

QUEENSTOWN LAKES DISTRICT COUNCIL

SUMMARY OF STATEMENT OF PROPOSAL

NAVIGATION SAFETY BYLAW 2014

Introduction

This summary of the statement of proposal has been prepared in accordance with Section 83(1) of the Local Government Act 2002.

Background

The Queenstown Lakes District Council Navigation Safety Bylaw 2009 was made pursuant to section 68B of the Local Government Act 1974. The responsibility of waterways safety was transferred from the Regional Council to Queenstown Lakes District Council (QLDC) by virtue of section 17(1) and 17(4) of the Local Government Act 2002 (LGA).

In October 2013 the Maritime Transport Act 1994 (MTA) was amended, which resulted in the transfer of the empowering provisions of local authorities regarding navigation safety from the LGA to the MTA. However, there are some enforcement provisions that follow both the LGA and the MTA and consequently the making of a new (or a revised) bylaw should be pursuant to both the amended MTA and the LGA.

The review of this bylaw is being undertaken as part of the Councils bylaw review programme and following the amendments to the MTA in 2013.

Queenstown Lakes District has significant navigable waters consisting of large lakes and rivers and the safety of our community using our waterways is a priority.

As a result of the amendments to the enabling legislation and as part of the review programme of Councils bylaws, this provides an opportunity for the Council to assess the appropriateness of the current Navigation Safety Bylaw and to determine if this is still the most appropriate format to meet the needs of our community in addressing local issues.

Key Features of Proposal

The Council has determined that a bylaw is the most appropriate method to deal with the perceived issues it has to deal with on this matter and that the proposed bylaw is the most appropriate form of bylaw.

Except from the changes set out below, the majority of the changes are to improve the requirements of the bylaw.

Following discussions with the harbourmaster and targeted consultation from stakeholders, the following significant aspects were raised as issues that need consideration in the proposed Navigation Safety Bylaw:

- Life jackets to be worn on all vessels less than 6 metres in length
- Definition details e.g. method for measuring length of a vessel
- Self-compliance of the bylaw e.g. regarding use of access lanes

The proposed bylaw includes the following key changes to the existing bylaw.

Interpretations

New definitions regarding drugs, alcohol and intoxication have been included.

The length of overall of a vessel is defined with simple a diagram of how it should be measured.

The life jacket definition has been amended to reflect the new prescribed standard.

General

- There is the inclusion of a specific section on River Boarding / Surfing regarding life jacket requirements.
- Life Jacket requirements has been expanded to state life jackets must be worn on all vessels under 6m in length e.g. this includes paddle boarders.
- Delegation for an exemption from the bylaw requirements are provided to the Harbourmaster

Distribution

This proposal will be distributed in accordance with Section 83 of the LGA 2002, on the following basis:

- a) The Council will scrutinise Council's existing databases of organisations within the community with a potential interest in this matter and will write to each providing a copy of the proposal and indicating that the Council would welcome submissions on the matter.
- b) The Council will write to each of the previous submitters providing a copy of the proposal and indicating that the Council would welcome further submissions on the matter.
- c) The Council will advertise in the Otago Daily Times, Southland Times, and in the Mirror, advising that the proposal exists and inviting further submissions.

Timetable for Consultation

The following dates represent the key times in the consultation programme:

26 June 2014	Council adopts the proposed bylaw and resolves to undertake public consultation following the special consultative procedure
2 July 2014	Advertisement in Mirror and Wanaka Sun
5 July 2014	Advertisement in Otago Daily Times and Southland Times
4 August 2014	Submissions close 5pm
18 & 19 August 2014	Submissions heard by a subcommittee of Councillors (to be confirmed)
25 September 2014	Council considers outcome of consultation process. Adoption of bylaw.

1 October 2014

Public notice of final decision (if Council resolve to adopt the bylaw)

The Bylaws come into effect subject to the above.

Inspection of Documents and Obtaining Copies

Copies of this proposal, the draft bylaw and the supporting reports may be inspected, and a copy obtained, at no cost, from:

- a) Either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka
- b) Any Council library within the Queenstown Lakes District.
- c) The Council website – www.qldc.govt.nz

Right to Make Submissions and Be Heard

Any person or organisation has a right to be heard in regard to this proposal and the Council would encourage everyone with an interest to do so.

The Council would prefer that all parties intending to make a submission set those submissions out in writing and submit them to the District Secretary, Private Bag 50072, Queenstown, no later than 5 PM on Friday 4th August 2014. The Council will then convene a hearing, which it intends to hold in 18th and 19th August 2014, at which any party who wishes to do so can present their submission in person.

Equal weight will be given to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the Act, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the Local Government Act sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

Making an Effective Submission

Written submissions can take any form (e.g. Email, letter) but we recommend your submission be made on a standard submission form available from Council. An effective submission references the clause(s) of the draft Bylaws you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Adam Feeley
CHIEF EXECUTIVE

Attachment 1: Proposed Queenstown Lakes District Council Navigation Safety Bylaw 2014.