

Attachments

Item 7:

Navigation Safety Bylaw review



STATEMENT OF PROPOSAL

**PROPOSED QUEENSTOWN LAKES DISTRICT COUNCIL
NAVIGATION SAFETY BYLAW 2017**

**PROPOSED REVOCATION OF QUEENSTOWN LAKES DISTRICT
COUNCIL WATERWAYS AND RAMP FEES BYLAW 2014 AND
NAVIGATION SAFETY BYLAW 2014**

PROPOSED MARITIME FEES AND CHARGES

INTRODUCTION

- 1 The Otago Regional Council transferred its maritime bylaw making power to the Council pursuant to section 17(1) and 17(4)(a) of the Local Government Act 2002 (**LGA**) and section 650J of the Local Government Act 1974. The transfer has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.
- 2 The Queenstown Lakes District Council (**Council**) has completed an internal review of the Navigation Safety Bylaw 2014 (**current bylaw**), and the Waterways and Ramp Fees Bylaw 2014 (**Waterways Bylaw**). The Council proposes to adopt a new Navigation Safety Bylaw 2017 (**proposed bylaw**), which updates, simplifies, and consolidates navigation safety rules, and incorporates rules affecting moorings, which were previously regulated under the Waterways Bylaw. The Council is also seeking public feedback regarding proposed maritime fees and charges for the use and occupation of Council maritime assets and administrative fees associated with the proposed bylaw.

BACKGROUND

- 3 The Waterways Bylaw established a permitting system for the use of the District's waterways, facilities, and services (**Waterways permitting system**), and is intended to provide clarity regarding the fee structure applicable.
- 4 In 2015, the Council initiated a review of the Waterways Bylaw to determine how to resolve issues with the implementation of Waterways permitting system in the District. The issues identified included: unnecessary complexity in permit types and processing requirements, duplication of fees and the inflexibility of the charging timeframe.
- 5 During 2016 the Council carried out a special consultative procedure regarding a proposal to substantially simplify the waterways permitting system within the District, and to incorporate the Waterways Bylaw within the current bylaw. In the course of the special consultative process the Council identified that a more comprehensive review of the current bylaw was warranted.
- 6 On 6 October 2016, Council resolved to recommend to the incoming Council (after the local election) to carry out a full review of the current bylaw and the Waterways Bylaw. The objective of the review is to update existing navigation safety controls to ensure greater consistency with the requirements of the Maritime Transport Act 1994 (**MTA**) and maritime rules, reduce duplication, remove controls that are no longer required, and to simplify the bylaw where possible.
- 7 Council officers have consulted with the Harbourmaster and Deputy Harbourmaster to identify matters within the current bylaw that require updating, and to address specific concerns they have with the current bylaw. Council officers have also conducted internal meetings with staff and contractors responsible for overseeing the Waterways permitting system under the Waterways Bylaw.

PROPOSAL

- 8 The Council has completed its review of the Navigation Safety Bylaw 2014 and the Waterways and Ramp Fees Bylaw 2014, and proposes that:
 - a. The proposed Navigation Safety Bylaw 2017 is adopted (see **Appendix 1**).
 - b. The Navigation Safety Bylaw 2014 (**Appendix 2**) and the Waterways and Ramp Fees Bylaw 2014 (**Appendix 3**) are revoked.

- c. The proposed Maritime Fees and Charges (**Appendix 6**) is prescribed in accordance with section 33R of the MTA.
- 9 Section 83A of the LGA allows the Council to carry out the consultation regarding the above proposals concurrently.
- 10 This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:
- a. The reason for the proposal;
 - b. Consideration of whether a bylaw is the most appropriate way to address the perceived problem;
 - c. Consideration of whether the proposed bylaw is the most appropriate form of bylaw;
 - d. Consideration of any implications under the New Zealand Bill of Rights Act 1990;
 - e. A statement that the Navigation Safety Bylaw 2014 and the Waterways and Ramp Fees bylaw 2014 are to be revoked;
 - f. A draft of the proposed Navigation Safety Bylaw 2017.

REASON FOR PROPOSAL

- 11 Queenstown Lakes District has an outstanding natural landscape, including a number of freshwater lakes and rivers that are popular for boating, swimming and other water sports. Recreational users and commercial operators within the community greatly benefit from the opportunity to participate in the safe use and enjoyment of these waterways. Navigation safety rules are needed to ensure that different users can safely share these waterways. The District's waterways include three large lakes: Lake Wakatipu, Lake Wanaka and Lake Hawea.
- 12 Navigation safety is regulated through the adoption of navigation safety bylaws under the MTA. These bylaws make provision both for nationwide rules relating to navigation safety¹, and for rules to address specific local navigation safety issues, within the legislative framework of the MTA. The last comprehensive review of the Council's Navigation Safety Bylaw occurred in 2014.
- 13 Following an internal review of the Waterways Bylaw in 2016, the Council consulted with the public regarding a proposal to overhaul and consolidate the Waterways permitting system and incorporate it within the current bylaw (Navigation Safety Bylaw 2014). The Council also consulted with the public regarding targeted amendments to navigation safety rules within the current bylaw (eg. excluding certain lifepouches from the lifejacket definition, altering the location of the Lake Wakatipu access lane, and requiring children under the age of 10 to wear lifejackets on large vessels). In the course of the consultation process, Council staff identified that a comprehensive review of the bylaw was necessary to improve consistency between the current bylaw and maritime rules, and to remove rules that were either redundant or duplicated elsewhere.

¹ Maritime Rules 91 – Navigation Safety Rules.

CONSIDERATION BY COUNCIL UNDER SECTION 155 OF THE LGA2002

Problem definition

Navigation Safety Bylaw 2014

- 14 The Harbourmaster and Council staff consider that most of the existing rules under the current bylaw are appropriate and effective in addressing navigation safety issues within the District. Therefore, the Council intends to continue most of the existing rules under the proposed bylaw. However, a number of changes to the current bylaw are proposed to improve consistency with the provisions in the MTA and Maritime Rule 91. Council staff have also identified some rules within the current bylaw that are redundant, or contain requirements relating to specific activities that are already effectively regulated elsewhere.
- 15 A table providing a comparison between the current bylaw and the proposed bylaw is set out in **Appendix 5** to this document. The table is not exhaustive, but provides an overview of the key changes identified by the Council and Harbourmaster.
- 16 A number of clauses within the current bylaw duplicate statutory provisions in the MTA, or contain unnecessary detail regarding administrative processes. The Council proposes to scale back or revoke parts of the current bylaw which are more appropriately covered under the MTA. The Council also intends to develop a Navigation Safety information document which will incorporate technical and administrative requirements, such as application considerations, permit terms and conditions, processing requirements and application forms. This document will remove the need for much of this detailed content contained in the current bylaw. Similarly, fees associated with the bylaw will no longer be set in the bylaw, but will be prescribed following a consultation process in accordance with the Local Government Act 2002 (see Appendix 6).
- 17 The current bylaw imposes rules affecting the operation of commercial vessels that are already subject to specific maritime rules (eg parasailing, white water boarding). It is appropriate that commercial vessel operators meet applicable maritime rules and guidelines set by Maritime New Zealand. The Council considers it is not necessary to impose overlapping operational requirements on commercial vessels, unless the use of commercial vessels is not regulated elsewhere. The Council proposes to replace existing detailed requirements with a general obligation on commercial operators carrying out specific water based activities to comply with the applicable maritime rule. For consistency, the proposed bylaw will also require that jet boat operators meet the applicable maritime rules. Commercial operators will continue to be subject to specific local rules that apply to all vessels (for example, speed limits).
- 18 Council staff have identified that there are potentially risks posed by vessels that transport dangerous goods, or persons who carry out hot work activities involving flames (eg. welding) on a vessel. The current bylaw does not impose any specific rules that regulate these types of activities on the water. A number of other local authorities have adopted permitting systems, or imposed basic safety requirements on persons in charge of vessels involved in such operations. Council consider that the proposed bylaw should also require persons operating vessels in which hot works activities (eg. welding) are occurring, and vessels carrying dangerous goods should implement basic safety measures to limit risks to the public.
- 19 The Harbourmaster has recommended modifications to existing access lanes, reserved areas, and rules affecting river users, to address the changing navigation risk profile in these locations.

Waterways and Ramp Fees Bylaw 2014

- 20 During the last review of the Waterways Bylaw, the Council concluded that the current Waterways permitting system was unnecessarily complex, duplicative, and difficult to implement uniformly across the District. Some people in the community are having difficulty understanding the Waterways permitting system and are failing to meet the Waterways Bylaw requirements as a result. These challenges are placing pressure on the Council to spend more resources on public education and enforcement of the Waterways Bylaw to meet the objectives of the bylaw in the District.
- 21 The Council has concluded that it is appropriate to substantially rationalise existing permit types, fee structures, and processing requirements in a manner that will simplify the Waterways permitting system. The changes will still allow the Council to achieve its core objectives, including the recovery of the costs of providing and maintaining the District's waterways, facilities and services from users. A summary of the key changes are set out below.

Waterways permit (under Waterways Bylaw)	Proposed replacement (under Navigation Safety Bylaw)
Maritime Structure Permit (Commercial)	Revoked, and replaced by a requirement to obtain Council permission.
Maritime Structure Permit (Non-commercial)	Revoked, and replaced by a requirement to obtain Council permission.
Commercial Activity Permit	Revoked.
Ramp Permit	Revoked and replaced through fees and charges set in accordance with the MTA and LGA.
Mooring Permit	Retained under the proposed Navigation safety Bylaw 2017.

- 22 The Council considers that ramp / launch permits are not the most efficient means of ensuring users contribute to the maintenance and upkeep of Council ramps and launch facilities. The Council proposes to revoke the existing ramp / launch permit, and replace it with paid parking areas around all Council ramps / launch facilities in the District. The Council is developing this as a separate work stream, which will ultimately require allocation of funds and amendments to the Council's Traffic and Parking Bylaw 2012. In the meantime, charges will be set for the use of Council ramps and launch facilities in accordance with the MTA and LGA (see **Appendix 6**).
- 23 Mooring permits will be retained, but will be incorporated within the proposed bylaw, rather than a separate Waterways bylaw. The proposed bylaw reduces the number of prescribed requirements regarding matters such as the content of applications for moorings, terms and conditions, and processing requirements. Instead the Council

proposes to prescribe administrative requirements in a Navigation Safety information document that can be adopted or amended by resolution of Council.

- 24 It is appropriate to require that persons seek Council approval to occupy and/or use the Council's maritime structures. The proposed clause gives the Council greater flexibility as to the form its approval to occupy or use Council maritime structures will take.

Maritime Fees

- 25 The Council is also seeking public feedback regarding the proposed maritime fees and charges for the use and occupation of Council maritime assets and administrative fees associated with the proposed bylaw (**Appendix 6**). Section 33R of the MTA allows the Council to prescribe fees and charges in relation to:
- a. any land, building, equipment, or other property that is owned by the council and operated for maritime-related purposes;
 - b. any function, duty, power, or service performed, exercised, or provided by the council in respect of any ship, maritime facility, offshore installation, pipeline, oil transfer site, navigational aid, or marine farm;
 - c. any maritime-related activities the council undertakes; or
 - d. in respect of navigation generally.
- 26 Staff consider that maritime fees should be set by Council resolution following consultation with the public under the Local Government Act 2002, rather than within the proposed bylaw. The reason for this approach is that the proposed maritime fees and charges may need to be revisited after current permits expire on 30 June 2018. Specifying fees by Council resolution will enable the Council to update the fees without amending the proposed bylaw (should it be adopted).

IS THE PROPOSED BYLAW THE MOST APPROPRIATE BYLAW?

- 27 The Council has considered the most appropriate way of addressing the issues described in the problem definition section above, the options available, and determined that the proposed bylaw is the most appropriate means for addressing the issues.
- 28 In considering whether a bylaw is the most appropriate, Council has considered the following options:
- a. Option 1 – Do nothing
 - b. Option 2 – Adopt the proposed Navigation Safety Bylaw 2017, prescribe by resolution the proposed maritime fees and charges, and revoke the Navigation Safety Bylaw 2014 and Waterways and Ramp Fees Bylaw 2014

Option 1 – Do nothing

- 29 If the Council does nothing, the current bylaw and Waterways Bylaw will continue to have effect at least until the next statutory review of the Waterways Bylaw in 2019. The advantage of this option is it does not require the Council to undertake a special consultative procedure this year, or to incur costs updating its internal systems. The Council will continue to receive fees in relation to the various permits under the Waterways permitting system.
- 30 The disadvantage is that the Council will be responsible for implementing the existing provisions of the current bylaw despite the inconsistency of parts of the bylaw with maritime rules. The consistency issues may delay the development and passage of

updated infringement regulations to facilitate effective enforcement of local navigation safety rules.

- 31 If the Council does nothing, the existing Waterways permitting system will continue despite concerns regarding the workability and fairness of some aspects of the system. The Council will need to improve public awareness of the bylaw. The costs of administering and enforcing a number of different permits and fees will continue to fall on the Council.

Option 2 – Adopt the proposed Navigation Safety Bylaw 2017, prescribe by resolution the proposed maritime fees and charges, and revoke the Navigation Safety Bylaw 2014 and Waterways and Ramp Fees Bylaw 2014

- 32 The Council considers that the proposed bylaw will effectively achieve greater consistency with the MTA and applicable maritime rules, particularly Maritime Rule 91 (Navigation Safety). Further, the proposed bylaw substantially reduces duplication, and removes redundant clauses that deal with matters more effectively regulated elsewhere. The modifications proposed by the Harbourmaster to specific rules in the current bylaw are intended to meet changes to the existing maritime risk profile applicable to specific waterways, or water based activities.
- 33 The revocation of the Waterways Bylaw, and incorporation of mooring permit regime within the proposed bylaw will achieve the objective of reducing the complexity of the current Waterways permitting system. The Council considers that these changes will promote better public understanding of the process and costs associated with using Council infrastructure, and will make regulatory compliance easier. The removal of specific clauses setting out technical and administrative detail of application processes arguably reduces the transparency of the process. The Council can rectify this by issuing clear policy guidance to the public as to how the application process functions, what information is required, what fees apply, and what conditions are to be imposed.
- 34 Some members of the public may be unhappy about changes to existing requirements within the current bylaw and Waterways Bylaw. Council staff anticipate that any particular concerns with the changes can be addressed in the course of the special consultative procedure. An effective system for recovering user fees in relation to maritime structures and ramps must be implemented promptly after the revocation of the Waterways Bylaw to ensure there is no reduction in revenue received from the use of maritime structures, ramps and launch facilities.

ARE THERE ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990?

- 35 The proposed bylaw is consistent with the New Zealand Bill of Rights Act 1990 (NZBORA). The proposed controls are considered reasonable limits as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this 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.

- 36 The proposal will potentially engage the following right under the NZBORA:

a. Right to freedom of movement (section 18).

- 37 The proposal provides for the continuation of a licensing regime in relation to maritime facilities in the District, albeit with a reduced number of permits, fees and processing requirements. The changes proposed to the licensing regime involve the

streamlining and simplification of the Waterways permitting system, which is unlikely to pose an impediment to public access to maritime areas. The Council considers that the reduction in complexity could arguably facilitate greater public access to maritime areas due to better public understanding of achieving lawful access.

- 38 Therefore, the Council considers that the restrictions imposed are unlikely to infringe the right to freedom of movement. Alternatively, even if there is an infringement of this right, it is a reasonable limit on an individual's rights and freedoms and which is justifiable in a democratic society. Therefore, the proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

TIMETABLE FOR CONSULTATION

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

- a. Council resolves to undertake public consultation regarding the Proposal between 30 September 2017 and 30 October 2017.
- b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 30 September 2017 and 6 October 2017.
- c. Submissions close on 31 October 2017.
- d. Submissions heard by a subcommittee of Councillors during the week of 13 – 17 November 2017 (to be confirmed).
- e. Council considers outcome of consultation process and whether to make decisions in the Proposal – 14 December 2017.
- f. Public notice of final decision – 17 December 2017.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 40 Copies of this Statement of Proposal and the proposed Bylaw 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; or
- c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 41 Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the Proposal.
- 42 The Council would prefer that all parties intending to make a submission:
- a. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 43 Submissions must be received by **Tuesday 31 October 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 13 November and Friday 17 November 2017** at which any party who wishes to do so can present their

submission in person. The Council will give equal consideration to written and oral submissions.

- 44 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.
- 45 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 46 Section 82 of the LGA 2002 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

- 47 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the proposed bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 48 Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

APPENDIX 1 – Proposed Queenstown Lakes District Council Navigation Safety Bylaw 2017

APPENDIX 2 – Current Queenstown Lakes District Council Navigation Safety Bylaw 2014

APPENDIX 3 – Current Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014

APPENDIX 4 – Summary of the Statement of Proposal

APPENDIX 5 – Table comparing proposed Navigation Safety Bylaw 2017 and current Navigation Safety Bylaw 2014

APPENDIX 6 – Proposed Maritime Fees and Charges



Navigation Safety Bylaw 2017

Queenstown Lakes District Council

Date of making:
Commencement:

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 2017”.
- 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 40 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.

Flag B means the flag B of the International Code of Signals being a swallow tailed flag, or a rigid equivalent, coloured in red, 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.

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 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 board;
- (h) a kiteboard, sailboard or paddleboard;
- (i) an inner tube;
- (j) a kayak or canoe;

but does *not* include a surfboard.

White water board 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 vessels¹

- 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.

¹ Rule 91.5.

9 Speed of vessels²

- 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).

² 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 Wake³**
- 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 obstructions⁴**
- 13.1 No person may anchor a vessel so as to:

³ Rule 91.7.

⁴ 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 tidal 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 aids⁵ (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.

⁵ 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 lifejackets⁶

- 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.

⁶ 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 situations⁷**
- 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 towed⁸**
- 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 lifejackets⁹**
- 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;

⁷ Rule 91.4(6).

⁸ Rule 91.4(7).

⁹ 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 lookout¹⁰

- 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 sunrise¹¹

- 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.

¹⁰ Rule 91.8.

¹¹ 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 boarding

- 26.1 Every person in charge of a white water board 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 placed;
 - (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 has given the Harbourmaster at least 24 hours written notice, including full details of the dangerous goods, including the hazard classification, quantity, and stowage position.

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 Rivers¹²

- 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 proper speed of vessels must not exceed 5 knots on the Clutha River between the Outlet Camping Ground (marked by a five knot buoy) and the five knot buoy positioned downstream at Albert Town Bridge (GPS -44.68, 169.19).

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):

¹² Rule 91.17.

- (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.
- 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 Lane¹³

- 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 Areas¹⁴

- 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

¹³ Rule 91.10

¹⁴ Rule 91.12.

- (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).
- 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;
 - (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands; and
 - (d) if the reserved area is marked at sea, mark the reserved area using black buoys with white 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 Upliftings¹⁵

- 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:

¹⁵ 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.

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 30 June 2018; 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.

Explanatory note: By deed of delegation, the Otago Regional Council has transferred its powers, functions and duties within the boundary of the Queenstown Lakes District to the Queenstown Lakes District Council. That delegation also provides for the transfer of the power to make bylaws under the Local Government Act 2002 and the Maritime Transport Act 1994 to the Queenstown Lakes District Council.

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.

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	1 May to 30 October	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,	All Year	Lake Wakatipu	-45.03 to 168.73
			Arrow River	-45.01 to 168.89

	excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.		confluence	
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 downstream to the Albert Town bridge.	All Year between the hours of 10am to 4pm in the winter and 10am to 6pm in the summer	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 GPS is a 5 knot uplifting.	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

- (1) 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

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

Table 2 – Access Lanes

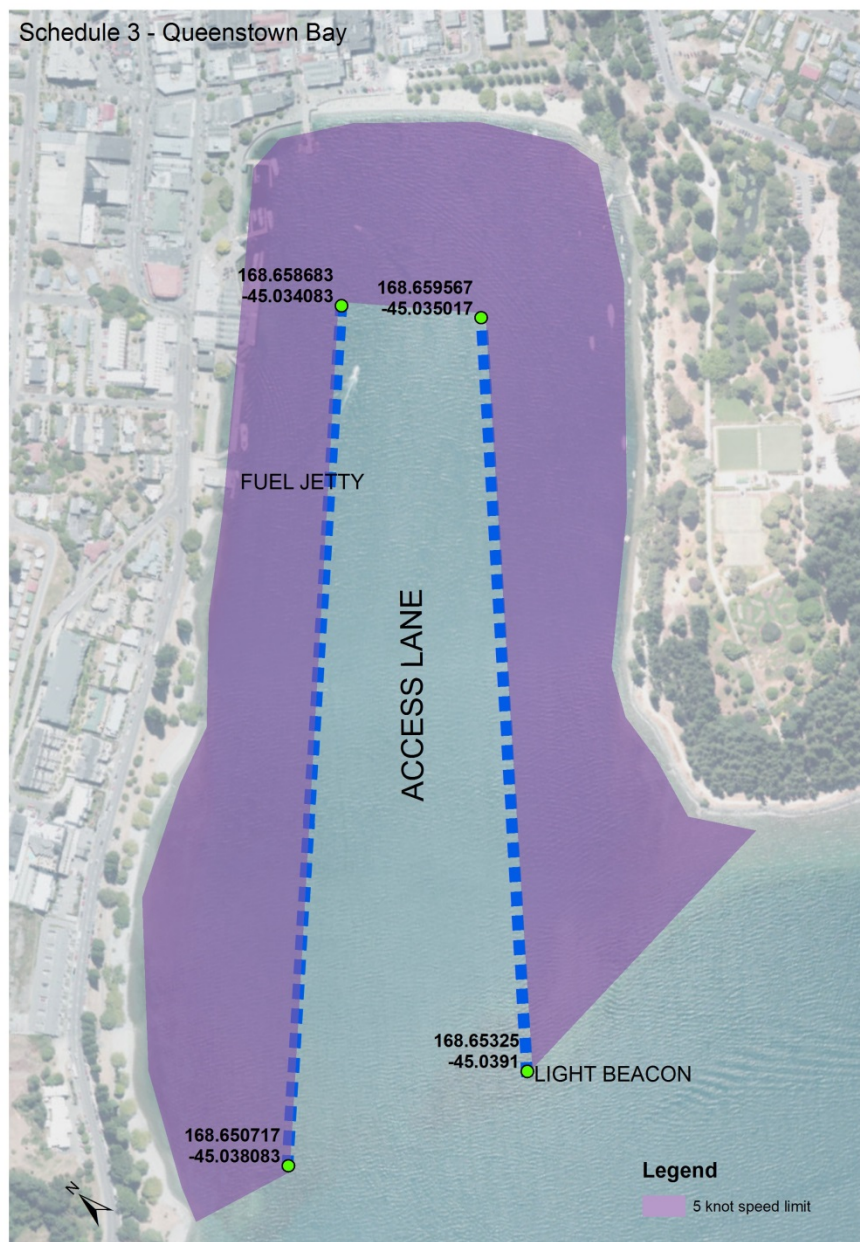
Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.86 to 168.38
Kinloch Main Beach	-44.84 to 168.35
Kelvin Grove	-45.04 to 168.68
Frankton Beach	-45.02 to 168.73
Willow Place West Side	-45.03 to 168.72
Loop Road	-45.036 to 168.70
Frankton Arm North Side	-45.03 to 168.69
Kingston Main Beach	-45.33 to 168.72
Bobs Cove	-45.07 to 168.51
Wilsons Bay	-45.06 to 168.57
Water ski access lanes – Lake Wanaka	

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

Explanatory notes:

These explanatory notes and the associated illustrations do not form part of this bylaw but are included to show the location and general effect of the navigation rules which apply within the district.

Map 1 – Queenstown Bay



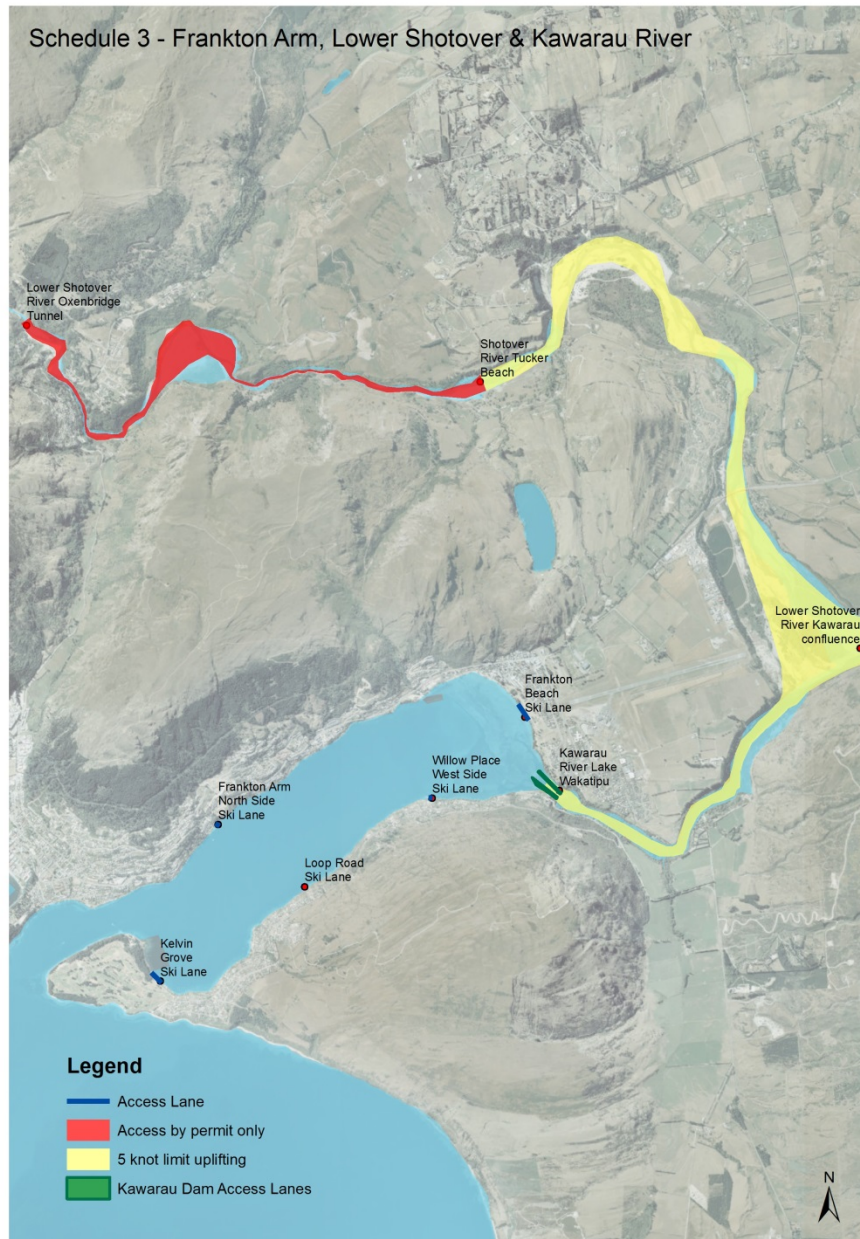
Map 2 – The Narrows, Queenstown



Map 3 – Kwarau Dam



Map 4 – Frankton Arm, Lower Shotover & Kawarau River



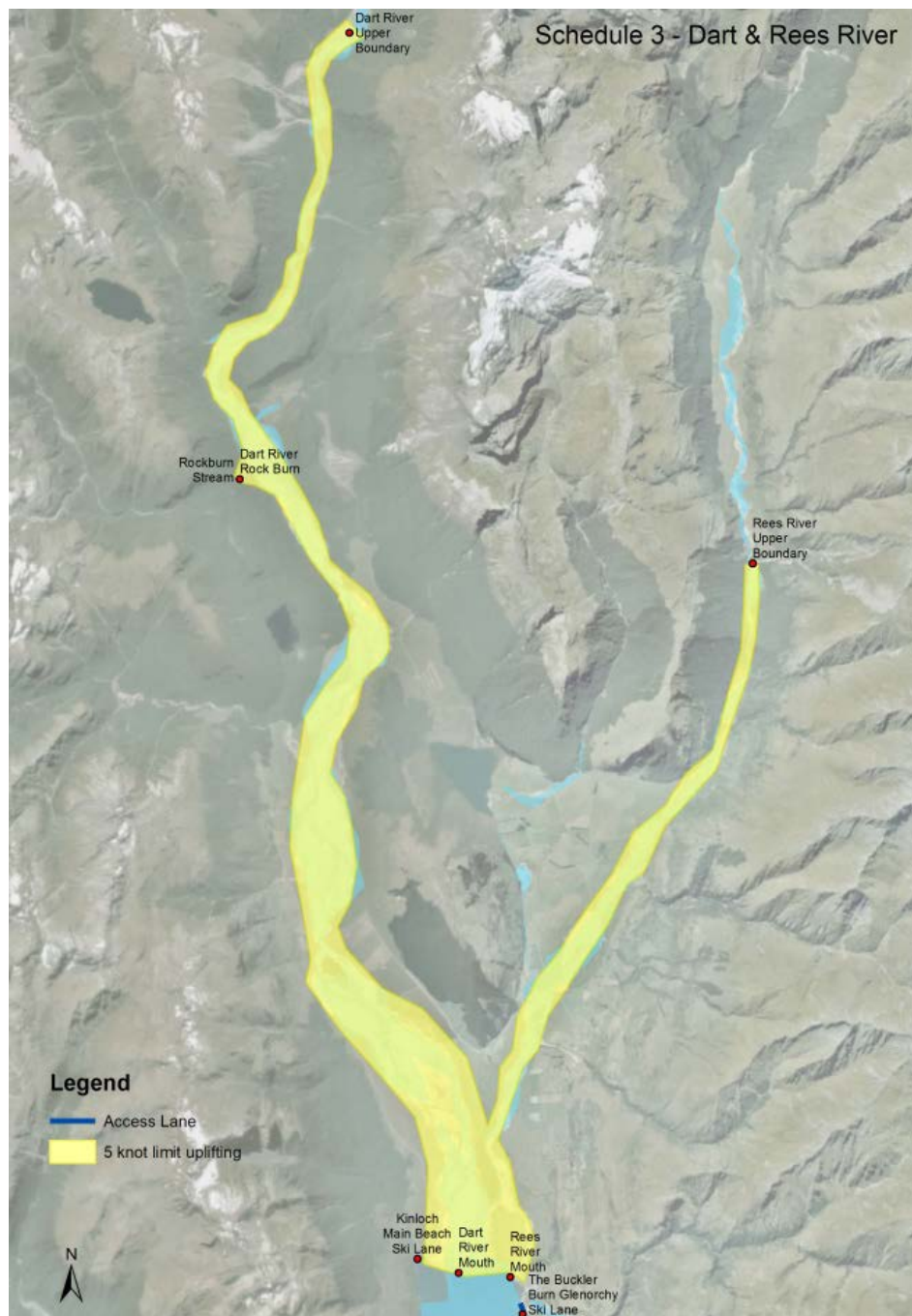
Map 5 – Upper Shotover



Map 6 – Kawarau River



Map 7 – Dart & Rees River



Map 8 – Clutha River Mouth



Map 9 – Clutha River



Map 10 – Matukituki River



Map 11 – Hunter River



Map 12 – Makarora & Wilkin River



Map 13 – Wanaka Ski Lanes

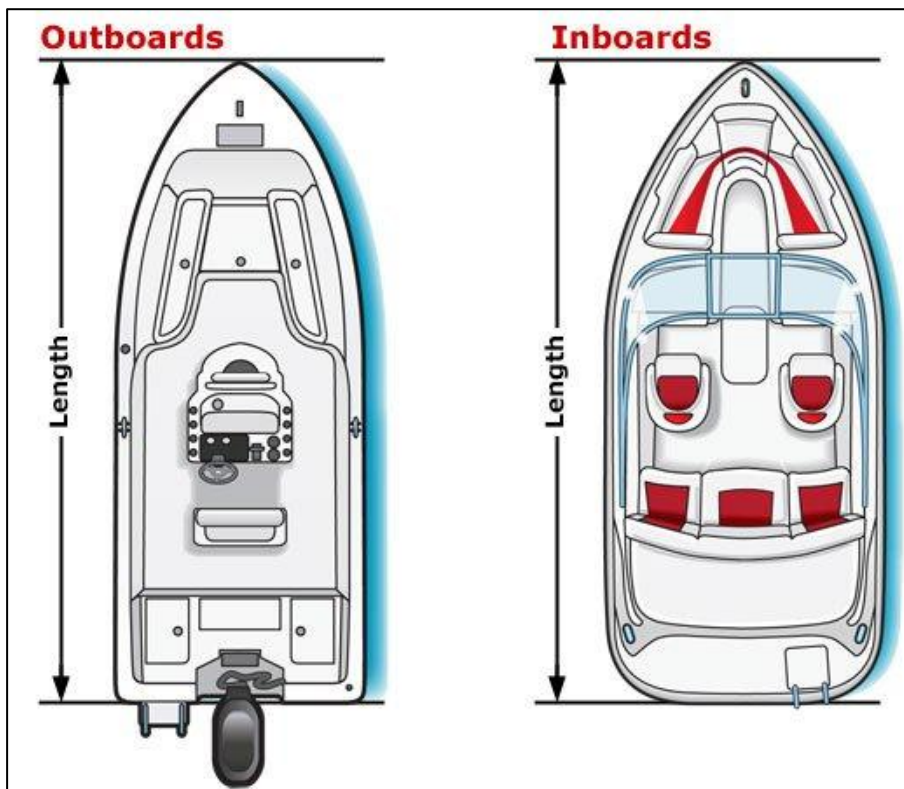


Schedule 3 – Length Overall of a Vessel

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





Navigation Safety Bylaw 2014

Queenstown Lakes District Council

Date of making: 18 December 2014

Commencement: 28 April 2016

This bylaw is adopted pursuant to section 33M of the Maritime Transport Act 1994 by virtue of a transfer of that bylaw making power by the Otago Regional Council pursuant to section 17(1) and 17(4)(a) 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 Navigation Safety Bylaw 2014”.
- 1.2 This bylaw comes into effect on 28 April 2016.

2 Area within which Bylaw applies

- 2.1 This Bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District.

3 Purpose

- 3.1 The purpose of this bylaw is to:
 - (a) regulate and control the safe use of the district’s waterways by people and vessels;
 - (b) prevent nuisances arising from the use of vessels;
 - (c) prevent nuisances arising from the 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) prescribe vessel traffic separation and management schemes;
 - (g) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on vessels;
 - (h) 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 to any such other Officer of Council or duly appointed Harbourmaster.

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 34 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 Operation means an activity that involves:

- (a) operation of a vessel for hire or reward (whether or not the vessel is in the water);
- (b) the carriage or guidance of fare paying participants on, or in a vessel;

Commercial Activity Permit means a permit issued under clause 15(3) of the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.

Commercial Vessel Licence means a licence issued under clause 38 of the Queenstown Lakes District Council Navigation Safety Bylaw.

Commercial White Water Boarding Operation means any activity that:

- (a) is undertaken on a river; and
- (b) involves the carriage and guidance of fare paying participants or trainee guides on a river sledge, river board, body board or river bug.

Contravene includes fail to comply with.

Council means the Queenstown Lakes District Council as constituted under the Local Government Act 2002.

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.

Driver means the person who has command or is in charge of a Commercial Vessel and includes the definition of Master as is contained in the Maritime Transport Act 1994.

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 for the relevant permit set out in Schedule 4.

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.

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 event or occurrence that is associated with the operation of any vessel and includes an accident, collision, grounding or mishap.

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.

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 5.

Licence means the licence as set out in the relevant clause of this Bylaw issued by the Council allowing or permitting various activities controlled by the terms of this Bylaw.

Licensee means any person or persons or any corporate body or bodies to whom or to which a licence is granted by the Council under this Bylaw.

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.

Making way means being propelled by an instrument or device.

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

Maritime Structure (Commercial) Permit means a permit issued under clause 15(2) of the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.

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

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

Owner means as the context requires:

- (a) in relation to a vessel, the agent of the owner and also a charterer;
- (b) in relation to any dock, wharf, quay or slipway, includes a lessee or consent holder of the dock, wharf, quay or slipway;
- (c) the person, company or entity licensed under this Bylaw as the owner or operator of the vessel;
- (d) includes the person who is for the time being responsible for the management and/or operation of the vessel;
- (e) in respect of an unlicensed vessel is the person whom for the time being is responsible for the use of the vessel.

Paddleboard means 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 so 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 or Persons means an identifiable individual who is a natural person and excludes a corporation sole, a body corporate, and an unincorporated body.

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

- (a) the master or skipper of the vessel; or
- (b) in the absence of the master or skipper of the vessel, the owner of the vessel; or
- (c) in the absence of the master, skipper or owner of the vessel, the person steering the vessel, whether or not it is in the water.

Personal Water Craft means a power driven vessel that:

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

Pleasure Craft means a vessel that is used exclusively for the Owner's pleasure or as the Owner's residence, and is not offered or used for hire or reward; but does not include:

- (a) a vessel that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment 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;
- (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 Jetty, Wharf or Ramp means any jetty, wharf or ramp owned by or under the control of the Council, but does not include:

- (a) any structure in respect of which a current Foreshore Licence is in force in the name of any other person;
- (b) any structure in respect of which a Maritime Structure (Commercial) Permit is in force;
- (c) any part of a structure in respect of which a Commercial Activity Permit is in force.

Public Notice means a notice published 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.

Recreational Craft means a vessel that is:

- (a) a Pleasure Craft; or
- (b) solely powered manually; or
- (c) solely powered by sail.

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

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.

Ship has the same meaning as “vessel”.

Skipper means the person who is in physical control, or in command, or in charge of a vessel at any given time whether or not the vessel has entered the water.

Structure means any building, equipment, device, wharf, jetty, breastwork or other facility which is fixed to land; and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, rafts, 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 aids to navigation.

Sunrise/sunset has the same meaning as stated in the New Zealand Nautical Almanac New Zealand (NZ204).

Underway means that a vessel 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, navigation restrictions specified 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 board;
- (h) a kiteboard, sailboard or paddleboard but does *not* include a surfboard;

White water board means:

- (a) a plastic or foam river sledge or hydro-speed;
- (b) a foam, plastic or inflatable river board;
- (c) a foam ocean wave riding body board;
- (d) an inflatable river bug;

but does *not* include tubes or tube rafts.

Part 2 – Navigation and Water Activities

7 Duties and powers under this Bylaw

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board and for the safe operation of their vessel; and
- (b) must comply with the duties of a master set out in section 19 of the Maritime Transport Act 1994.

7.2 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.

- 7.3 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.
- 7.4 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 and this bylaw.
- 7.5 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.

8 Navigation and use of vessels

- 8.1 No person who is under the age of 15 years may propel or navigate or be in control of a powered vessel that is capable of a proper speed exceeding 5 knots.
- 8.2 The person navigating or in control of any vessel must navigate such vessel with all due care and caution and at a speed and manner as not to endanger the lives of, or be likely to cause injury to any person.
- 8.3 A person must not operate or attempt to operate a vessel while intoxicated under the influence of alcohol, a drug, or both.
- 8.4 The person in charge of a vessel is responsible for ensuring that no person is carried on board a vessel who by reason of their state of intoxication, health, or other physical attribute, could put at risk or represent a risk to the other passengers of the vessel.
- 8.5 No person will embark or disembark from any vessel while that vessel is making way.

9 Wearing of lifejackets on vessels 6 metres or less in length

- 9.1 Every person in charge of a vessel 6 metres or less in length must ensure that:
 - (a) while the vessel is underway, each person wears a properly secured lifejacket of an appropriate size that securely fits each person; or
 - (b) while the vessel is not underway, sufficient lifejackets of an appropriate size to securely fit each person remain in a readily accessible location.

10 Wearing of lifejackets on vessels greater than 6 metres in length

- 10.1 If instructed to do so by the person in charge of a vessel greater than 6 metres in length, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.
- 10.2 Every person in charge of a vessel greater than 6 metres in length must ensure that:
- (a) there is on board a lifejacket of an appropriate size to securely fit each person on board;
 - (b) the lifejacket is in a readily accessible location;
 - (c) no person in charge of a vessel may use that vessel in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, unless every person on board is wearing a properly secured life jacket of an appropriate size for that person.
- 10.3 The person in charge of the vessel and any person being towed are each responsible for ensuring that the person being towed wears a properly secured lifejacket of an appropriate size to securely fit that person.

11 Exemptions from wearing a lifejacket

- 11.1 Clause 9 does not apply to:
- (a) a diver, on a vessel 6 metres or less in length overall that is used for diving within 5 nautical miles off shore, provided a full body dive suit is worn at all times; or
 - (b) 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; or
 - (c) 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; or
 - (d) 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 or buoyancy aids of an appropriate size to fit each person involved in the activity; or
 - (e) any activity where the Council has granted a prior written exemption from wearing a lifejacket in accordance with clause 30.

12 Speed of vessels

- 12.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel saving 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;
 - (d) a Reserved Area;
 - (e) 50 metres of any boundary of the Access Lane in Queenstown Bay unless specifically permitted as a condition of the reservation or by an uplifting.
- 12.2 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.
- 12.3 No person may cause or allow himself or herself to be towed by a vessel or any other means (whether or not on a water ski, aquaplane or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in clause 12.1.
- 12.4 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 without taking appropriate action to recover that water ski.
- 12.5 Clause 12.1(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 nonprofit 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 12.1(a).
- 12.6 Clause 12.1(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, a navigation bylaw provides otherwise; or
 - (b) 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 nonprofit organisation involved in sail training or racing; or
 - (c) a windsurfer; or
 - (d) a vessel training for or participating in competitive rowing or paddling; or

- (e) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 12.1(b).

13 Speed limits on District's waters

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

14 Lookouts on vessel used for water skiing and towing any person

- 14.1 No person in charge of a vessel may use it to tow any person unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 14.2 No person may cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 14.3 No person who is under the age of 12 years is permitted to act as the additional person required by clauses 14.1 and 14.2.
- 14.4 In respect of water skiing or towing between sunset and sunrise:
 - (a) 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 a water ski, aquaplane, or other towed object;
 - (b) no person may allow himself or herself to be towed by a vessel between sunset and sunrise.
- 14.5 Emergency towing is excepted from the provisions of clauses 14.1, 14.2 and 14.3.

15 Use of structures

- 15.1 No person may:
 - (a) obstruct or loiter on or near any public boat launching ramps while loading or unloading trailers; or
 - (b) leave any vessel, trailer, or motor vehicle or any other manner of thing obstructing the reasonable use of such ramps by other persons.
- 15.2 No person may use a vessel in a manner that:
 - (a) obstructs the use of a public jetty; or
 - (b) causes or permits a vessel to remain alongside a public jetty for any period longer than is reasonably necessary for

the purposes of loading or unloading persons or equipment from the vessel.

- 15.3 In no case will any vessel remain alongside a public jetty for any period exceeding ten (10) minutes, unless they hold a Commercial Activity Permit.
- 15.4 Every person in charge of any vessel, trailer, or vehicle must ensure when launching or removing any such vessel, trailer, or vehicle in or from such waters that such vessels, trailers and vehicles are entirely free of any water weed or plant growth, debris or unwanted organism.

16 Damage to buoys

- 16.1 No person may wilfully damage, remove or otherwise interfere with 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.

Part 3 – Specific navigation rules

17 General

- 17.1 All vessels operating on rivers must keep to the right at all times with boats going up river giving way to boats coming down stream.
- 17.2 All vessels must be operated and navigated in compliance with any conditions, limits or requirements detailed in any Resource Consent issued by the Queenstown Lakes District Council.
- 17.3 All parasailing must be operated and navigated strictly in accordance with the provisions contained in Schedule 1 of this Bylaw.
- 17.4 All white water boarding must be operated and navigated strictly in accordance with the provisions contained in Schedule 2 of this bylaw.
- 17.5 Clause 17.4 does not apply to recreational trips, or sporting events involving white water boarding that have been granted an exemption under clause 30.

18 Clutha River

- 18.1 The proper speed of vessels must not exceed 5 knots on the Clutha River between the outlet camping ground (marked by a five knot buoy) and the five knot buoy positioned downstream at -44.668044, 169.1616.

19 Kawarau River

- 19.1 The channel on the true right of the Kawarau River is not to be used at any time by commercial operators.
- 19.2 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.
- 19.3 Drivers of all vessels 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.
- 19.4 No person may navigate any vessels via the Kawarau Falls Control Gates 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.
- 19.5 No powered vessels may operate on that part of the Kawarau River located below the Arrow River.

20 Shotover River

- 20.1 Any operator using a vessel in the Lower Shotover River must ensure that other operators known to be using the same area of the Lower Shotover River are aware (through the maintenance of radio contact) at all times of the movements and location of that operator at all times.

21 Lakes

- 21.1 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.

22 Prohibited areas

- 22.1 No water skiing, aquaplaning or towing of persons with the use of a vessel or with the use of personal water craft is allowed 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 5);

- (c) the Shotover, Kawarau and Clutha Rivers.

23 Incident reporting

- 23.1 The person in charge of any vessel that has been involved in any incident (whether or not it occurred in the water) must report the details of the matter, 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.
- 23.2 A report must include:
- (a) a full description of any injury to persons, their names and contact details; and
 - (b) a full description of any damage to vessels, navigation aids or structures; and
 - (c) the names and address(es) of person(s) in charge of the vessel; and
 - (d) the time and date of the occurrence; and
 - (e) an outline of events relating to the occurrence.
- 23.3 The details of the incident must be:
- (a) given verbally as soon as possible to Maritime New Zealand and to the Harbourmaster; and
 - (b) reported in writing within 24 hours of the incident. The report must be sent by mail or by email to Maritime New Zealand and to the Harbourmaster.
- 23.4 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.

24 Near miss incident reporting

- 24.1 The person in charge of any vessel that has been involved in an incident which did not result in a collision or accident (whether or not with another vessel), but could have potentially done so, must report in writing the details of the incident to the Harbourmaster within 24 hours of the incident occurring.

25 Nuisance

25.1 No person may create a nuisance to any other person through:

- (a) his or her use or control of a vessel;
- (b) speed of a vessel; or
- (c) the speed of any item or object towed behind or used in conjunction with such a vessel.

25.2 No person in charge of a vessel may operate a vessel at a speed or in a manner which, having regard to all the circumstances, is or might be dangerous to the public or to any person.

26 Wake

26.1 Subject to clauses 12 and 17-21, 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.

27 Deposit of materials in or about District

27.1 No person may place, throw, deposit, cast, leave, discharge, break, or allow to fall into any waters any rocks, stones, sewage, oil or fuel.

27.2 No person may at any time put, install, place, hang, tie, leave or deposit any thing in, on or above any water or foreshore except with the prior written consent of the Harbourmaster having been obtained.

27.3 The Harbourmaster may without giving notice immediately remove and seize any such thing that is placed in contravention of this clause of the Bylaw.

Explanatory Note: the dropping of an anchor does not contravene this clause.

28 Vessels to be maintained or removed

28.1 No person may 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 23.4 of this bylaw.

28.2 The owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such

conditions that the Harbourmaster may determine appropriate to ensure navigation safety.

- 28.3 If any vessel is a hazard to navigation by reason of it being neglected, abandoned or unseaworthy:
- (a) the Council may give a written direction to the Owner of the vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time as specified in the direction; and
 - (b) the owner is responsible for ensuring the direction is complied with.
- 28.4 If the owner of a vessel fails to move the vessel in accordance with a direction given under clause 28.3 the Council may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water. The costs incurred may be recovered from the Owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.
- 28.5 The Council may, upon giving public notice of its intention to do so, sell any vessel removed by it pursuant to clause 28.4 and may also sell any contents of the vessel by public auction or private treaty and apply the proceeds of sale to the costs and expenses incurred in the removal of the vessel and its sale.
- 28.6 No person may operate any unseaworthy vessel except to comply with the directions, under this Bylaw, of the Harbourmaster or an Enforcement Officer to move the vessel to an alternative location.
- 29 Person to avoid swimming or diving around wharves or jetties**
- 29.1 No person may jump, dive, swim or undertake any other related activities:
- (a) from or within 50 metres of any commercial jetty or wharf where “no swimming” signage has been placed;
 - (b) within any other area the Harbourmaster determines is in the interest of navigation safety.

30 Special events

- 30.1 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 clauses 9, 10, 12 or 17-21 or 27.2 of these Bylaws 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.

- 30.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws (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.
- 30.3 Every grant of an application under these Bylaws is subject to Part 4 of this Bylaw unless expressly stated to the contrary.
- 30.4 No grant of an application under clause 30.1 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.
- 30.5 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 Prohibition**
 - 31.1 The Council reserves to itself the absolute discretion to declare that water based activities will be restricted or prohibited from taking place on any or all rivers or lakes within the District, for such periods of time and under such conditions as the Council may in its unfettered discretion decide.
 - 31.2 Any decision made by Council under the provision of clause 31.1 will have effect as from the time such decision is made by Council. The Council will give public notice of such declaration as soon as practicable.

Part 4 – Access Lanes and Reserved Areas

- 32 Marking of Access Lanes**
 - 32.1 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 within which area the provisions of clause 12 do not apply.
 - 32.2 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.

33 Conduct in Access Lane

- 33.1 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; and
 - (b) by the most direct route through the Access Lane; and
 - (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.
- 33.2 No person may swim in any Access Lane except in circumstances which relate to the person's lawful use of the Access Lane.
- 33.3 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.
- 33.4 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.
- 33.5 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.

34 Declaration of Access Lanes

- 34.1 The following areas are declared to be High Speed Access Lanes Lake Wakatipu:
- (a) Queenstown Bay Access Lane: starts north east end Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.034083 168.658683, -45.035017 168.659567. 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;
 - (b) The Narrows: that area of Lake Wakatipu between Kelvin Heights Peninsula and Park Street. Access Lane of 100 metres wide, the south side of the lane being marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continue 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;

- (c) 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 5); and
- (d) 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 5).

35 Reserved Areas

- 35.1 The Council may in its absolute discretion 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 activity; or
 - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of Access Lanes).
- 35.2 Where an area is reserved:
 - (a) the Council will ensure that adequate signs are provided in the vicinity of the area that:
 - (i) define the area; and
 - (ii) declare the purpose for which the area has been reserved; and
 - (iii) display in the vicinity of the reserved area, the conditions of the reservation made and the permitted use and permitted types of activities within the reserved area.
- 35.3 The Council may in its absolute discretion by public notice cancel or alter the conditions of any such declaration of a reserved area.
- 35.4 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.

- 35.5 In any area declared by the Council to be a reserved area the Council may also give public notice that:
- (a) any of the provisions of this bylaw will not apply to the reserved area; or
 - (b) such provisions apply subject to such terms conditions and for such periods as the Council thinks fit.

Part 5 – Commercial Activities

36 Application of this part

- 36.1 Clauses 36 to 39 applies to any vessel not subject to the Maritime Rules and which is:
- (a) used for hire or reward; or
 - (b) used by fare or fee paying clients, participants or passengers.

37 Commercial vessels to be licensed

- 37.1 No person may operate a vessel described in clause 36.1 unless a Commercial Vessel Licence has been issued and authorised in writing by the Council.

38 Licensing of commercial vessels for hire or reward

- 38.1 Applications for licences must:
- (a) describe the activities in respect of which the licence is sought;
 - (b) be accompanied by a Safe Operational Plan;
 - (c) include payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- 38.2 The holder of an existing licence may apply to the Council for a renewal of that licence.
- 38.3 Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- 38.4 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.
- 38.5 Every licence must be available for inspection at any time by the Harbourmaster, an enforcement officer or any prospective client or participant of the operation.

39 Consideration of application for licence

- 39.1 The terms and conditions of any licence issued by the Council may include, but are not limited to:
- (a) the suitability of the applicant to hold a licence including the applicant's experience, reputation and track record in the industry;
 - (b) defining points of embarkation/disembarkation;
 - (c) defining the area or route of operations;
 - (d) limiting the number of passengers or quantity of freight;
 - (e) limitations in respect of weather or operating hours;
 - (f) requirements for rescue vessel(s);
 - (g) requirements for safety equipment;
 - (h) the level of instruction to be given to persons hiring a vessel;
 - (i) the qualifications held by the person in charge of the vessel;
 - (j) public health and safety risks of the operation, including if the operation may diminish the level of safety for other activities in the vicinity, or cause congestion for position or other unsafe practices, at points of embarkation/disembarkation or at any place en route;
 - (k) the terms and conditions under which the operation is licensed and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such operation;
 - (l) the frequency and location of the operation;
 - (m) every Commercial Vessel Licence issued by the Council:
 - (i) is valid for the period 1 July to 30 June.
 - (ii) applies only to the vessel(s) and operator(s) named in the licence.
- 39.2 A licence may be cancelled by the Harbourmaster or the Council if its terms and conditions are breached.
- 39.3 There will be no refund of fees if a licence is cancelled.

40 Operational safety

- 40.1 No vessel is to be refuelled at any time while there are passengers on board such vessel.

41 Requirement as to survey

- 41.1 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 under the relevant Maritime Rule.

42 Inspection

- 42.1 The Harbourmaster may inspect any vessel to which this Bylaw applies at any time.
- 42.2 Any person operating a commercial water based activity for hire or reward that is not subject to any Maritime Rule made under the Maritime Transport Act 1994 is responsible for meeting all safety requirements associated with operating the activity.
- 42.3 Any commercial operator must:
- (a) complete such registration requirements as required by the Harbourmaster; and
 - (b) prepare and adopt a Safe Operational Plan, a copy of which must be submitted to the Harbourmaster for approval;
 - (c) undertake and provide evidence of annual audits of the Safe Operational Plan, safe operation and any safety equipment; and
 - (d) comply with the provisions of this Bylaw and any other relevant legislation including the Maritime Transport Act 1994 and any Maritime Rules in effect.

Part 6 – Administration provisions**43 Appointment of Harbourmaster**

- 43.1 The Council will appoint a Harbourmaster to carry out duties and enforce the provisions of this bylaw.
- 43.2 When carrying out responsibilities under these bylaws the Harbourmaster will carry and have available for production upon request sufficient confirmation of appointment by the Council as Harbourmaster.
- 43.3 The Council may at any time revoke the appointment of the Harbourmaster, or amend the conditions of appointment.

44 Powers of Harbourmaster

- 44.1 The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and may in carrying out such duties:
- (a) require persons using the waters under the control of the Council to give their full name and address;
 - (b) may stop vessels using such waters and inspect the same;
 - (c) request copies of licences or permits;
 - (d) generally do all such acts as may from time to time be necessary to carry out duties under this bylaw and any other relevant bylaw of Council or any other relevant legislation.

45 Impersonation of Harbourmaster

- 45.1 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 under this Bylaw.

46 Speed Upliftings

- 46.1 A person may apply to have any speed limit prescribed by this Bylaw uplifted from waters specified in the application, by application in writing to the Council.
- 46.2 An application under clause 46.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified; and
 - (b) the affected persons have had a reasonable opportunity to comment on the application; and
 - (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process; and
 - (d) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
 - (e) 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.
- 46.3 The Council will:
- (a) consult with the Director before granting any application made under clause 46.1; and
 - (b) notify the Director when it grants such an application and must give public notice of the speed uplifting.
- 46.4 The Council may grant an application in accordance with clause 46.1 for a specified period or periods and subject to such conditions as Council may specify in the interests of maritime safety.

47 Fees and charges

- 47.1 The fees specified in Schedule 4 for functions undertaken by the Council pursuant to this Bylaw must be paid by the applicant.
- 47.2 The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

48 Exemptions

- 48.1 The Harbourmaster may exempt by written approval, any person, vessel or class of vessels from any requirements of this bylaw on application provided the application is made prior to the

commencement of any activity in contravention of the requirements of this bylaw.

- 48.2 In granting any written exemption to any clause of this bylaw the Harbourmaster must consider the effects of the exemption on public health and safety.
- 48.3 The Harbourmaster may revoke any exemption immediately where the Harbourmaster has reason to believe public health or safety has, or may be, adversely affected.
- 48.4 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;
 - (d) if it would authorise something that is or would be contrary to any other enactment, regulations or maritime rule.

Part 7 – Enforcement

49 Offences

- 49.1 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.

50 Penalties

- 50.1 Every person who:
- (a) contravenes a provision of this bylaw commits an offence and will be liable either under the Act or the Local Government Act 2002;
 - (b) commits an offence against the Maritime Transport Act 1994 will be liable under the Maritime Transport Act 1994;
 - (c) contravenes a Maritime Rule which is included as an offence under the Maritime Transport Act 1994 will be liable under the Maritime Transport Act 1994;
 - (d) commits an infringement offence, set out in the regulations created under the Act, the Local Government Act 1974, or the

Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

51 Exceptions

- 51.1 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 police officer.

Part 8 –Revocation and savings

52 Revocation

- 52.1 The Queenstown Lakes District Navigation Safety Bylaw 2009 including all amendments is revoked.

53 Savings

- 53.1 Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 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.
- 53.2 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.
- 53.3 Directions of the Harbourmaster issued under that bylaw or preceding bylaws that were in effect before the date of commencement of the Queenstown Lakes District Council Bylaw 2014 are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 53.4 Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 continues in force but:
- (a) expires on the date specified; or
 - (b) if no expiry date is specified, expires on 31 March 2016; and
 - (c) can be renewed only by application made and determined under this bylaw.
- 53.5 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 that was filed before the day on which this bylaw commences must be dealt with by the Harbourmaster as if it had been made under this bylaw.

54 History

- 54.1 By deed of delegation, the Otago Regional Council has transferred its powers, functions and duties within the boundary of the Queenstown Lakes District to the Queenstown Lakes District Council (section 33X of the Maritime Transport Act 1994).
- 54.2 That delegation also provides for the transfer of the power to make bylaws under the Local Government Act 2002 and the Maritime Transport Act 1994 to the Queenstown Lakes District Council.

Explanatory Notes:

The Queenstown Lakes District Council Navigation Safety Bylaw 2014

This bylaw was adopted pursuant to section 33M of the Maritime Transport Act 1994 by virtue of a transfer of that bylaw making power by the Otago Regional Council pursuant to section 17(1) and 17(4)(a) 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.

Mayor

Janessa van Uden

Chief Executive Officer

[Signature]



Schedule 1 – Parasailing Operation Requirements

Part A – Parasailing operation requirements

- 1 No person may participate in parasailing unless they are wearing a lifejacket with a securing strap positioned at the bottom of the lifejacket below the foam inserts, to prevent the lifejacket riding up. Bottom securing may be a tension or crotch strap.
- 2 The vessel towing the parachute must be more than 4.57 metres in length and the engine capacity must be a minimum of 110hp.
- 3 The tow line from the vessel to the parachute must be able to float and must be no more than 300 metres in length.
- 4 The tow line release control must be on the vessel towing the parachute.
- 5 The operator must ensure that at all times when parasailing in addition to the driver of the towing vessel there is also an on board observer.
- 6 Each operator will provide a full safety briefing and instruct each participant prior to the commencement of the tow in the use of the parachute and in a system of signals to be used in take off and landing positions.
- 7 No parasailing will be undertaken when the wind speed in the area exceeds 8 knots.
- 8 Both take off and landing will be done into the wind. At take off two top holders will hold the parachute open and steady.
- 9 The parachute, tow rope and harnesses and clips being used will be subject to Certification as to the standard and strength of the fabric every six months and such Certificate will be available for inspection by the Harbourmaster.
- 10 No parasailing will be conducted on rivers or at the mouths of rivers.
- 11 All parasailing operations will be conducted entirely within any area of operation that may be so directed as being suitable for such operations by the Council.
- 12 A knife or other implement suitable for cutting the tow line must be stored in an easily accessible position on the vessel.
- 13 No parasailing will be conducted within the Frankton Arm of Lake Wakatipu.

Part B - Deck boat parasailing operation requirements are as follows:

- 14 Conditions 6, 9, 10, 11, 12 and 13 of Part “A” apply.
- 15 An operator must be at the controls of the vessel at all times when the Parasailing operation is being conducted.
- 16 The landing deck operator must wear a lifejacket.
- 17 The landing deck of the boat must be square and have a minimum area of 9 metres squared.
- 18 No deck boat parasailing will be undertaken when the wind speed in the area exceeds 20 knots.

Schedule 2 – Commercial White Water Boarding Operation Requirements

1 Buoyancy

- (1) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a lifejacket that meets the following requirements:
 - (a) a minimum buoyancy rating of 71 newtons;
 - (b) appropriate for use in turbulent or breaking water;
 - (c) adjustable shoulder straps;
 - (d) a minimum of three securing straps with side-tensioning adjustment buckles;
 - (e) at least one securing strap must be positioned at the bottom of the life jacket below the foam inserts;
 - (f) the lifejacket must not have buoyancy inserts on the side panels;
 - (g) the lifejacket must have an attachment point at the shoulder strap suitable for securing a carabiner during rescue.
- (2) Subclause (1)(g) does not apply if the attachment point is part of a fully integrated harness.
- (3) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a wetsuit that has long sleeves and full length legs.
- (4) Guides must wear lifejackets which have a releasable belt and buckle suitable to perform lowered or supported rescues.

2 Secure fitting of lifejackets

- (1) No person may participate in any white water boarding trip without being securely fitted and fastened with both the lifejacket specified in clause 1 of Schedule 2 and a wetsuit that has long sleeves and full length legs.
- (2) A guide of a commercial white water boarding trip must ensure that:
 - (a) every participant is correctly and securely fitted with a lifejacket that meets the requirements of clause 1 Schedule 2 before entering the water; and
 - (b) the fastening and secure fit of the lifejacket to the participant is maintained for the duration of the white water boarding trip.

3 Helmets

- (1) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a helmet that meets the specifications the operator's safety plan for white water boarding.
- (2) A guide of a commercial white water boarding trip must check that every helmet is securely fitted to the participant before the participant enters the water.
- (3) A guide of a commercial white water boarding trip must check that the secure fit of the helmet to the participant is maintained throughout the trip.

4 Clothing and footwear

- (1) A commercial white water boarding operator must ensure that every participant wears a full body wetsuit which is long legged and long sleeved.
- (2) A commercial white water boarding operator must ensure that every participant is equipped and correctly fitted with a set of fins appropriate for white water boarding.

Schedule 3 – Upliftings

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.

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	-44.8477722222 to 168.36258888900
			Upper Boundary	-44.57401666670 to 168.35088333300
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44.66956666670 to 168.31092500000
Rees River	From Lake Wakatipu to Muddy Creek	1 May to 30 October	River Mouth	-44.8493555556 to 168.37848055600
			Upper Boundary	-44.6952555556 to 168.33348055600
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44.8939527778 to 168.67283611100
			Skippers Bridge	-44.84400833330 to 168.68756944400
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45.01643888890 to 168.77336388900
			Oxenbridge Tunnel	-44.9823305556 to 168.66642222200
Kawarau River	From Lake Wakatipu to the Arrow River confluence, excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.	All Year	Lake Wakatipu	-45.02818611110 to 168.73298333300
			Arrow River confluence	-45.00776944440 to 168.88139444400
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.31988611110 to 169.17365277800
			Young River confluence	-44.20071388890 to 169.23839166700

Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27113611110 to 169.18318055600
			Kerin Forks	-44.23622222220 to 169.03308888900
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	-44.62222222220 to 169.01938888900
			East Branch	-44.44343333330 to 168.81357222200
			West Branch	-44.49607777780 to 168.78540833300
Clutha River	From the 5 knot buoy marker to the Red Bridge GPS This is the end of the QLDC area. From the Red Bridge downstream is a 5knot uplifting.	All Year between hours of 10am to 4pm in the winter and 10am to 6pm in the summer	5 Knot buoy	-44.668044 to 169.1616
			Red Bridge	-44.730822 to 169.281736
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.281736 to 169.445344
			Ferguson Creek	-44.713972 to 169.210278

2 Upliftings for Access Lanes

- (1) 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

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

Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.85768888890 to 168.38161666700
Kinloch Main Beach	-44.84421388890 to 168.35022222200
Kelvin Grove	-45.04392500000 to 168.67936666700
Frankton Beach	-45.02119166670 to 168.72900277800
Willow Place West Side	-45.02825000000 to 168.71625555600
Loop Road	-45.03589444440 to 168.69895555600
Frankton Arm North Side	-45.02965277780 to 168.68802500000
Kingston Main Beach	-45.33203888890 to 168.71623333300
Bobs Cove	-45.07270555560 to 168.51366111100
Wilsons Bay	-45.06074722220 to 168.56670833300
Water ski access lanes - Wanaka	
Roys Bay - Eely Point	-44.68268333330 to 169.12149722200
Roys Bay - Main Beach adjacent Pembroke Park	-44.69651666670 to 169.13018888900
Roys Bay - Water Fall Creek	-44.68635833330 to 169.09534722200
Dublin Bay	-44.64879444440 to 169.17048333300
Glendhu Bay - West ski lane	-44.67148888890 to 169.01166388900
Glendhu Bay - East ski lane	-44.67435000000 to 169.02141666700
Lake Hawea Ski Lane	-44.60928333330 to 169.26851111100

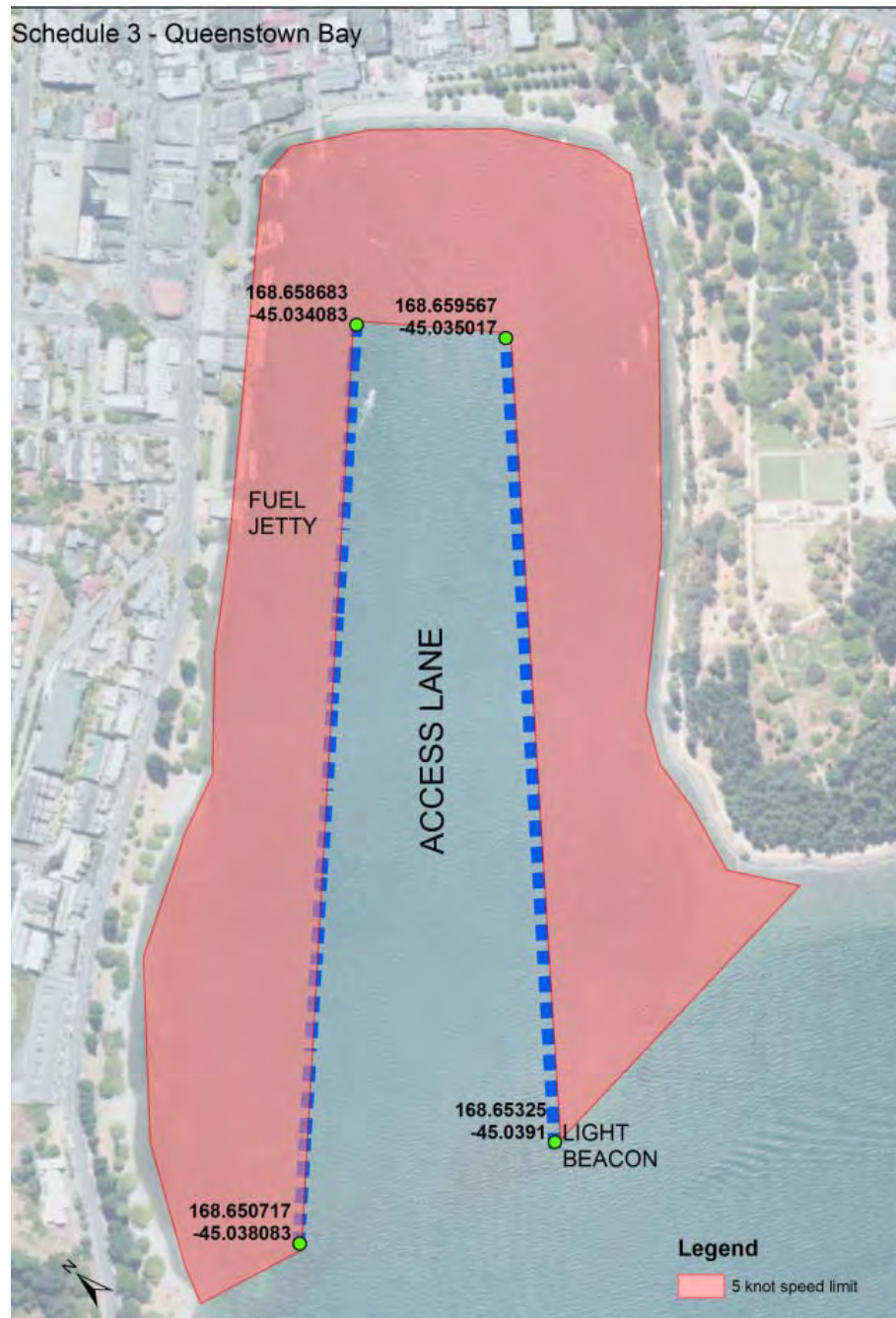
Explanatory notes:

These explanatory notes and the associated illustrations do not form part of this bylaw but are included to show the location and general effect of the navigation rules which apply within the district.

Map 1 – Queenstown Lakes District Overview



Map 2 – Queenstown Bay



Map 3 – The Narrows, Queenstown



Map 4 – Kwarau Dam



Map 5 – Frankton Arm, Lower Shotover & Kawarau River



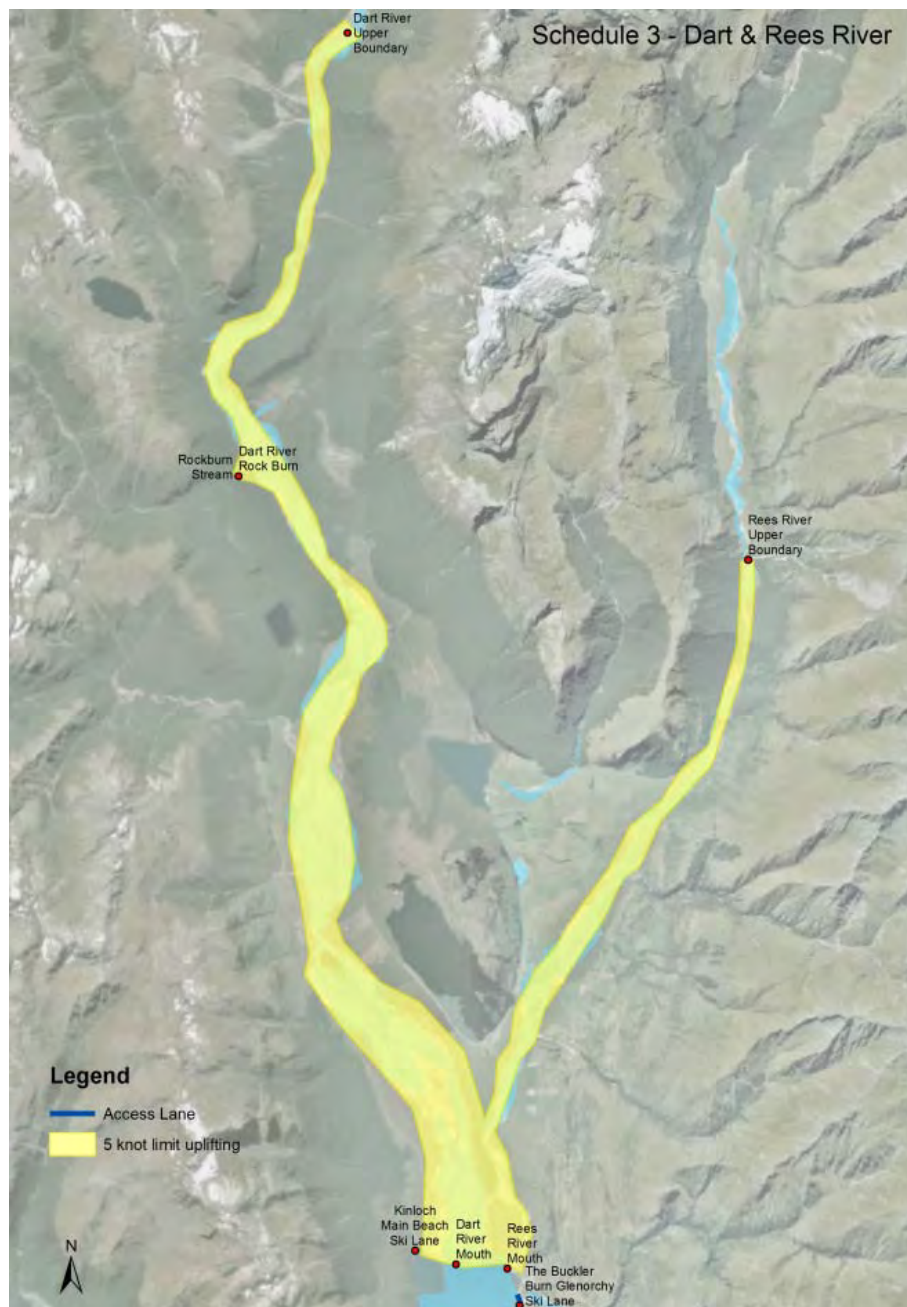
Map 6 – Upper Shotover



Map 7 – Kawarau River



Map 8 – Dart & Rees River



Map 9 – Clutha River Mouth



Map 10 – Clutha River



Map 11 – Matukituki River



Map 12 – Hunter River



Map 13 – Makarora & Wilkin River



Map 14 – Wanaka Ski Lanes



Schedule 4 – Fees

1 Fees

- (1) The fees specified in column two of the chart below are the prescribed amounts for the classes of licence specified in column one of the chart below.
- (2) All fees are inclusive of GST.

Prescribed fees:

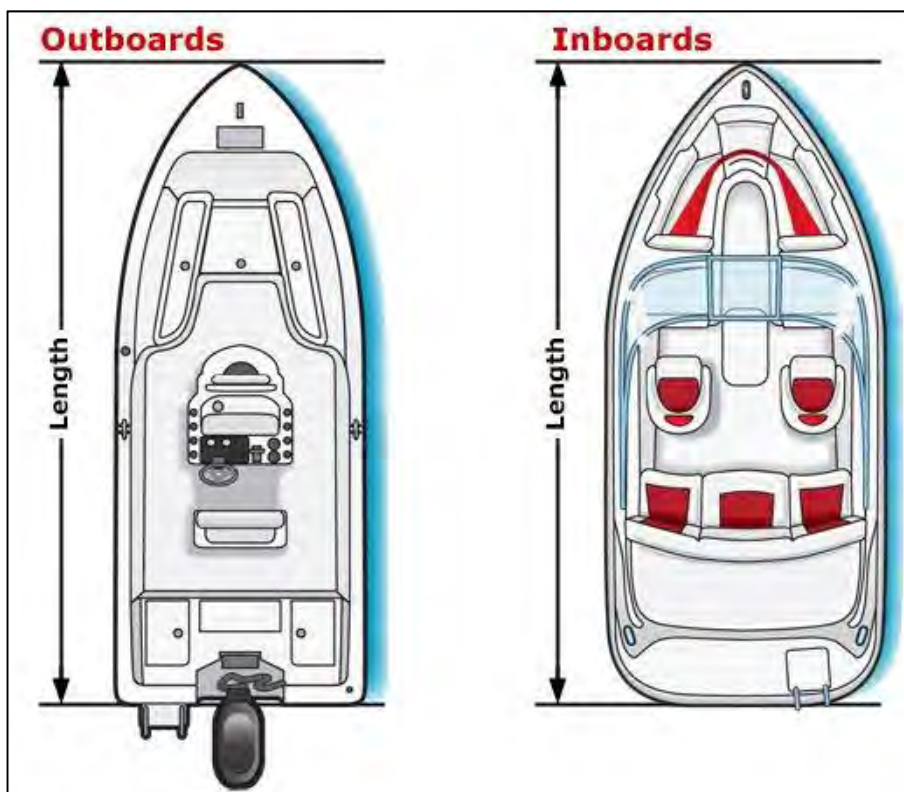
Description	Fee per commercial activity
Annual fee for commercial activity licence	\$1,000
Special Event Licence	\$120 per hour plus actual costs
Bylaw Exemption	\$120 per hour plus actual costs
Speed Uplifting	\$120 per hour plus actual costs

Schedule 5 – Length Overall of a Vessel

1 Length overall of a vessel

- (1) Length overall of a vessel means the overall length of the vessel when measured from the foreside of the head of the stern 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





As at
1 October 2014

Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014

Queenstown Lakes District Council

Bylaw 2014 No. 1

Date of making: 26 June 2014
Commencement: 1 October 2014

Present:

Mayor Vanessa van Uden, Councillors Aoake, Cocks, Ferguson,
Forbes, Gilmour, Lawton, MacLeod and Perkins

A bylaw to set the fees payable by users of the District's waterways facilities and services, pursuant to section 33R of the Maritime Transport Act 1994.

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Part 1 – Preliminary

1 Title and Commencement

This bylaw is the “Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014”.

This bylaw comes into force on 1 October 2014.

2 Area within which Bylaw applies

This bylaw applies to the waters, foreshores, lake beds and riverbeds within the territorial boundary of the Queenstown Lakes District Council.

3 Purpose

The purpose of this bylaw is to:

- (a) regulate and control the use or management of permits for the use of maritime structures;
- (b) regulate the placing and maintenance of moorings and maritime structures;
- (c) prescribe fees and charges for the performance of administrative functions;
- (d) prescribe offences and penalties for contravening or permitting a contravention of this bylaw.

4 Bylaw to bind the Crown

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

5 Delegation

Any of the various powers and functions of the Council as detailed and set out in this bylaw, may be delegated by it, to its Chief Executive Officer and sub-delegated by the Chief Executive Officer to any such other Officer of Council or duly appointed Harbourmaster.

6 Interpretation

(1) In this bylaw, unless the context otherwise requires,–

commercial activity means

- (a) making a craft available for charter; or
- (b) operating for hire or reward; or
- (c) any other activity from which a person receives or may receive any reward, fee, benefit or commission from the use of a maritime structure and includes temporary events

contravene includes fail to comply with

Council means the Queenstown Lakes District Council

craft means–

- (a) any thing capable of being used to carry a person or goods over or under water, whether or not it is self-propelled;
- (b) an aircraft as defined in section 2 of the Civil Aviation Act 1990;
- (c) a hovercraft

enforcement officer means a person appointed to be an enforcement officer by the Queenstown Lakes District Council

fee means the fee for the relevant permit set out in Schedule 1

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 a person appointed to be a Harbourmaster for the Queenstown Lakes District under Part 3A of the Maritime Transport Act 1994

hovercraft means a machine designed to be supported in the atmosphere, wholly or partly by air expelled from the machine that forms a cushion extending beneath the machine to the surface of the ground, water or other portion of the earth's surface

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)

maintaining means as the context requires,–

alter, demolish, erect, extend, place, reconstruct, remove, repair a maritime structure or part of a maritime structure in, on, under or over land located on the foreshore or bed of a lake or river

maritime structure means any building, equipment, device, wharf, jetty, breastwork or other device or facility fixed to land (whether or not it is located above or below the waterline), but does not include:

- (a) aids to navigation:
- (b) a mooring:
- (c) temporary structures associated with an event with a permit pursuant to clause 26 of the Queenstown Lakes District Council Navigation Safety Bylaw 2014

maritime structure permit means a permit or a combination of permits granted under clause 15

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 craft or any floating structure and –

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

mooring permit means a permit issued under clause 8 of this bylaw

occupy means as the context requires, erecting, placing or maintaining any structure in, on or over the foreshore or bed of a lake or river where a lease or licence to occupy that part of the

foreshore of the bed of a lake or river is or would be necessary, irrespective of whether or not such occupation is to the exclusion of all other persons

ramp in relation to water, means any structure that is—

- (a) provided for launching craft into the water or taking craft out of the water; and
- (b) owned or administered by the Queenstown Lakes District Council;

and includes land, owned or administered by the Council, that lies within 50 metres of a ramp

ramp permit means a permit issued under clause 7 for the use of a ramp to launch a craft into water or to remove it from water.

Part 2 – Ramp and Launch Permit Required

- 7 Permit required to use a ramp or launch facility**
- (1) A person must not use a ramp to launch a craft into the water or take it out of the water unless there is a valid ramp permit for that craft.
 - (2) A person must not at a launch facility, launch a craft into the water or take it out of the water using a trailer, unless there is a valid ramp permit for that craft.
 - (3) The fee payable for a ramp permit is the fee specified in Schedule 1.

Part 3 - Mooring Permits

- 8 Mooring permits**
- (1) No person may place a mooring in any waters, or moor or berth any craft in any navigable waters, unless a mooring permit has been obtained.
 - (2) The fee payable for a mooring permit is the fee specified in Schedule 1.

9 Consideration of application for a mooring permit

- (1) When considering an application for a mooring permit and the conditions to be imposed under it, the Harbourmaster or the Council may take into account any matter, including but not limited to the following:
- (a) if the mooring site is located in a mooring zone:
 - (b) if there is adequate space at the mooring site for the proposed mooring and craft:
 - (c) if the mooring is of adequate specifications to accommodate the proposed craft to be moored:
 - (d) if the craft can be safely navigated to and from the mooring site:
 - (e) any public health and safety risks of the mooring site, including if the mooring may diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices:
 - (f) matters relating to the suitability of the applicant to hold a permit:
 - (g) if the applicant has previously been in breach of the permit conditions:
 - (h) if the application fee or permit renewal fee has been paid.

10 Conditions of permit

- (1) The terms and conditions upon which a mooring permit may be granted include, but are not limited to the following:
- (a) the location of the mooring:
 - (b) the type, size and length of the specified craft that may be attached to the mooring:
 - (c) the design and specifications of the mooring:
 - (d) maintenance requirements:
 - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a craft:
 - (f) a condition requiring the applicant to produce a certificate of currency for a policy of insurance for the craft, the mooring or both the craft and the mooring.

- (2) The permit holder as named in the permit shall pay to the Council the application or permit renewal fee specified in schedule 1, together with such permit fee as specified in schedule 1.

11 Maintenance and construction requirements

- (1) The Harbourmaster or the Council may set mooring maintenance and construction guidelines for any type or class of mooring and set controls governing the weight, size and length of mooring components.
- (2) The owner of a swing mooring or a pile mooring must maintain his or her mooring in a proper state of condition and repair and must comply with the mooring guidelines set by the Harbourmaster or the Council.
- (3) The owner of a mooring must obtain a current mooring inspection certificate for the mooring and the certificate of inspection must be provided to the Harbourmaster.
- (4) A mooring owner may carry out maintenance after removing the mooring from the water, provided the inspection fee has been paid and arrangements are made by the mooring owner for inspection of the mooring by a suitably qualified person and the payment of any licence fee prior to the mooring being reinstated.
- (5) The Harbourmaster or the Council may require a suitably qualified person to inspect, on behalf of the owner, all the components of pile moorings at suitable intervals, and notify the mooring owner if parts must be replaced or if maintenance must be carried out. Replacement of parts or maintenance must be carried out within the advised timeframe. Replacement of piles will be notified and coordinated by the Harbourmaster or the Council at the recommended guideline interval.
- (6) The Harbourmaster or the Council may cancel the mooring permit for any mooring that does not hold a current mooring inspection certificate and may remove or sell the mooring and any craft occupying the mooring.
- (7) All costs associated with the inspection, maintenance and replacement of components must be borne by the mooring owner.

12 Liability of the Council

- (1) Owners shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.
- (2) The Council is not liable for:
 - (a) any damage to a craft whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause:
 - (b) any damage to craft which have not been securely moored:
 - (c) any damage to a craft which results from any actions taken by the Harbourmaster to secure a craft, in the event of a storm or other adverse event:
 - (d) any actions or omissions of the Harbourmaster or any other officer of the Council in the performance of any duties, functions or powers in respect of this bylaw.

13 Powers of Harbourmaster or the Council with respect to moorings and craft on moorings

- (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 section of the bylaw.
- (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 the timeframe specified by the Harbourmaster or the Council.
- (3) The Harbourmaster or the Council may remove any mooring, and any craft occupying the mooring if:
 - (a) a mooring permit has been cancelled and the owner has not removed the mooring within the time frame specified by the Harbourmaster:
 - (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date:
 - (c) the mooring is unauthorised under the Regional Plan or District Plan or is unlicensed pursuant to the provisions of this bylaw.

- (4) The Harbourmaster or the Council may detain any mooring or craft together with the contents of the craft until the actual costs of removing the mooring and storing the craft have been paid.
- (5) If the costs of removal or storage have not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or craft and its contents to recover the debt.

14 Transfer of ownership and termination of mooring licences

- (1) An application for the transfer of a mooring permit must be made in the prescribed form and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster or the Council may require to enable processing of the application.
- (2) When a permit holder applies to the Harbourmaster or the Council seeking approval for the transfer of a mooring permit to another person, the Harbourmaster or the Council may approve the transfer if:
 - (a) all mooring permit fees, including the transfer fee are fully paid; and
 - (b) the mooring has a current inspection certificate required under this bylaw; and
 - (c) the mooring specification and design are adequate to accommodate the proposed craft to be moored; and
 - (d) the new mooring owner agrees to the terms and conditions specified in the original licence.

Part 4 – Maritime Structure Permits

15 Permit required to occupy and use maritime structures, or foreshore

- (1) No person may occupy (in whole or part) any maritime structure or foreshore without first obtaining either a Maritime Structure Permit (Commercial) or a Maritime Structure Permit (Non-commercial).

- (2) Any person occupying a maritime structure must obtain a Maritime Structure Permit (Commercial) if:
 - (a) significant commercial activities occur at that maritime structure; or
 - (b) the occupier receives or may receive any reward, fee, benefit or commission from any use of that maritime structure.
- (3) No person may use for the purpose of a commercial activity, any maritime structure (in whole or part) controlled by the Council without first obtaining a commercial activity permit.
- (4) The fees payable for a Maritime Structure Permit (Commercial) or a Maritime Structure Permit (Non-Commercial) are as specified in Schedule 1.
- (5) The fees payable for a Commercial Activity Permit are as specified in Schedule 1.
- (6) All maritime structures that are jetties or similar such structures are available for the general use of the public and are not for the sole and private use of the permit holder, however the holder of a Maritime Structure (Commercial) Permit or a Commercial Activity Permit has preferential use of an area described in the permit.

16 Consideration of application for maritime structure permits

- (1) In respect of any maritime structure permit the permit holder must:
 - (a) maintain the maritime structure in a safe and acceptable condition;
 - (b) make any such repairs and carry out any maintenance as directed by the Harbourmaster or the Council;
 - (c) provide evidence that, where required, the following have been obtained:
 - (i) any resource consent in respect of the maritime structure and pursuant to the provisions of the Resource Management Act 1991; and
 - (ii) any building consent for the structure pursuant to the provisions of the Building Act 1991.

- (2) Where more than one commercial activity permit is granted, the priority of use will be specified by Council or the Harbourmaster in the conditions of the permit.
- (3) The permit holder as named in the permit shall pay to the Council the application or permit renewal fee specified in Schedule 1, together with the applicable annual permit fee as specified in Schedule 1.

17 Conditions of Maritime Structure Permits

- (1) Any maritime structure permit shall only apply to that area:
 - (a) of the foreshore of a lake or river as is detailed and identified on the permit issued by the Council; and
 - (b) that area of the maritime structure as is detailed and identified on the permit issued by the Council.
- (2) The Council shall specify which area(s) of the maritime structure are to be made available for use by members of the public.
- (3) The expiry of the permit shall be stated on the permit.
- (4) Further terms and conditions attached to any permit to occupy a maritime structure may include:
 - (a) the precise location of the structure described by GPS referencing;
 - (b) design and specification criteria;
 - (c) inspection certificate;
 - (d) maintenance requirements;
 - (e) requirements as to safety;
 - (f) requirements to meet guidelines as set by the Council;
 - (g) any other matters the Harbourmaster or Council considers relevant.

18 Consideration of Application for Commercial Activity Permit

- (1) The Council shall give public notice of its intention to grant an application for a commercial activity permit.
- (2) The permit shall only apply to that area of the maritime structure as is detailed and identified on the permit issued by the Council.

19 Conditions of Commercial Activity Permits

- (1) The term of the permit shall be clearly stated on the permit.
- (2) The Council may impose any conditions it considers appropriate.
- (3) The applicant must provide evidence that, where required, the following have been obtained:
 - (a) any resource consent in respect of the maritime structure and pursuant to the provisions of the Resource Management Act 1991; and
 - (b) any building consent for the structure pursuant to the provisions of the Building Act 2004;
 - (c) the written consent of the landowner, owner and occupier of the structure;
- (4) The fees payable for a commercial activity permit are the fees specified in Schedule 1.

Part 5 - General Provisions

20 Authority to issue permits and collect fees

- (1) The Council may issue any maritime structure permit.
- (2) The Council or the Harbourmaster may—
 - (a) issue any of the other permits set out in Schedule 1; and
 - (b) authorise any person to issue any of the other permits set out in Schedule 1;
 - (c) authorise any person to collect any of the fees set out in Schedule 1.
- (3) The Council may exercise its discretion to waive, in whole or part, any fee payable on receipt of written application.

21 Validity of permits

- (1) Any permit issued under the authority of this bylaw is valid—
 - (a) for the period set out in Schedule 1 for the relevant type of permit; and
 - (b) if the fee for that type of permit has been paid to the Harbourmaster, the Council or a person authorised to issue a permit under clause 18 of this bylaw.
- (2) Any permit is not valid if it has been altered.

22 Non-compliance with conditions of a permit

- (1) Where a holder of any permit 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) withdrawal of the permit; or
 - (iv) cancellation of the permit.
 - (c) enforce any breach of this bylaw as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.
- (2) There will be no refund of fees if any permit is withdrawn.
- (3) Any permit required by this bylaw must be kept on board the craft or carried by the holder and must be produced immediately on request by the Harbourmaster, an Enforcement Officer or Police Officer.

23 Offences

- (1) Every person who contravenes these bylaws commits an offence and is liable on conviction to the penalty set out in an order of Council that makes regulations for the purpose of this bylaw.
- (2) Every person who –
 - (a) uses a ramp or a launch facility together with a trailer, to launch a craft into the water or to take a craft out of the water;
 - (b) uses a mooring;
 - (c) occupies a maritime structure:
 without the specified permit commits an offence.
- (3) If the Harbourmaster or Enforcement Officer has reasonable cause to believe an offence has been committed by any person, an infringement notice in respect of that offence may be served on that person.

- (4) The Harbourmaster or Enforcement Officer may deliver the infringement notice (or a copy of it) to the person alleged to have committed the offence personally or by post, addressed to that person's last known place of residence.
- (5) 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 Police Officer.
- (6) A person does not contravene this bylaw if that person proves that the act or omission was in compliance with a concession granted by the Council.

24 Penalties

- (1) Every person who commits an offence under clause 23(1) is liable on conviction to the penalty set out in an order in Council that makes regulations for the purpose of this bylaw.
- (2) Every person convicted of an offence under clause 23(2) is liable to a fine not exceeding \$70 and, in the case of a continuing offence under clause 23(2), \$100 for each day on which the offence continues.

25 Fees

- (1) The fees for specified permits are prescribed in the applicable table in Schedule 1.
- (2) The prescribed fees are inclusive of goods and services tax.
- (3) Where a charge fixed in accordance with Schedule 1 is, in any particular case, inadequate to enable the Council to recover its actual and reasonable costs in respect of the application, the Council may require the person who is liable to pay the charge, to also pay the Council's actual costs.

26 Revocations

- (1) The following clauses of the Queenstown Lakes District Navigation Safety Bylaw 2009 are revoked:
 - (a) Clauses 4.1 – 4.6 regarding foreshore licences and public structure licences;
 - (b) Clause 4.7 – which relates to moorings licences.

27 Savings

- (1) Any regulations made in respect of the Queenstown Lakes District Council Navigation Safety Bylaw 2009 shall be deemed to have also been made in respect of the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014.
- (2) Any licence, consent, permit, dispensation, permission or other form of approval previously issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 continues in force but:
 - (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires on 30 June 2015; and
 - (c) can be renewed only by an application made and determined under this bylaw.
- (3) Any application for a licence, consent, dispensation, permission or other form of approval which is the subject of this bylaw that is filed after this bylaw is made and before the day on which this bylaw commences, must be dealt with by the Harbourmaster or the Council as if it had been made under this bylaw.
- (4) Nothing in this bylaw shall affect the expiry or operation of a concession that has been granted by the Queenstown Lakes District Council prior to the commencement of this bylaw.

28 History

Section 33R of the Maritime Transport Act 1994 provides that a Regional Council may impose fees in respect of any land, building, equipment or other property that is owned by the council and operated for maritime-related purposes.

By deed of delegation, the Otago Regional Council has transferred its powers, functions and duties within the boundary of the Queenstown Lakes District to the Queenstown Lakes District Council (section 33X of the Maritime Transport Act 1994). The delegation also provides for the transfer of the power to make bylaws under the Local Government Act 2002 and the Maritime Transport Act 1994 to the Queenstown Lakes District Council.

Schedule 1 – Fees

- (1) the fees for permits issued under this bylaw are prescribed as follows:

Ramp Permit for any Ramp in district and Launch Permit for specified Launch Facilities in district		
Valid Period	Fee per Non-Commercial Craft (\$)	Fee per Commercial Craft (\$)
Up to 24 hours	5.00	5.00
1 October 2014 – 30 June 2015	40.00	60.00
1 July 2015 – 30 June 2016	50.00	70.00
1 July 2017 – 30 June 2018	50.00	70.00

Maritime Structure Permits (Non-commercial)	
Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Maritime Structure (\$)
Application fee and permit renewal fee	120
Fee per size of maritime structure	
Up to 15m ²	115
15m ² up to 28m ²	230
28m ² up to 56m ²	460
56m ² up to 84m ²	750
84m ² and over	920

Maritime Structure Permits (Commercial)	
Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Maritime Structure (\$)
Application fee and permit renewal fee	200
Fee per maritime structure	
Up to 15m ²	As specified in annual plan
15m ² up to 28m ²	As specified in annual plan
28m ² up to 56m ²	As specified in annual plan
56m ² up to 84m ²	As specified in annual plan
84m ² and over	As specified in annual plan

Commercial Activity on Council Controlled Maritime Structure	
Valid Period 12 months commencing 1 July and ending 30 June	Fee Per Commercial Activity on Public Maritime Structure (\$)
Application fee and permit renewal fee	120
Fee per use of maritime structure	As specified in annual plan

Mooring Permit Fees		
Valid Period	Fee Non- commercial craft fee per mooring (\$)	Fee Commercial Craft Fee per mooring (\$)
1 October 2014 – 30 June 2016	332.50	As specified in annual plan
1 July 2016 – 30 June 2018	380.00	As specified in annual plan
Application and permit renewal fee	120.00	200.00
Application and permit renewal fee	120.00	200.00



SUMMARY OF STATEMENT OF PROPOSAL

**PROPOSED QUEENSTOWN LAKES DISTRICT COUNCIL
NAVIGATION SAFETY BYLAW 2017**

**PROPOSED REVOCATION OF QUEENSTOWN LAKES DISTRICT
COUNCIL WATERWAYS AND RAMP FEES BYLAW 2014 AND
NAVIGATION SAFETY BYLAW 2014**

PROPOSED MARITIME FEES AND CHARGES

OVERVIEW

- 1 The Queenstown Lakes District Council (**Council**) has completed an internal review of the Navigation Safety Bylaw 2014 (**current bylaw**), and the Waterways and Ramp Fees Bylaw 2014 (**Waterways Bylaw**). The Council proposes to adopt a new Navigation Safety Bylaw 2017 (**proposed bylaw**), which updates, simplifies, and consolidates navigation safety rules, and incorporates rules affecting moorings, which were previously regulated under the Waterways Bylaw. The Council is also seeking public feedback regarding proposed maritime fees and charges for the use and occupation of Council maritime assets and administrative fees associated with the proposed bylaw.
- 2 On 6 October 2016, Council resolved to recommend to the incoming Council (after the local election) to carry out a full review of the current bylaw and the Waterways Bylaw. The objective of the review is to update existing navigation safety controls to ensure greater consistency with the requirements of the Maritime Transport Act 1994 (**MTA**) and maritime rules, reduce duplication, remove controls that are no longer required, and to simplify the bylaw where possible.
- 3 Council officers have consulted with the Harbourmaster and Deputy Harbourmaster to identify matters within the current bylaw that require updating, and to address specific concerns they have with the current bylaw. Council officers have also conducted internal meetings with staff and contractors responsible for overseeing the Waterways permitting system under the Waterways Bylaw.

PROPOSAL

- 4 The Council has completed its review of the Navigation Safety Bylaw 2014 and the Waterways and Ramp Fees Bylaw 2014, and proposes that:
 - a. The proposed Navigation Safety Bylaw 2017 is adopted (see **Appendix 1**).
 - b. The Navigation Safety Bylaw 2014 (**Appendix 2**) and the Waterways and Ramp Fees Bylaw 2014 (**Appendix 3**) are revoked.
 - c. The proposed Maritime Fees and Charges (**Appendix 6**) are prescribed in accordance with section 33R of the MTA.
- 5 Section 83A of the LGA allows the Council to carry out the consultation regarding the above proposals concurrently.

Navigation Safety Bylaw 2014

- 6 The Harbourmaster and Council staff consider that most of the existing rules under the current bylaw are appropriate and effective in addressing navigation safety issues within the District. Therefore, the Council intends to continue most of the existing rules under the proposed bylaw. However, a number of changes to the current bylaw are proposed to improve consistency with the provisions in the MTA and Maritime Rule 91. Council staff have also identified some rules within the current bylaw that are redundant, or contain requirements relating to specific activities that are already effectively regulated elsewhere.
- 7 A table providing a comparison between the current bylaw and the proposed bylaw is set out in **Appendix 5** to the Statement of Proposal. The table is not exhaustive, but provides an overview of the key changes identified by the Council and Harbourmaster.

Waterways and Ramp Fees Bylaw 2014

- 8 During the last review of the Waterways Bylaw, the Council concluded that the current Waterways permitting system was unnecessarily complex, duplicative, and difficult to implement uniformly across the District. Some people in the community are having difficulty understanding the Waterways permitting system and are failing to meet the Waterways Bylaw requirements as a result. These challenges are placing pressure on the Council to spend more resources on public education and enforcement of the Waterways Bylaw to meet the objectives of the bylaw in the District.
- 9 The Council has concluded that it is appropriate to substantially rationalise existing permit types, fee structures, and processing requirements in a manner that will simplify the Waterways permitting system. The changes will still allow the Council to achieve its core objectives, including the recovery of the costs of providing and maintaining the District's waterways, facilities and services from users. A summary of the key changes are set out below.

Waterways permit (under Waterways Bylaw)	Proposed replacement (under Navigation Safety Bylaw)
Maritime Structure Permit (Commercial)	Revoked, and replaced by a requirement to obtain Council permission.
Maritime Structure Permit (Non-commercial)	Revoked, and replaced by a requirement to obtain Council permission.
Commercial Activity Permit	Revoked.
Ramp Permit	Revoked and replaced through fees and charges set in accordance with the MTA and LGA.
Mooring Permit	Retained under the proposed Navigation safety Bylaw 2017.

Maritime Fees

- 10 The Council is also seeking public feedback regarding the proposed maritime fees and charges for the use and occupation of Council maritime assets and administrative fees associated with the proposed bylaw (**Appendix 6**). The power to prescribe maritime fees is contained in s33R of the MTA.
- 11 Staff consider that maritime fees should be set by Council resolution following consultation with the public under the Local Government Act 2002, rather than within the proposed bylaw. The reason for this approach is that the proposed maritime fees and charges may need to be revisited after current permits expire on 30 June 2018. Specifying fees by Council resolution will enable the Council to update the fees without amending the proposed bylaw (should it be adopted).

TIMETABLE FOR CONSULTATION

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

- a. Council resolves to undertake public consultation regarding the Proposal between 30 September 2017 and 30 October 2017.
- b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 30 September 2017 and 6 October 2017.
- c. Submissions close on 31 October 2017.
- d. Submissions heard by a subcommittee of Councillors during the week of 13 – 17 November 2017 (to be confirmed).
- e. Council considers outcome of consultation process and whether to make decisions in the Proposal – 14 December 2017.
- f. Public notice of final decision – 17 December 2017.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 13 Copies of this Statement of Proposal and the proposed Bylaw 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; or
 - c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 14 Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to do so. Submissions should be directed toward matters that are within the scope of the Proposal.
- 15 The Council would prefer that all parties intending to make a submission:
 - a. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 16 Submissions must be received by **Tuesday 31 October 2017**. The Council will then convene a hearing, which it intends to hold between **Monday 13 November and Friday 17 November 2017** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 17 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.
- 18 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 19 Section 82 of the LGA 2002 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

- 20 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the proposed bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.
- 21 Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

Appendix 5 – Table of changes under proposed Queenstown Lakes District Council Navigation Safety Bylaw 2017

This table is prepared for the purposes of summarising the key changes between the Queenstown Lakes District Council's current Navigation Safety Bylaw 2014, and proposed Navigation Safety Bylaw 2017. For the avoidance of doubt, the table does not comprehensively identify and explain every change between the proposed bylaw and the current bylaw. The table is intended as a guidance tool only, and is not a substitute for obtaining legal and/or professional advice as to the changes and/or implications of the proposed bylaw.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
1 - Title and Commencement	1	N/C	
2 - Application	2	Proposed bylaw now specifies that the map of the Queenstown Lakes District is in Schedule 1.	Inserted so that the areas subject to the proposed bylaw are easily identifiable.
3 - Purpose	3	New purposes added including regulation of anchorages, regulation of the placing and maintenance of moorings and maritime facilities, and prescribing administrative requirements, fees and charges.	The proposed bylaw contains rules affecting anchorages, moorings and maritime facilities, in accordance with s 33M of the Maritime Transport Act 1994.
4 - Bylaw to bind the Crown	4	N/C	
5 - Delegation	5	Specify that the Council can delegate powers and functions to any person provided it is in accordance with requirements under the Maritime Transport Act 1994, and the Local Government Act 2002.	The Council may delegate powers and functions associated with navigation safety to the Harbourmaster and enforcement officers. Administrative functions can be delegated to other persons, including Council staff and contractors.
6 - Interpretation	6	<ul style="list-style-type: none"> The following definitions have been deleted: "commercial activity permit", "white water boarding operation", "driver", "licence", "licensee", "maritime structure (commercial) permit", "person", "public jetty, wharf, ramp", "ship" and skipper. 	Multiple changes made to the definitions clause to reflect proposed changes to the bylaw, remove definitions that are no longer necessary, and update definitions to align with the Maritime Transport Act 1994 and maritime rules.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
		<ul style="list-style-type: none"> • New definitions inserted: “dangerous goods”, “flag A”, “flag B”, “hot work operations”, “jet boat”, “moor”, “mooring permit”, “navigation aid”, “recognised authority”, “restricted visibility”, “Shotover River concession area”. • The definition of “commercial vessel”, “incident”, “owner” and “whitewater board” have been modified. • The “paddleboard” definition has been updated to include the natural and ordinary meaning of the term, and to specifically include paddleboards that are inflatable. • The “personal water craft” definition has been updated to specify that it includes a jet ski. • The “person in charge of a vessel” definition has been updated to include a person who appears to the Harbourmaster to be responsible for a vessel. • The “structure” definition has been updated to include a facility which is situated on a bed of a water body. • The “sunrise/sunset” definition has been 	<p>The updated definition makes clear that inflatable paddleboards are covered, in addition to any future modification to paddleboard design.</p> <p>Ensures that the Harbourmaster can identify the person responsible for a vessel, regardless of whether they are steering the vessel.</p>

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
		<p>updated to mean the time designated for sunrise/sunset according to New Zealand standard time rather than under the Nautical Almanac.</p> <ul style="list-style-type: none"> The “vessel” definition has been updated to include an inner tube, a kayak and a canoe. 	<p>The substitution of NZ standard time for the Nautical Almanac is intended to make it easier for members of the public to identify sunrise / sunset.</p> <p>This is necessary due to the wide range of craft used on waterways.</p>
<p>7 - General duties of person in charge of the vessel to ensure safety; and</p> <p>55 - General enforcement powers of the Harbourmaster</p>	7 and 8	<p>Clause 7 of the proposed bylaw consolidates obligations on persons in charge of a vessel, which are set out in clause 7 and 8 of the current bylaw. General enforcement powers of the Harbourmaster under clause 7 of the current bylaw have been moved to clause 55 of the proposed bylaw, within Part 10 – Administration provisions.</p> <p>The proposed bylaw no longer imposes an obligation on the person in charge of a vessel not to carry a person who could pose or represent a risk.</p>	<p>Structure of proposed bylaw changed to only include general navigation safety rules in Part 2. Provisions setting out Harbourmaster powers are more appropriately set out in Part 10 of the proposed bylaw, which deals with administration and enforcement.</p> <p>This obligation is too broad, and not practical to enforce.</p>
8 - Minimum age for operating powered vessels	8	<p>The minimum age of 15 for operating powered vessels will now only apply if the vessel is capable of reaching a proper speed exceeding 10 knots, instead of 5 knots currently. The owner of a powered vessel will be required to ensure that no one under the minimum age drives that vessel. The Council can grant an exemption under the proposed bylaw. An exemption can also be granted by the Director.</p>	<p>Proposed bylaw updated for greater consistency with maritime rule 91.5. Advice from the Harbourmaster is that it is not necessary to impose a more stringent standard than provided under Maritime Rule 91, and consistency is preferable.</p>

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
9 - Speed of vessels	12 and 13	The 5 knot speed limit will no longer apply automatically to reserved areas. The clause makes clear that where another clause exempts or varies speed limits it will prevail over this clause.	Amended for consistency with maritime rule 91.6, which does not impose a 5 knot limit on reserved areas. Wording inserted as there are a number of possible exceptions to speed limits available under the proposed bylaw in various circumstances.
10 - Harbourmaster may instruct vessel not to exceed specified speed	13	N/C	
11 - Wake	26	N/C	
12 - Embarking and disembarking vessels	8	N/C	
13 - Anchoring, mooring and obstructions	N/A	Include rules relating to anchoring, mooring and obstructions in accordance with maritime rule 91.13.	Additional rule incorporates maritime rule 91.13, which is an appropriate navigation safety requirement not included in the current bylaw.
14 - Vessels to be seaworthy and not abandoned	28	Deleted process for removal of vessels that are unseaworthy or abandoned.	The process for the removal of vessels is set out in the Maritime Transport Act 1994. It is not necessary to repeat procedural requirements in the proposed bylaw.
15 - Damage to navigation aids (eg. buoys)	16	Include rules relating to the damage of navigation aids as specified in maritime rule 91.14.	Additional rule incorporates maritime rule 91.14, which is an appropriate navigation safety requirement not included in the current bylaw.
16 - Prevention of nuisances	15 and 25	Consolidation of nuisance and obstruction rules under one clause. Remove obligation to keep vessel free of water weeds, plant growth and organisms.	Rules deal with similar subject matter and it is appropriate to include under the same clause. The regulation of weeds and organisms does not relate to navigation safety. More appropriately regulated under the Resource Management Act 1991 and/or Biosecurity Act 1993.
17 – Refuelling of vessels	40	Existing rule retained but relocated to Part 2 – general navigation safety requirements.	Rule affects both commercial and recreational vessels therefore appropriate to include as a general navigation safety rule.
Part 3 – Carriage and wearing	9 - 11	Include lifejacket rules under a separate part	Restructure of lifejacket rules intended to reduce

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
of lifejackets 18 - Carriage of lifejackets 19 - Wearing of lifejackets 20 - Requirement to wear lifejackets during dangerous situations 21 - Requirement to wear lifejackets if being towed 22 - Exceptions to requirements to carry or wear lifejackets		of the bylaw and restructure clauses. Retain existing requirements for carriage and wearing of life jackets but specify that life jacket rules only apply to recreational vessels (other than when a person is being towed). Persons using surfboards will be exempt from lifejacket requirements provided they wear a full wetsuit.	duplication under the current bylaw. Scope of lifejacket rules largely limited to recreational vessels for consistency with maritime rule 91.4. Commercial vessels are required to wear lifejackets under applicable maritime rules. Wearing a wetsuit will provide additional buoyancy for the user.
23 - Water skiing or towing of any person – requirement for a lookout	14	The lookout on a waterskiing vessel or vessel involved in towing must be at least 10 years of age or older.	On the recommendation of the Harbourmaster, the Council is proposing to require that a lookout on a waterskiing vessel must be at least 10 years old. This is also required for consistency with maritime rule 91.8.
24 - Water skiing or towing of any person – restriction between sunset and sunrise	14	Specify that towing of a surfboard after sunset is prohibited in addition to other items. Remove the exemption for emergency towing.	Amendment made for consistency with maritime rule 91.9. There is no justification for retaining an exemption for emergency towing, which is not specified in maritime rules.
25 – Parasailing	17 and Schedule 1	Specific regulation of operational requirements for parasailing will be limited under the proposed bylaw. Persons engaging in parasailing will be required to comply with all applicable maritime rules and safety guidelines issued by Maritime New Zealand. Parasailing will remain prohibited on the Frankton Arm of Lake Wakatipu.	It is appropriate that parasailing operations comply with applicable maritime rules and safety guidelines. The Council considers it unnecessary to retain overlapping local requirements on persons engaging in parasailing, where there is an established national regulatory framework. This prohibition is because of the proximity to the Queenstown Airport.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
26 - Whitewater boarding	17 and Schedule 2	Specific regulation of white water rafters will no longer be included in the bylaw. Instead, whitewater rafting will be required to comply with all applicable maritime rules.	It is appropriate that whitewater rafting operations comply with applicable maritime rules. The Council considers it unnecessary to retain overlapping local requirements on whitewater rafting, where there is an established national regulatory framework.
27 – Jet boating	N/A	Require commercial jet boaters to meet applicable maritime rules.	It is appropriate that commercial jet boating operations comply with applicable maritime rules for consistency with other adventure tourism water based activities (parasailing and whitewater rafting).
28 - Swimming or diving around wharves or jetties	29	Replace reference to “commercial jetty” with “jetty”.	Clarify that intention is to prevent swimming in areas near Council owned or operated jetties and wharves designated by Council or the Harbourmaster.
29 – Hot works	N/A	New regulation for hot works activities in accordance with the code of safe working practices.	Council staff are aware that other local authorities have adopted rules for regulating hot works activities on vessels (eg. welding) that potentially pose health and safety risks. It is appropriate that the person in charge of a vessel takes safety precautions, and obtain approval of the owner of the relevant facility.
30 – Dangerous goods	N/A	Require persons in charge of commercial vessels that intend to load or unload dangerous goods to give 24 hours notice and basic details of the activity to the Harbourmaster.	Council staff are aware that other local authorities have adopted rules for carriage of dangerous goods by commercial vessels. This rule is intended to reduce the risks associated with dangerous goods being loaded or unloaded within the District.
31 – Special events	30	The temporary suspension of rules in the bylaw is limited to clause 9 and Part 5 of the bylaw. The Council can recover fees associated with administering approvals for special events.	Maritime Rule 91 allows for exemptions to navigation safety requirements to be given in specific circumstances. The temporary suspension of specific rules under a special event permit will align with exemptions available under the maritime rules.
32 - Rivers	17	Include rule that vessel not operate on a river unless both river and weather conditions permit safe operation.	Additional requirement included for consistency with maritime rule 91.17.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
33 - Lakes	21	N/C	
34 - Queenstown Bay	12	Specific rule affecting Queenstown Bay moved to Part 5, which contains rules affecting specific locations.	Rule relocated as more appropriate to include in Part 5.
35 – Clutha River	18	No major changes to the speed limit. However, changes are proposed to the Clutha River speed limit uplifting (refer Schedule 2 of proposed bylaw).	N/A
36 - Kawarau River	19	Remove prohibition on commercial operators using the true right of the Kawarau River.	This prohibition was previously required due to a navigational risk associated with erosion issues. The Harbourmaster has assessed that there are now no issues with use of these channels.
37 - Shotover River	20	Specify that vessels cannot enter the Shotover River Concession Area without permission.	Rule included to cross reference requirements under the QLDC Shotover River Bylaw 2015, for consistency.
38 – Prohibited areas	22	Specify that rule applies regardless of whether person being towed is using a vessel or not.	Amendment included to clarify that the prohibition applies regardless of what type of craft is being towed.
39 - Requirement to report to the Harbourmaster in the event of mishap or serious incident	23	Remove detailed incident report requirements which will now be set out in a guidance document to be adopted by Council. A written report of the incident must be given as soon as possible (instead of within 24 hours) including details to be provided in the policy document.	The Council recognises that it may be difficult to provide a written report within 24 hours in some circumstances, therefore some flexibility is appropriate. Council staff propose to include incident reporting with other administrative requirements to be prescribed in a separate guidance document under the proposed bylaw.
40 - Requirement to report to the Harbourmaster in the event of a near miss	24	The Council will no longer require recreational vessels to report near misses.	This rule is not required under Maritime Rule 91, and is not practical to enforce.
41 - Access Lanes	32	Existing access lanes are specified in Schedule 2. The Council may continue to declare new access lanes.	The clause cross references to the Schedule containing the access lanes within the District.
42 - Conduct in Access Lane	33	N/C	
43 - Reserved Areas	35	Remove the term “absolute discretion” from	Changes intended to align the wording of this clause with

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
		the bylaw. Include requirements for reserved areas set out in maritime rule 91.12.	maritime rule 91.12.
44 - Commercial vessels to be licensed	36 – 39, 42	Commercial vessels will only be required to be licensed if they are not subject to a licensing requirement under applicable maritime rules. Detailed requirements for the licensing process will be set out in a guidance document to be adopted by Council. The Harbourmaster will have the power to inspect commercial vessel licences for the purposes of determining compliance with this clause.	Most commercial vessels are required to be licensed under maritime rules, and therefore do not require additional licensing under the proposed bylaw. It is appropriate that commercial vessels that are not subject to licensing under the maritime rules are licensed by Council under the proposed bylaw.
45 - Requirement as to survey	41	Commercial vessels holding a certificate of compliance will also meet the survey requirements.	Survey requirements are covered under the certificate of compliance and Maritime Operator Safety System regimes.
46 - Permission to use or occupy structures or the foreshore	15 Also see Waterways and Ramp Fees Bylaw 2014: clauses 15 – 19.	Commercial vessels will need Council permission to load or unload vessels using a structure under Council ownership or control. No person will be able to occupy any structural or foreshore under Council ownership or control without Council permission. The Council also has discretion to grant permissions under this clause for those activities. The discretion to grant permission will replace the maritime structure permits (Commercial and non-commercial), and commercial activity permits under the Waterways and Ramp Fees Bylaw 2014.	It is appropriate for commercial users and/or occupiers of Council maritime structures to obtain approval from Council and contribute to the maintenance and upkeep of those structures. Changes proposed to reduce the number of permits and simplify the waterways approval regime.
47 – Mooring permits	See Waterways and	The requirements under the current	Amendments intended to simplify the regulation of

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
	Ramp Fees Bylaw 2014: clauses 9 - 14.	Waterways and Ramp Fees Bylaw 2014 have been consolidated into a single clause. Detailed processing requirements for mooring permits will be set out in a guidance document.	moorings under the proposed bylaw.
48 - Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings	See Waterways and Ramp Fees Bylaw 2014: clause 13	Incorporate powers of the Harbourmaster in relation to moorings under the Waterways and Ramp Fees Bylaw 204 into the proposed bylaw. Moorings will need to have an identification number visible.	The identification of moorings is necessary to enable the harbourmaster to check compliance with this clause.
49 - Powers of Harbourmaster	44	Removing specific references to the Harbourmaster's powers which are already set out in Maritime Transport Act 1994. Also specifying that the Harbourmaster can exercise any of the powers under that Act or any powers under this bylaw.	Powers of the Harbourmaster are set out in the Maritime Transport Act 1994.
50 - Impersonation of Harbourmaster	45	N/C	
51 – Speed Upliftings	46	The requirements are updated for consistency with maritime rule 91.20. Remove any unnecessary references to duplicate requirements.	Changes included for clarity and to align this clause with maritime rule 91.20.
52 - Administrative requirements	N/A	Provide a new clause allowing the Council to specify administrative requirements relevant to the functions exercised under the proposed bylaw. These include: forms to be completed, guidelines applicable to processing and issuing particular approvals, terms and conditions for approvals under the bylaw, and any other processing or administrative requirements needed to give effect to the bylaw.	Council staff consider that it is appropriate to specify matters of detail in a guidance document to be adopted by Council, and updated from time to time.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
53 - Fees and charges	47, Schedule 4	The Council will specify by resolution the fees or charges to be prescribed in regards to approvals issued under the proposed bylaw in accordance with the Local Government Act 2002.	It is anticipated that fees could be set as part of the process of developing the Council's Annual Plan.
54 - Exemptions	48	The power to grant the exemptions is limited to particular provisions in the proposed bylaw. The Council will also have the ability to prescribe fees in regards to granting exemptions.	Maritime Rule 91 specifies certain circumstances in which exemptions can be granted by Council. For clarity, the exemption power in the proposed bylaw will not apply to clauses that relate to maritime rules where there is no exemption contemplated. It is appropriate that the processing of exemptions incur a fee to cover processing costs.
55 - General enforcement powers of the Harbourmaster	7	General enforcement powers of the Harbourmaster under clause 7 of the current bylaw have been moved to Part 10 – Administration provisions, clause 55 of the proposed bylaw	Provisions setting out Harbourmaster powers are more appropriately included in Part 10 of the proposed bylaw, which deals with administration and enforcement.
56 - Non-compliance with conditions of a permit or licence	See Waterways and Ramp Fees Bylaw 2014: clause 22.	Incorporate enforcement provisions under the Waterways and Ramp Fees Bylaw 2014 into the proposed bylaw.	
57 - Offences	49	N/C	
58 - Penalties	50	Remove reference to consequences of breaching legislation.	Unnecessary to duplicate penalties from breaching legislation in the proposed bylaw.
59 - Exceptions	51	N/C	
60 - Revocation	52	Including a provision revoking the Waterways and Ramp Fees Bylaw 2014 on a date specified by a resolution of the council.	Necessary to revoke the permitting regime under the Waterways Ramp Fees Bylaw 2014.
61 - Savings	53	Providing for savings provisions to give effect to existing approvals under the former Navigation Safety Bylaw 2014 or Waterways and Ramp Fees Bylaw 2014. Applications filed	Transitional arrangements needed to ensure continuity between the former permitting regime, and the new regime under the proposed bylaw.

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
		prior to the current bylaws being revoked will be treated as having been made under the proposed bylaw. A sunset clause of 30 June 2018 is proposed for expiry of current approvals.	
Schedule 1	Schedule 3	Overview map of District now included in a separate schedule from maps of access lanes and speed upliftings.	
Schedule 2	Schedule 3	<p>Reduce GPS coordinates to two decimal places.</p> <p>Change the uplifting applicable to the Clutha River. The speed uplifting will now apply between Lake Wanaka upstream to the Albert Town Bridge, for specified daytime hours. From the Albert Town Bridge to the Red Bridge the speed uplifting will be all year round. New maps have been inserted to address the change in uplifting (maps 8 and 9).</p> <p>A new map (map 2) of the access lane for the Narrows is inserted.</p>	<p>Two decimal places is sufficiently precise for GPS coordinates, and easier to use.</p> <p>The changes to the uplifting still afford protection to early morning and evening passive users of the upstream section of the Clutha River, by restricting the speed uplifting to daytime hours. The part of the Clutha River between the Albert Town Bridge and Red Bridge will have an uplifting 24/7.</p> <p>The Harbourmaster has advised that there has been some uncertainty regarding the location of the northern boundary of the Access Lane, therefore it is appropriate to define it.</p>
Schedule 3	Schedule 5	Clarify that the length of the vessel is measured from the fore side of the head of the bow to the after most part of the transom or stern of the vessel.	Change required to correct a typographical error in the current bylaw.
Whole clauses in current bylaw deleted with no replacement (not an exhaustive list)			
N/A	27	Delete the rule preventing depositing	More appropriately regulated under the Resource

Clause in proposed bylaw	Clause in current bylaw	Proposed change (N/C = no significant change)	Commentary
		materials in waters.	Management Act 1991.
N/A	31	Delete power to prohibit any water based activities on any terms and conditions, on giving public notice.	Power is very broad. Council staff consider it is more appropriate to exercise specific powers under other parts of the proposed bylaw where circumstances permit, or powers under the Maritime Transport Act 1994.
N/A	34	Delete declaration of access lane clause.	Access lanes have been in place for a number of years now, and are signposted. The bylaw specifies the GPS coordinates in Table 2 of Schedule 2.
N/A	43	Delete clause providing for the appointment of Harbourmaster.	Appointment of the Harbourmaster is provided for under the Maritime Transport Act 1994.
N/A	54	To substitute the previous clause dealing with the history with an explanatory note.	Not necessary to include history of bylaw in a clause.
N/A	Schedule 4	Delete fees schedule.	Fees no longer included as a schedule in the proposed bylaw, instead may be prescribed by Council from time to time.

APPENDIX 6 – PROPOSED MARITIME FEES AND CHARGES (s33R Maritime Transport Act 1994)

1. Fee for use of launch facilities / ramps

Duration	Proposed fee (including GST)
Annual	\$50 (Recreational vessels) \$70 (Commercial vessels)
Daily/Casual	\$5 (any vessel)

2. Council permission to occupy maritime structure

Size of structure	Proposed fee (including GST)
Up to 15m ²	\$115
15m ² to 28m ²	\$230
28m ² up to 56m ²	\$460
56m ² up to 84m ²	\$750
84m ² and over	\$920

3. Mooring permits

Duration	Proposed fee (including GST)
Annual fee	\$250
Application fee	\$200

4. Other fees

Description	Proposed fee (including GST)
Annual fee for commercial vessel licence	\$1,000
Application for special event exemption	\$120 per hour, plus actual costs
Application for bylaw exemption	\$120 per hour, plus actual costs
Application for speed uplifting	\$120 per hour, plus actual costs