20.

- (b) any guidelines applicable to issuing a mooring permit, commercial vessel license, or other approval under this bylaw.
- (c) any terms and conditions upon which any approval under this bylaw may be issued.
- (d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

### **53 Fees and charges**

- 53.1 The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit or licence issued under this bylaw following public consultation in accordance with section 150(3)-(6) of the Local Government Act 2002.
- 53.2 The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

### **54 Exemptions**

- 54.1 The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.
- 54.2 The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, 19, 28, and Part 5 of this bylaw.
- 54.3 The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses 18 and 20 provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 54.4 In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on public health and safety.
- 54.5 The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe public health or safety has, or might be, adversely affected.
- 54.6 No exemption may be granted:
  - (a) for a contravention of this bylaw that has already occurred;
  - (b) for a period exceeding 14 days;
  - (c) for an activity that has prohibited activity status within the Queenstown Lakes District Plan; or



- (d) if it would authorise something that is or would be contrary to any other enactment, regulations or a maritime rule.

54.7 The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause 53.

## Part 11 – Enforcement

### 55 General enforcement powers of the Harbourmaster

55.1 In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, the Harbourmaster may prohibit or restrict the activity until satisfied adequate precautions have been taken.

55.2 The Harbourmaster, enforcement officer or police officer may use powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.

55.3 The Harbourmaster, or enforcement officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules or this bylaw.

55.4 Where any provision in this bylaw imposes an obligation to pay a fee, the owner of the vessel is liable for that fee on the date that payment falls due.

### 56 Non-compliance with conditions of a permit or licence

56.1 Where a holder of any permit or licence issued under this bylaw does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:

- (a) issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit:
- (b) review the permit, which may result in:
  - (i) amendment of the permit;
  - (ii) suspension of the permit; or
  - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw, including as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.

56.2 There will be no refund of fees if any permit or licence is cancelled.

**57 Offences**

- 57.1 Every person commits an offence against this bylaw who:
- (a) contravenes or permits a contravention of this bylaw;
  - (b) prevents a Harbourmaster or an enforcement officer from carrying out their statutory functions or duties under this bylaw;
  - (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
  - (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

**58 Penalties**

- 58.1 Every person who:
- (a) commits an offence against this bylaw will be liable either under the Act and/or the Local Government Act 2002;
  - (b) commits an infringement offence, set out in the regulations created under the Act and/or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

**59 Exceptions**

- 59.1 A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or a police officer.

**Part 12 –Revocation and savings****60 Revocation**

- 60.1 The Queenstown Lakes District Navigation Safety Bylaw 2014 including all amendments is revoked.
- 60.2 The Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 including all amendments is revoked from a date specified by publicly notified resolution of the Council.

**61 Savings**

- 61.1 Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.
- 61.2 Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under that bylaw or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.3 Directions of the Harbourmaster issued under that bylaw or preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.4 Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 or the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 continues in force but:
- (a) expires on the date specified; or
  - (b) if no expiry date is specified, expires on 1 July 2019; and
  - (c) can be renewed only by application made and determined under this bylaw.
- 61.5 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Navigation Safety Bylaw 2014 or the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 that was filed before the date specified under clause 60 of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

*The Queenstown Lakes District Council Navigation Safety Bylaw 2018 was adopted pursuant to the Maritime Transport Act 1994 and the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on 23 March 2018.*

*Mayor:*

*Chief Executive Officer:*

## Schedule 1 – Map of Queenstown Lakes District



## Schedule 2 – Speed upliftings and access lanes

### 1 Upliftings for Lakes and Rivers

- (i) The uplifting of speed restrictions applies in the areas and locations and for the durations described in Table 1.

**Table 1 – Speed Upliftings**

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Wakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	-44.85 to 168.36
			Upper Boundary	-44.57 to 168.35
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44.67 to 168.31
Rees River	From Lake Wakatipu to Muddy Creek	30 October to 1 May	River Mouth	-44.85 to 168.38
			Upper Boundary	-44.70 to 168.33
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44.89 to 168.67
			Skippers Bridge	-44.84 to 168.69
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45.02 to 168.77
			Oxenbridge Tunnel	-44.98 to 168.67
Kawarau River	From Lake Wakatipu to the Arrow River confluence, excluding an	All Year	Lake Wakatipu	-45.03 to 168.73
			Arrow River confluence	-45.01 to 168.89



	area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.			
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.32 to 169.17
			Young River confluence	-44.20 to 169.24
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27 to 169.18
			Kerin Forks	-44.24 to 169.03
Matukituki River	From Lake Wanaka upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	-44.62 to 169.019
			East Branch	-44.44 to 168.81
			West Branch	-44.5 to 168.79
Clutha River	From Lake Wanaka outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	Outlet camping ground	-44.66 to 169.15
			Albert Town Bridge	-44.68 to 169.19

	From the Albert Town Bridge to the Red Bridge.	All Year	Albert Town Bridge	-44.68 to 169.19
			Red Bridge	-44.73 to 169.28
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.28 to 169.45
			Ferguson Creek	-44.71 to 169.21

## 2 Upliftings for Access Lanes

- (i) The Vessel TSS Earnslaw is excluded from the 5 knot limit due to the nature of her propulsion and manoeuvring characteristics.

## 3 Upliftings for Water Ski access lanes

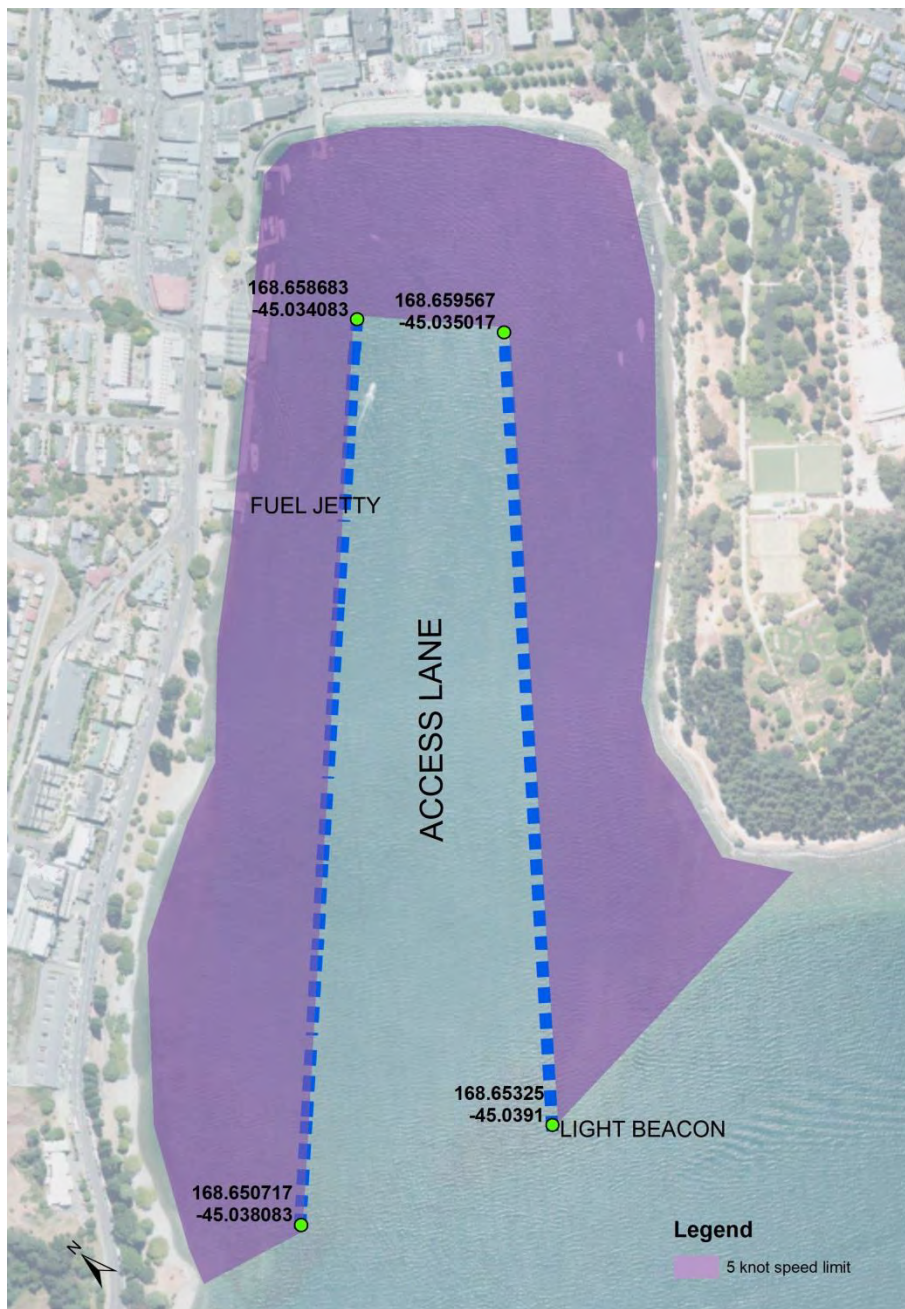
- (i) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

**Table 2 – Access Lanes**

Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.86 to 168.38
Kinloch Main Beach	-44.84 to 168.35
Kelvin Grove	-45.04 to 168.68
Frankton Beach	-45.02 to 168.73
Willow Place West Side	-45.03 to 168.72
Loop Road	-45.036 to 168.70

Frankton Arm North Side	-45.03 to 168.69
Kingston Main Beach	-45.33 to 168.72
Bobs Cove	-45.07 to 168.51
Wilson's Bay	-45.06 to 168.57
<b>Water ski access lanes – Lake Wanaka</b>	
Roys Bay - Eely Point	-44.68 to 169.12
Roys Bay - Main Beach adjacent Pembroke Park	-44.70 to 169.13
Roys Bay - Water Fall Creek	-44.69 to 169.10
Dublin Bay	-44.65 to 169.17
Glendhu Bay - West ski lane	-44.67 to 169.01
Glendhu Bay - East ski lane	-44.67 to 169.02
Lake Hawea Ski Lane	-44.61 to 169.27
<b>High speed access lanes – Lake Wakatipu</b>	
<b>Location</b>	<b>Description</b>
Queenstown Bay	Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.03 to 168.66, -45.04 to 168.66. These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).
The Narrows	Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Wakatipu, with the outer boundary of the Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).
Kawarau Dam Access Lanes (Downstream):	Access lanes between Lake Wakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Wakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).

Map 1 – Queenstown Bay



Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 3, Table 2
5 knot limit within 50m of boundary of access lane	Clause 34.1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 38.1(a)

Map 2 – The Narrows, Queenstown



<b>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</b>	<b>Refer to clause / schedule</b>
Access lane	Schedule 3, Table 2

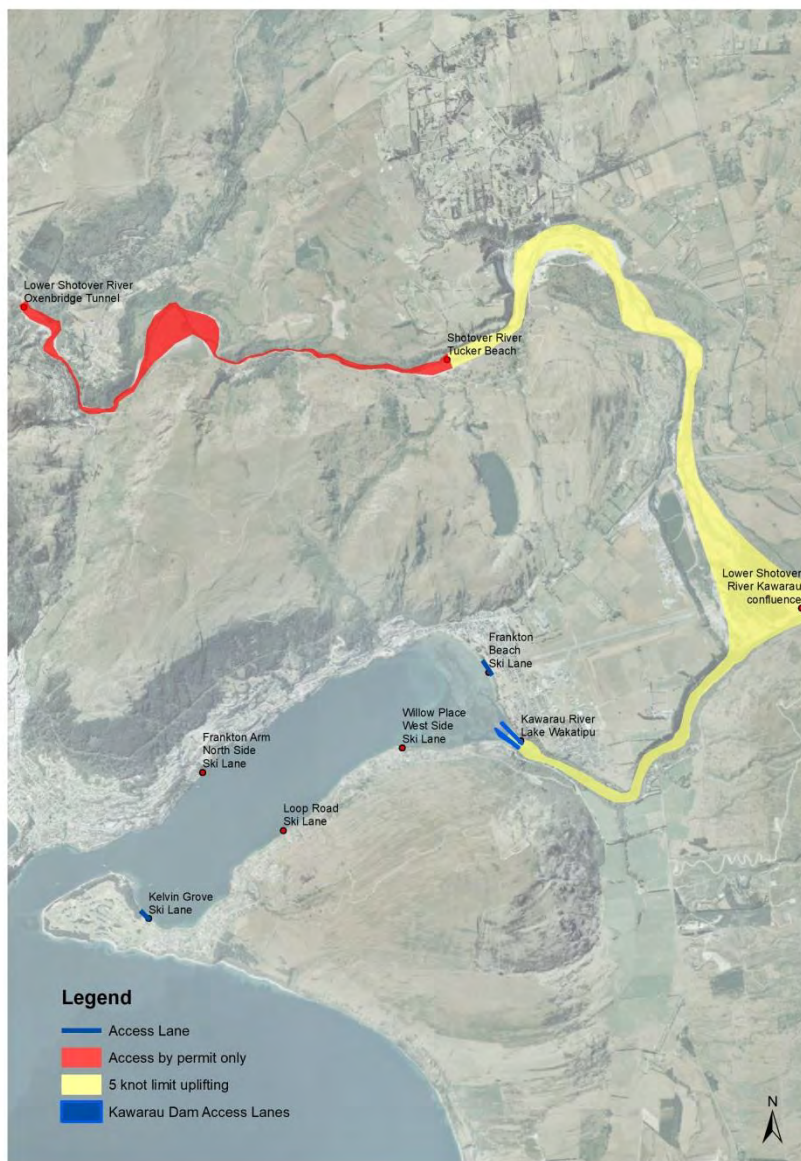


Map 3 – Kawarau Dam



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 36.1
Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River	Clause 36.3(a)
Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River	Clause 36.3(b)

Map 4 – Frankton Arm, Lower Shotover & Kawarau River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lanes: Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove.	Schedule 2, Table 2
Kawarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kawarau River or Shotover River	Clause 38.1(b)-(c)



Map 5 – Upper Shotover



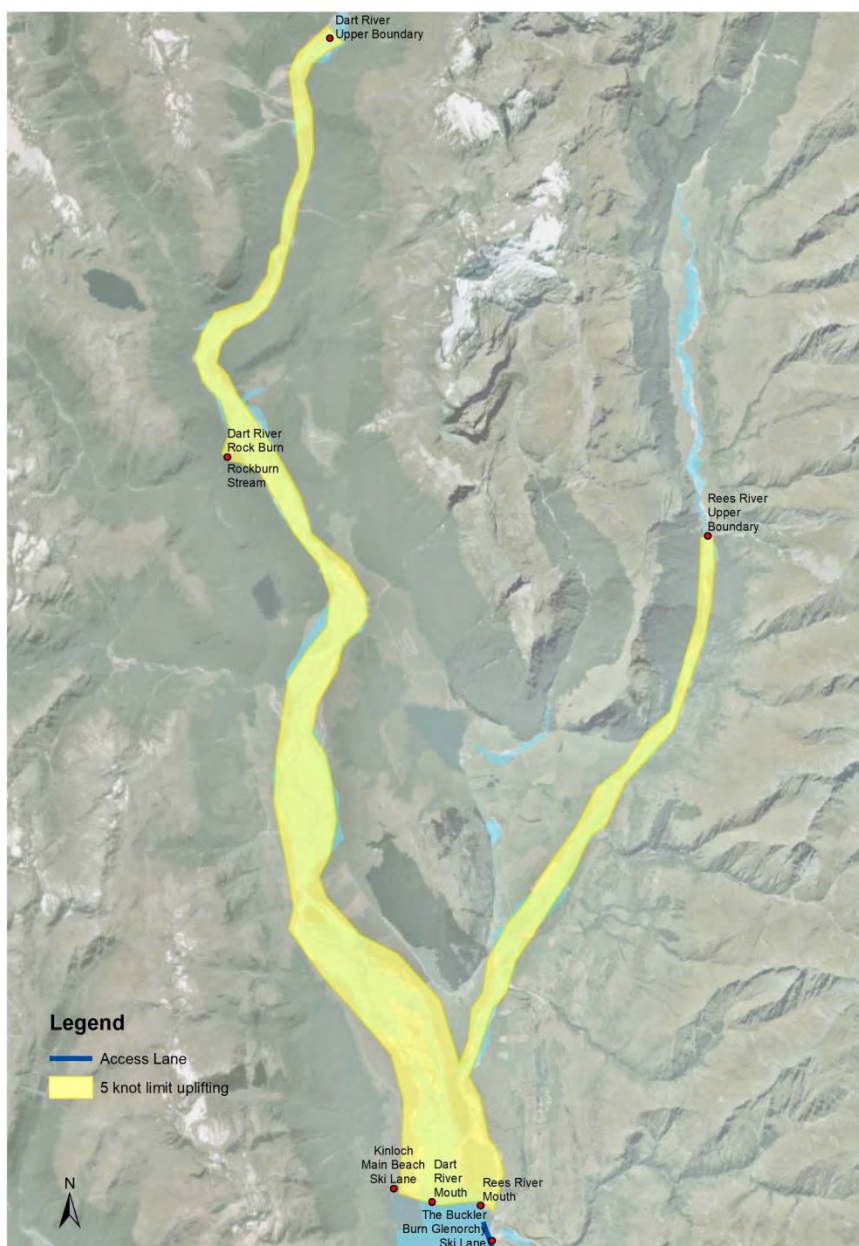
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed upliftings: Upper Shotover River, Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 37.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause 38.1(c)

Map 6 – Kawarau River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 37.2
Any vessel using the Kawarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause 36.2
No powered vessel may operate on the part of the Kawarau River below the Arrow River	Clause 36.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kawarau River or Shotover River.	Clause 38.1(b) - (c)
Water ski access lane: Frankton Beach	Schedule 2, Table 2

Map 7 – Dart & Rees River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed upliftings: Dart River (all year), Rockburn Stream (all year), Rees River (30 October to 1 May)	Schedule 2, Table 1
Water ski access lanes: Kinloch Main Beach, Buckler Burn Glenorchy	Schedule 2, Table 2



Map 8 – Clutha River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of powered vessels (subject to specified exceptions) from the Lake Wanaka Outlet to Albert Town Bridge between 1 December and 30 April.	Clause 35.1(a)
5 knot speed limit applies from the Lake Wanaka Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause 35.1(b) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1

Map 9 – Matukituki River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Matukituki River	Schedule 2, Table 1
Water ski access lane: Glendhu Bay West, Glendhu Bay East	Schedule 2, Table 2

Map 10 – Hunter River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Hunter River (1 November to 12 December; 19 March to 30 April)	Schedule 2, Table 1



Map 11 – Makarora & Wilkin River



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Upliftings: Makarora River and Wilkin River	Schedule 2, Table 1

Map 12 – Wanaka Ski Lanes



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Glendhu Bay West, Glendhu Bay East, Roy's Bay, Roy's Bay Main Beach adjacent Pembroke Park, Roy's Bay Eely Point, Dublin Bay	Schedule 2, Table 2



## Schedule 3 – Length Overall of a Vessel

### 1 Length overall of a vessel

- (1) Length overall of a vessel is measured from the foreside of the head of the bow to the aftermost part of the transom or stern of the vessel (see Figure 1 below).
- (2) For the purposes of this bylaw length overall:
  - (a) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond these terminal points; and
  - (b) includes structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) that project beyond these terminal points

Figure 1 – guide to measuring the length overall of a vessel (other than a yacht)

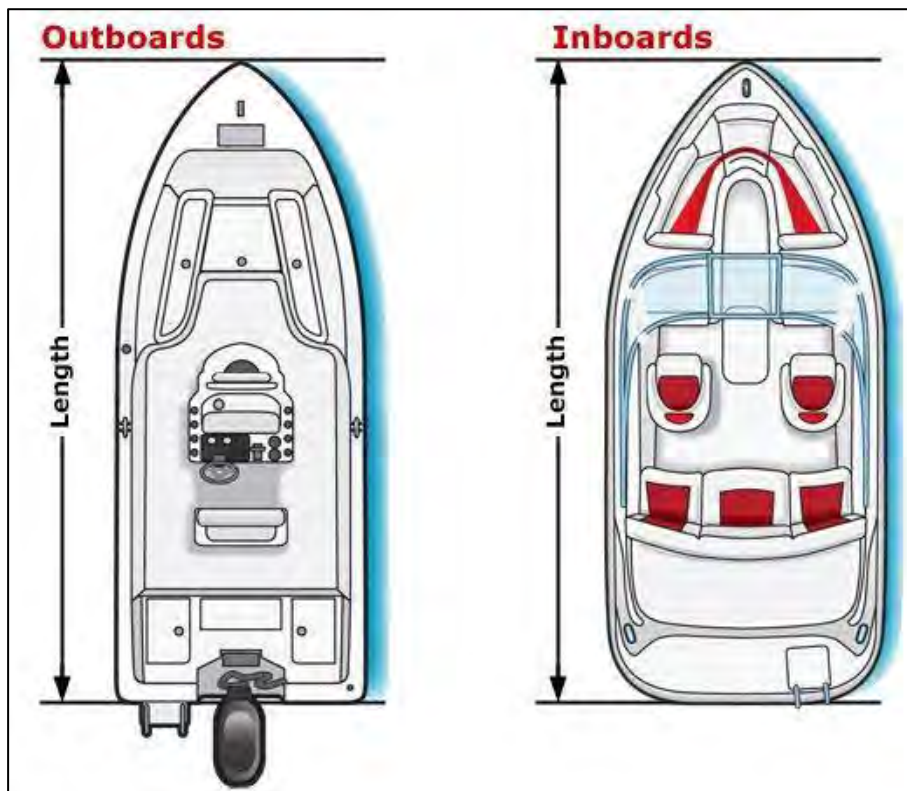
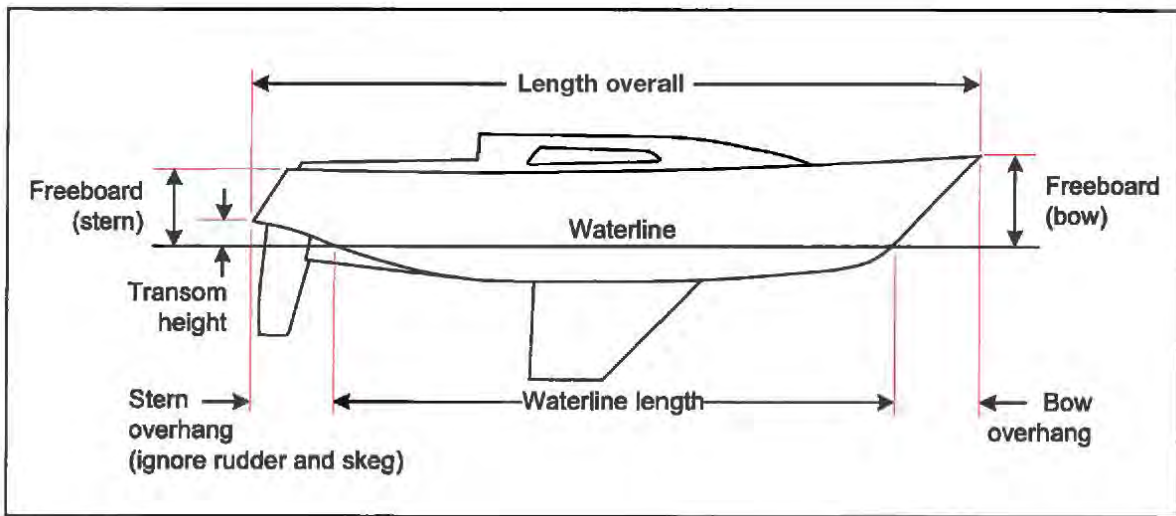


Figure 2 – guide to measuring the length overall of a yacht



**Attachment E - Recommended options to address submissions related to ski lanes**

Ski Lane and draft bylaw position	Options - Recommended amendments in response to submissions received (recommended option shaded green)				
	Remove ski lane	Retain ski lane	Change location and/or size of ski lane - Recommended	Apply seasonal restrictions to ski lane	Other options (e.g. launch lane etc)
<p><b>Kelvin Grove</b></p> <p>Draft Bylaw position: Reduce width of ski lane by shifting the eastern pole 50 metres west.</p>	<p>This option is not recommended.</p> <p>Submissions received suggest this ski lane is frequently used and provides valuable surrounding assets for water skiing. It is anticipated that if the ski lane is removed, continued use of the area unlawfully would continue to occur.</p>	<p>Retention of this ski lane in its current form would not address the navigation safety conflict identified.</p>	<p>Retaining this ski lane with changes to its size and lake foreshore location is recommended to be the best approach given the benefits this location brings to the community including parking, shelter, access, picnic areas, etc that enable recreational waterway activities such as water skiing.</p> <p>The current ski lane is very wide and covers a large area of the beachfront accessible from the car park and where public amenities are located. Reducing the size of the ski lane on the beachfront while being intentional with the placement of the outer ski lane buoys to maximise the 'entry cone' width while reducing the</p>	<p>While seasonal restriction could be an option, there are limited beach accessible family areas to water ski from in the Queenstown area. Closing this during this peak use time seems avoidable through sensible management of the area coupled with effective education.</p>	<p>No alternative options are recommended for this location considering the bigger picture allocations of use areas over longer term. It is considered that this area is large enough to cater for mixed use through solutions provided that reduce lane width thus providing for mixed use of the area.</p>

			<p>beachfront is recommended.</p> <p>This solution in turn creates space for swimming and passive use, and allows room for vessels to beach at the family picnic site and be permitted to do so under the bylaw (which is currently not the case). Specifically, it is suggested that the western ski lane pole is shifted East by 40-80 metres.</p> <p>This is considered a pragmatic approach that reduces navigation safety risk while allowing for recreational opportunities and not creating additional congestion in remaining areas through multiple closures.</p> <p>See <b>Figure 1</b> below.</p>		
<p><b>Wilsons Bay</b></p> <p>Draft Bylaw position: Retain ski lane but shift approximately 80 metres west by moving the right pole</p>	<p>This option is not recommended as removing this ski lane would remove this recreational asset from community use.</p>	<p>Retention of this ski lane in its current form would not address the conflict identified.</p>	<p>This remains to be the recommended option. Shifting the ski lane 80 metres West by moving the right pole to the left pole location would accommodate for different users within this</p>	<p>This is not the recommended option as it is considered a seasonal restriction would not address the extensive occupation of ski lane that currently exists.</p>	<p>No alternative options are recommended for this location.</p>

to the left pole location			location (namely passive users). Currently, the ski lane occupies the majority of the lakefront in this area which restricts lawful use by passive users.		
<b>Sunshine Bay</b> Draft bylaw position: Establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area	This option is not recommended as removing this ski lane would remove this asset from community use.	Retention of this ski lane in its current form would not address the navigation safety issue identified.	This remains to be the recommended option. This option is recommended as it would address the existing conflict between users by increasing the distance of the ski lane to the boat ramp and general swimming area. This option would formally identify the ski lane, ensuring all relevant clauses of the bylaw apply to its use, thereby ensuring navigation safety can be achieved. It's anticipated that the recommended location will be more sheltered.	This option would not address the navigation safety issue identified with surrounding assets.	No alternative options are recommended for this location.
<b>Kinloch Main Beach</b> Draft bylaw position: Remove ski lane	This remains to be the recommended option as due to gravel movement resulting from the Dart	Retention of this ski lane in its current form would not address the inability to use the ski lane due to natural gravel movements	Shifting the location or size of this ski lane would not address the inability to use the ski lane due to natural gravel movements	Seasonal restrictions of this ski lane would not address the inability to use the ski lane due to natural gravel movements	No alternative options are recommended for this location.



	River, the beach is no longer usable.	rendering it unusable and unsafe.	rendering it unusable and unsafe.	rendering it unusable and unsafe.	
<b>Frankton Beach</b> Draft bylaw position: Remove ski lane	This remains to be the recommended option.  Removal of this ski lane is proposed due to the shallow water levels present in this location. If accessing the ski lane during low lake levels, and in an incompatible vessel, there are risks present in not being able to manoeuvre safely, or beaching.	This is not the recommended option.  Council could consider retaining this ski lane and establishing signage educating users of the shallow nature of this ski lane. It is unknown whether this would be effective in deterring incompatible vessels from attempting to use this ski lane.	Relocation of this ski lane was considered.  Shifting the ski lane south towards the Kawarau River would allow for more depth, but create conflicts with the nearby access lanes.  Shifting the ski lane north has not been considered in depth, nor consulted on.	Seasonal closures were considered and may be an available option.  An assessment would need to be undertaken into the trends of water levels, and whether a seasonal closure would effectively manage the fluctuating lake levels throughout the year.	No alternative options are recommended for this location.
<b>Willow Place West Side</b> Draft bylaw position: Remove ski lane	This remains to be the recommended option. In consideration of the small beach area, restricted access and proximity to moorings and the Kawarau Dam Access Lanes, it is suggested to remove this ski lane.	Retention of this ski lane in its current form would not address the conflicts identified.	Shifting or changing the size of this ski lane in its current form is not considered an appropriate option due to surrounding conflicts.	Applying seasonal restrictions to this ski lane in its current form would not address the conflicts identified.	No alternative options have been suggested for this location.
<b>Frankton Arm North Side</b> Draft bylaw position: Remove ski lane	This remains to be the recommended option to remove this ski lane.	Retention of this ski lane in its current form would not address the	Shifting or changing the size of this ski lane in its current form would not	Applying seasonal restrictions to this ski lane in its current form would not address the	No alternative options are recommended for this location.

	<p>This option is recommended as the area is difficult to access, there is a swim club in close proximity, and at times the area can be unsheltered and prone to adverse weather conditions.</p> <p>Retention of other ski lanes (such as Loop Road and Kelvin Grove) provide for continued availability of ski lanes within this location.</p>	navigation safety issues identified.	address the navigation safety issues identified.	navigation safety issues identified.	
<p><b>Loop Road</b></p> <p>Draft bylaw position: Remove ski lane</p>	<p>This is no longer the recommended option. This location offers the least amount of conflicts in comparison to Willow Place or Frankton Arm North Side. Closing this ski lane may result in additional congestion in other ski lanes.</p>	<p>Retention of this ski lane is the recommended option.</p> <p>Following consideration of submissions received, there is clear concern that the proposal to remove ski lanes within this area may result in congestion of remaining ski lanes. As this ski lane has been identified to have manageable conflicts, it is recommended to retain this ski lane when comparing to Willow</p>	<p>Shifting or changing the size of this ski lane is not considered to be required. It is anticipated that the establishment of ski lane poles and buoys in this location will aid in identification and proper use without having to shift or change the ski lane.</p>	<p>Applying seasonal restrictions to this ski lane in its current form is not considered to be required as this ski lane has not been identified as being high use over the peak period.</p>	<p>No alternative options are recommended for this location.</p>

		Place or Frankton Arm North Side.  It is suggested this ski lane be retained alongside the implementation of education and signage within the area.			
<b>Roys Bay - Main Beach</b>  Draft bylaw position: Remove ski lane	It has been determined that removal of this ski lane is the recommended option as it receives high use (passive and non-passive) outside of the closure time during warmer weather. Maintaining the current ski lane would not address the conflict identified outside of a temporary closure. This solution would also allow the inner part of Roys Bay to be recognised as a passive use area free of ski lanes, thus allowing for retention of ski lane at Waterfall Creek and potential options at Eely Point.	Retention of this ski lane in its current form would not address the identified navigation safety risk.	Change of location or size within this area would not effectively address the issue that this is primarily a passive use area, and the volume of users is growing as population grows and access to non-powered craft increases.  It should be noted that if the ski lane is to be removed, vessels will then be allowed to pull onto the beach in this area. Under the current bylaw users are not currently permitted to beach vessels within a ski lane.  All vessels would also be required to comply with 5 knot speed limit that applies within 200m of the shore, which would	Seasonal restriction is helpful, and a favoured option if the lane is retained, due to the increase in volume of passive use and further projected popularity of this area. Conflict also occurs outside peak season closure times. For this reason, seasonal closure is not recommended.	No alternative options that are recommended for this ski lane.

			allow families to beach their craft at their established beach base and tow using biscuits etc. out to the 200m mark at which point they can ski without speed restriction.		
<b>Roys Bay - Eely Point</b> Draft bylaw position: Remove ski lane	<p>This option is not recommended. Submissions received suggest this ski lane is frequently used and provides valuable surrounding assets that enable recreational waterway activities such as water skiing. It is anticipated that if the ski lane is removed, unlawful use of the area may continue.</p> <p>While conflict does exist currently there may be possible alternatives that cater for all users given the benefits this location brings to the community. The area provides accessible facilities (ie parking, shelter, picnic areas, etc) that enable</p>	<p>Retaining this ski lane in its current form is not recommended as it receives high use (passive and non-passive) over an extended period. Maintaining the current ski lane will not address the identified navigation safety issues between motorised vessels and passive users, and would not provide council with the ability to achieve navigation safety/enforce bylaw rules in this popular part of Lake Wānaka.</p>	<p>Introducing an alternative approach is recommended to allow the area to achieve suitable levels of navigation safety, while also maintaining recreational opportunities for the community.</p>	<p>It has been determined that imposing temporary closure would not be effective as the ski lane receives high use (passive and non-passive) throughout the year, and thus a peak season closure would not address the conflict identified outside of that time.</p>	<p>A Launch Lane solution is recommended which increases the swim and passive use area, allows room for vessels to beach at family picnic sites, and be permitted to do so under the bylaw (which is currently not the case). This represents a pragmatic approach that addresses the identified navigation safety risks, allowing for recreational opportunities, and not creating additional congestion in remaining areas through multiple closures. See <b>Figure 2</b> below.</p>

	recreational waterways activities.				
<b>Roy's Bay - Waterfall Creek</b>	<p>This option is not recommended.</p> <p>Submissions received suggest this ski lane is frequently used and provides valuable surrounding assets that enable recreational waterway activities such as water skiing.</p> <p>It is anticipated that if the ski lane is removed, unlawful use of the area may continue.</p>	<p>This option is recommended as this location offers the least conflict of the three Roys Bay ski lanes and closing this unnecessarily would place additional congestion on other areas. It is recommended that the ski lane be retained with effective signage and education.</p>	<p>Shifting or changing the size of this ski lane is not recommended as being required. The establishment of appropriate signage and education will assist in resolving any conflict with vessels travelling between Waterfall Creek and Ruby Island.</p>	<p>Imposing a seasonal closure of the Waterfall Creek ski lane is not recommended. There are limited beach accessible family areas to ski from in Wānaka. Closure during this peak use time would put additional pressure on remaining areas.</p>	<p>An additional and/or alternative ski lane could be implemented on north side of the Waterfall Creek area.</p>
<b>Glendhu Bay - East Ski Lane</b>	<p>This option is not recommended.</p> <p>Submissions received suggest this ski lane is frequently used and provides valuable surrounding assets that enable recreational waterway activities such as water skiing.</p> <p>It is anticipated that if the ski lane is removed, unlawful use of the area may continue.</p>	<p>Retaining this ski lane in its current form is not recommended as it receives high use from both passive and non-passive users.</p> <p>Maintaining the current ski lane will not address the identified navigation safety issues and would not provide council with the ability to achieve navigation safety/enforce bylaw rules in this popular part of Lake Wānaka</p>	<p>The recommended option is to reduce the width of the ski lane by approximately 50 metres at the lake shore and shift it away from the informal launch area. This will still allow water skiing to be undertaken, increasing the area for passive water activities to be undertaken, and allow vessels to be launched and beached in</p>	<p>Seasonal closures or changes are not seen as a viable option at this location.</p>	<p>No alternative options are recommended for this location.</p>



			accordance with the bylaw. It is recommended that the outer ski lane markers remain at a wide angle to reduce impact on congestion. See <b>Figure 3</b> below.		
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Figure 1 – Recommended amendments to the Kelvin Grove ski lane





Figure 2 – Recommended amendments to the Roys Bay - Eely Point Ski Lane ski lane

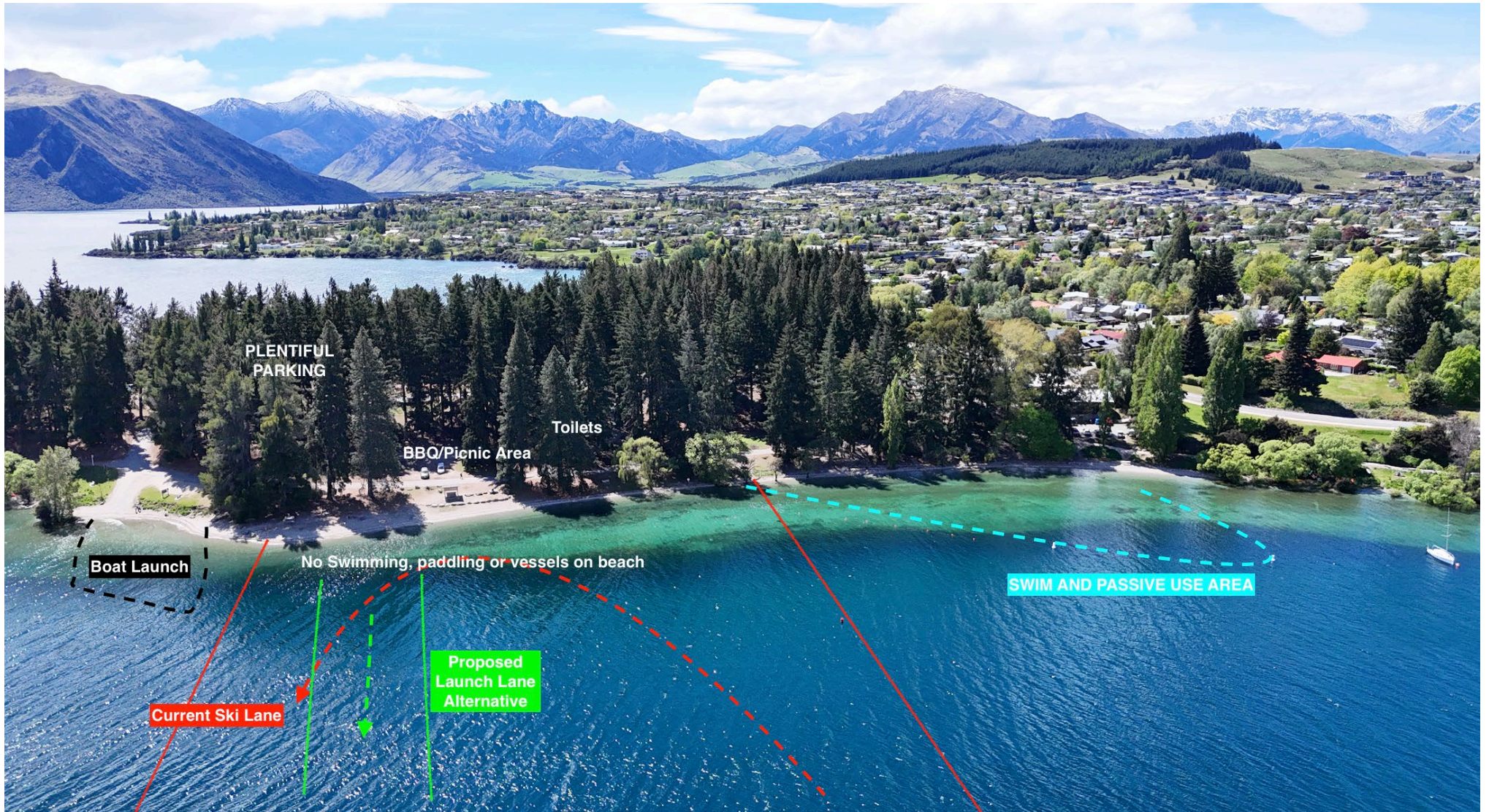




Figure 3 – Recommended amendments to the Glendhu Bay - East Ski Lane ski lane



**Attachment F – Schedule of recommended amendments in response to submissions**

Ski lanes		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Summary of recommended amendments
Kelvin Grove	Reduce width of ski lane by shifting the eastern pole 50 metres to the west.	Retain the ski lane with a change to its size and foreshore location. Shift the western ski lane pole east by 40-80 metres.
Loop Road	Remove ski lane	Retain ski lane.
Roy's Bay - Eely Point	Remove ski lane	Amend existing ski lane to create a 'launch lane' type access lane within the existing ski lane area that would enable vessels to exceed 5 knots within 200 metres but within an area that covers a narrower part of the foreshore.
Roy's Bay - Waterfall Creek	Remove ski lane	Retain ski lane.
Glendhu Bay - East	Reduce the width of the ski lane by shifting the western pole to the east by 50 metres	Retain the ski lane but reduce the width of the ski lane at the foreshore and shift it away from the informal boat ramp area. The outer ski lane markers would remain at a wide angle to reduce congestion.



Vessel identification		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Recommended amendments
Clause 18.1(c)	The ' <i>Harbourmaster or an enforcement officer</i> ' identified as the only people needing to be able to read the identification from a distance of at least 50 metres.	Delete reference to the ' <i>Harbourmaster or an enforcement officer</i> '.
Clause 18.2(a)(i) and 18.2(a)(b)	Maritime New Zealand number and radio call signs not referenced as needing to be 'registered'.	Amend the provisions to add reference to the word ' <i>registered</i> ' in regard to any Maritime New Zealand number and ' <i>registered VHF</i> ' in regard to any radio call sign that may be used for identification.

Temporary events		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Recommended amendments
Clause 33 Right to request review of decisions	No provision allowing event organisers to request a review of decisions made under clause 33.	Amend clause 33 to add a provision that enables a decision/term/condition to be reviewed upon request, and for Council to undertake subsequent amendments to its decision if it determines it necessary or appropriate.
Clause 33 explanatory note regarding organised water activities	No explanatory note regarding the interpretation of 'organised water activities'	Amend the draft bylaw to provide an explanatory note be added underneath Clause 33 which provides some further interpretation of the meaning of 'organised water activities'.

Extension to the existing Kawarau Dam access lanes		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Recommended amendments

Scale and location of the extended Kawarau Dam access lanes

Map 3 – Kawarau Dam. Extension of access lane shown as shaded area.



The grey shaded areas are recommended to be removed from inclusion within the access lane, and replaced by the hatched areas, with the exception of the area in the green circle where it is recommended that all of the hatched areas and the grey shaded area to the southeast of the willow tree island be contained within the access lane.



Communication devices		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Recommended amendments
Clause 19	Any person operating a vessel more than 50 metres from the shore of a lake needs to carry two forms of communication unless participating in a sporting event or training activity if there is a support vessel present that complies with the clause.	Amend clause 19 to add a provision that provides for a person in charge of a non-powered vessel being operated <b>between 50 metres and 200 metres</b> of the shore of a lake to carry at least one form of communication equipment.

Minor changes		
Topic/Issue/Clause	Draft bylaw adopted for consultation	Recommended amendments
Bobs Cove ski lane	Bobs Cove ski lane is not identified on any map in Schedule 1.	Amend Schedule 1 to identify Bobs Cove ski lane on an appropriate map.
Clause 35.1	Clause 35.1 makes reference to ' <i>Lake Johnston</i> '.	Amend clause 35.1 to correct the spelling ' <i>Lake Johnson</i> '.
Clause 6 - definition of Lifejacket	The definition of lifejacket makes specific reference to ' <i>type 406</i> ' as the only type of lifejacket that meets the draft bylaw's requirements.	Amend the definition of lifejacket to remove the specific reference to ' <i>type 406</i> '.