



## Navigation Safety Bylaw 201<sup>87</sup>

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 2018~~7~~”.

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~~ 41 of this bylaw.

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

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

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

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

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

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

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

**Contravene** includes fail to comply with.

**Council** means the Queenstown Lakes District Council.

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

**Director** means the person who is for the time being the Director of Maritime New Zealand under section 439 of the Maritime Transport Act 1994.

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

**Drug** means any mind altering or legally controlled substance unless it

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

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

**Fee** means the fee prescribed by Council under clause 53.

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

~~**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.

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

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

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

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

**Moor** means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or
- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

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

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

**Mooring permit** means a permit issued under clause 47 of this bylaw.

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

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

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

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

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

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

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

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

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

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

- (a) has a fully enclosed hull; and

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

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

- (a) a vessel that is provided for the transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business;
- (b) a vessel that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing vessel or for the carriage of passengers or cargo for hire or reward; or
- (c) a vessel that is operated or provided by any club, incorporated society, trust, or business.

**Powered Vessel** means any vessel that is not solely powered manually or by sail.

**Proper speed** means speed through water.

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

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

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

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

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

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

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

**Sailboard** means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board.

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



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

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

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

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

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

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

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

**Vessel** means every description of boat or craft used in navigation, whether or not it has any means of propulsion, and includes:

- (a) a barge, lighter or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible;
- (d) a seaplane when operating on the surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water ~~boardraft~~ boardraft;
- (h) a kiteboard, sailboard or paddleboard;
- (i) an inner tube;
- (j) a kayak or canoe;

but does *not* include a surfboard.

**White water ~~boardraft~~ boardraft** means an inflatable vessel manoeuvred by

(a) oars or paddles; or

(b) a combination of oars and paddles,

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

## Part 2 – General navigation safety requirements

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

7.1 Every person in charge of a vessel:

(a) is responsible for the safety and wellbeing of all people on board;

(b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

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

### 8 Minimum age for operating powered vessels<sup>1</sup>

8.1 No person under the age of 15 years shall be in charge of, or propel or navigate, a power driven vessel that is capable of a proper speed exceeding 10 knots unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.

8.2 The owner of a power driven vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to be in charge of or propel or navigate that vessel, unless he or she is under the direct supervision of a person over the age of 15 years who is in immediate reach of the controls.

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the maritime rules.

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

9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed greater than five knots within:

<sup>1</sup> Rule 91.5.

<sup>2</sup> Rule 91.6.

- (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).

9.4 No person may propel or navigate a powered vessel at a proper speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.

9.5 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in clause 9.1.

- 9.6 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 10 Harbourmaster may instruct vessel not to exceed specified speed**
- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.
- 11 Wake<sup>3</sup>**
- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
  - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
  - (c) does not cause any risk of harm to any other person.
- 12 Embarking and disembarking vessels**
- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.
- 13 Anchoring, mooring and obstructions<sup>4</sup>**
- 13.1 No person may anchor a vessel so as to:
- (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

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<sup>3</sup> Rule 91.7.

<sup>4</sup> Rule 91.13.

- (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 aids<sup>5</sup> (eg. buoys)**

15.1 No person may tie a vessel to any navigation aid without the written permission of:

- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
- (b) if the navigation aid is operated by Maritime New Zealand, the Director.

15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

#### **16 Prevention of nuisances**

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

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

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<sup>5</sup> Rule 91.14.

- 16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:
- (a) causing an obstruction or loitering while loading or unloading a trailer; and
  - (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.
- 17 Refuelling of vessels**
- 17.1 No vessel is to be refuelled at any time while there are passengers on board the vessel.

## Part 3 – Carriage and wearing of lifejackets

### **18 Carriage of lifejackets<sup>6</sup>**

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

### **19 Wearing of lifejackets**

- 19.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.
- 19.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.
- 19.3 Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.
- 19.4 Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

### **20 Requirement to wear lifejackets during dangerous situations<sup>7</sup>**

- 20.1 Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse

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

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

weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.

**21 Requirement to wear lifejackets if being towed<sup>8</sup>**

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

**22 Exceptions to requirements to carry or wear lifejackets<sup>9</sup>**

- 22.1 Clauses 18, 19, and 20 do not apply to:

- (a) any surfboard, sailboard, paddleboard, windsurfer, or other or similar unpowered craft, if a full wetsuit is worn at all times;
- (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
- (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
- (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
- (e) a commercial raft; and
- (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause 31;

- 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:

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

<sup>9</sup> Rule 91.4.

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

## Part 4 – Specific water-based activities

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

- 23.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 23.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:
- (a) 10 years of age or older; and
  - (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

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

- 24.1 No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.
- 24.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

### 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.

<sup>10</sup> Rule 91.8.

<sup>11</sup> Rule 91.9.



*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~~ rafting**

- 26.1 Every person in charge of a white water ~~board~~ raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the applicable maritime rules.

*Explanatory note: Maritime Rule 81: Commercial Rafting Operations contains the applicable maritime rules.*

## **27      Jet boating**

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

*Explanatory note: Commercial river jet boating is subject to Maritime Rule 82: Commercial Jetboat Operations - River.*

## **28      Swimming or diving around wharves or jetties**

- 28.1 No person may jump, dive, swim or undertake any other related activities:
- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been ~~placed~~<sup>installed</sup>~~approved by the~~ Harbourmaster or an enforcement officer;
  - (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

## **29      Hot works**

- 29.1 A person conducting hot work operations on a vessel must comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand).
- 29.2 The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.
- 29.3 In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot

work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

### 30 Dangerous Goods

30.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person ~~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;~~

(a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and

(b) makes the written record of dangerous goods required under clause 30.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

### 31 Special events

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

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

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

31.3 No grant of an application under clause 31.2 has effect unless not less than 7 days or more than 14 days before the commencement of the activity a public notice is given specifying the period of the activity and details of the supervision or reserved area.

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

31.5 The Council may prescribe any fees associated with special events in accordance with clause 53.

## Part 5 – Rules relating to specific locations

### 32 Rivers<sup>12</sup>

- 32.1 Subject to the more specific rules below, a person in charge of a vessel on a river must:
- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
  - (b) if going upstream, give way to any vessel coming downstream; and
  - (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

### 33 Lakes

- 33.1 No powered vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnston, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

### 34 Queenstown Bay

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

### 35 Clutha River

- 35.1 The 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 -44.678, 169.169).

### 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):

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<sup>12</sup> 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 or any bylaw adopted by Council to replace that bylaw.
- 37.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E19) of the movements and location of the commercial vessel at all times.
- 38 Prohibited areas**
- 38.1 No person in charge of a powered vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:
  - (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
  - (b) the Outlet of Lake Wakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
  - (c) the Shotover, Kawarau and Clutha Rivers.

## Part 6 –Incidents and near misses

- 39 Requirement to report to the Harbourmaster in the event of mishap or serious incident**
- 39.1 A person in charge of a vessel that has been involved in an incident where:
  - (a) the incident has caused damage to another vessel, or a navigation aid or any structure;

- (b) a vessel has been sunk or grounded or become stranded in any waterway;
- (c) by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or
- (d) any person has been injured;

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

39.2 A report required by clause 39.1 must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause 52 of this bylaw.

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

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

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

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

## **Part 7 – Access Lanes and Reserved Areas**

### **41 Access Lanes**

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

- (a) the areas specified in Table 2 of Schedule 2 of this bylaw; and
- (b) the areas declared to be access lanes in accordance with this clause.

- 41.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.
- 41.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.
- 42 Conduct in Access Lane<sup>13</sup>**
- 42.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:
- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
  - (b) by the most direct route through the access lane;
  - (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
  - (d) this clause applies to objects towed by a vessel.
- 42.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.
- 42.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.
- 42.4 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 42.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.
- 43 Reserved Areas<sup>14</sup>**
- 43.1 The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:
- (a) for use of vessels generally; or

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<sup>13</sup> Rule 91.10

<sup>14</sup> Rule 91.12.

- (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
  - (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
  - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).
- 43.2 Adequate signs must be provided in the vicinity of any reserved area that:
- (a) define the area;
  - (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
  - ~~(c)~~ if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands; and
  - ~~(d)(c)~~ ~~(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 Upliftings<sup>15</sup>

- 51.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.
- 51.2 An application under clause 51.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified;
  - (b) the Director has been consulted;
  - (c) affected persons have had a reasonable opportunity to comment on the application;
  - (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
  - (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
  - (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

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<sup>15</sup> Rule 91.20.

51.3 The Council may grant an application in accordance with clause 51.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.

51.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 53.

## **52 Administrative requirements**

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

- (a) any forms to be required by Council for the administration of this bylaw.
- (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~~ July 2019<sup>8</sup>; 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	30 October to 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, excluding an	All Year	Lake Wakatipu	-45.03 to 168.73
			Arrow River confluence	-45.01 to 168.89

	area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.			
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.32 to 169.17
			Young River confluence	-44.20 to 169.24
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27 to 169.18
			Kerin Forks	-44.24 to 169.03
Matukituki River	From Lake Wanaka upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	-44.62 to 169.019
			East Branch	-44.44 to 168.81
			West Branch	-44.5 to 168.79
Clutha River	From <del>Lake Wanaka</del> <u>the 5 knot buoy marker to downstream to the Albert Town Red Bridge. This is the end of the QLDC area.</u>	All Year between the hours of 10am to 4pm in the winter and 10am to 6pm in the summer	<del>Outlet camping grounds</del> <u>5 knot buoy</u>	-44.6 <del>76</del> <u>7</u> to 169. <del>1516</del> <u>16</u>
			<del>Albert Town Red Bridge</del>	-44. <del>68</del> <u>73</u> to 169. <del>1928</del> <u>28</u>

	<del>From the Albert Town Bridge to the Red Bridge GPS is a 5 knot uplifting.</del>	All Year	Albert Town Bridge	<del>-44.68 to 169.19</del>
			Red Bridge	<del>-44.73 to 169.28</del>
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.28 to 169.45
			Ferguson Creek	-44.71 to 169.21

## 2 Upliftings for Access Lanes

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

## 3 Upliftings for Water Ski access lanes

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

**Table 2 – Access Lanes**

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

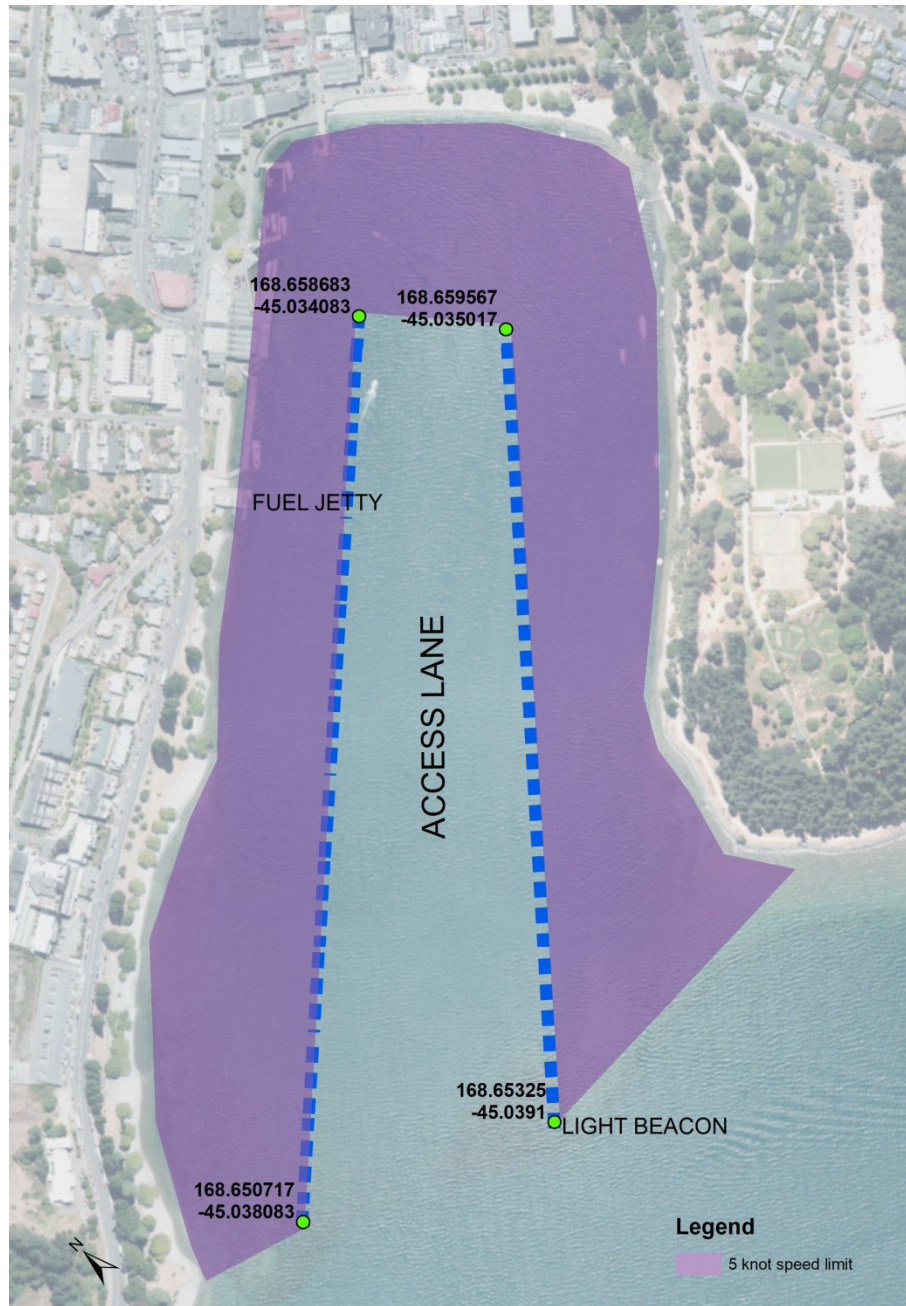
<b>Water ski access lanes – Lake Wanaka</b>	
Roys Bay - Eely Point	-44.68 to 169.12
Roys Bay - Main Beach adjacent Pembroke Park	-44.70 to 169.13
Roys Bay - Water Fall Creek	-44.69 to 169.10
Dublin Bay	-44.65 to 169.17
Glendhu Bay - West ski lane	-44.67 to 169.01
Glendhu Bay - East ski lane	-44.67 to 169.02
Lake Hawea Ski Lane	-44.61 to 169.27
<b><u>High speed access lanes – Lake Wakatipu</u></b>	
<b><u>Location</u></b>	<b><u>Description</u></b>
<u>Queenstown Bay</u>	<u>Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.03 to 168.66, -45.04 to 168.66. These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).</u>
<u>The Narrows</u>	<u>Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Wakatipu, with the outer boundary of the Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).</u>
<u>Kawarau Dam Access Lanes (Downstream):</u>	<u>Access lanes between Lake Wakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).</u>
<u>Kawarau Dam Access Lanes (Upstream)</u>	<u>Access Lanes between Kawarau River and Lake Wakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).</u>

**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.*

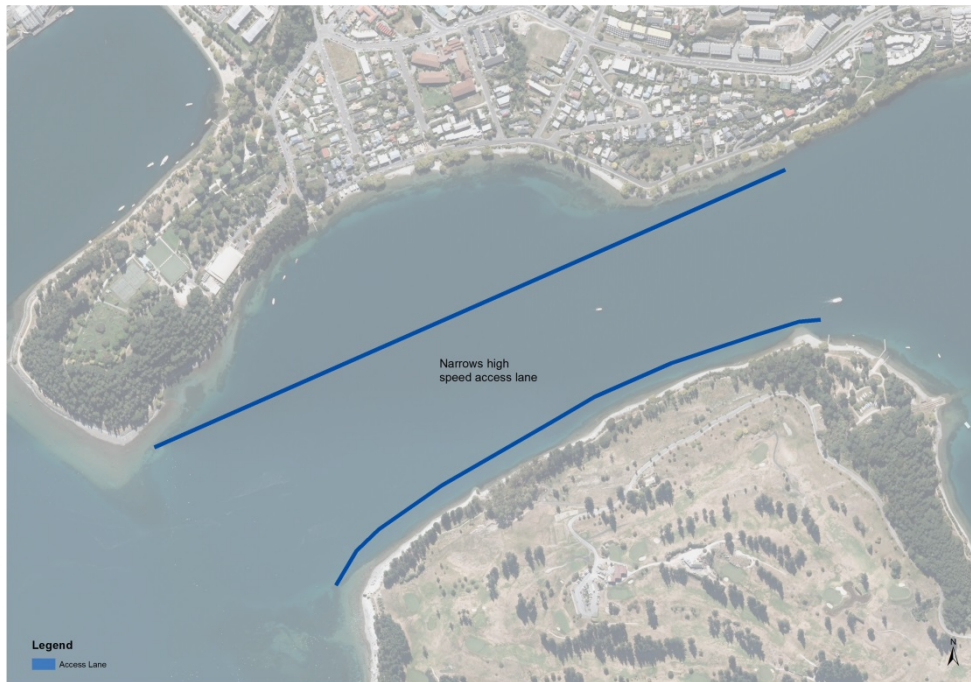


Map 1 – Queenstown Bay



<u>Access lane, reserved area, speed limit, or prohibition</u>	<u>Refer to clause / schedule</u>
<u>Access lane</u>	<u>Schedule 3, Table 2</u>
<u>5 knot limit within 50m of boundary of access lane</u>	<u>Clause 34.1</u>
<u>No waterskiing, aquaplaning or towing of persons inside Queenstown Bay</u>	<u>Clause 38.1(a)</u>

Map 2 – The Narrows, Queenstown



Access lane, reserved area, speed limit, prohibition or other navigation safety rule

Refer to clause / schedule

Access lane

Schedule 3, Table 2



Map 3 – Kwararau Dam



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>Access lane</u>	<u>Schedule 2, Table 2</u>
<u>Areas immediately below the “downstream” gate and above the “upstream” gate at the Kwararau Falls Dam are not to be used as rest or stop areas by any vessel</u>	<u>Clause 36.1</u>
<u>Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kwararau River</u>	<u>Clause 36.3(a)</u>
<u>Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kwararau River</u>	<u>Clause 36.3(b)</u>



Map 4 – Frankton Arm, Lower Shotover &amp; Kawarau River



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015</u>	<u>Clause 37.1</u>
<u>Speed uplifting for Lower Shotover River</u>	<u>Schedule 2, Table 1</u>
<u>Water ski access lanes: Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove.</u>	<u>Schedule 2, Table 2</u>
<u>Kawarau Dam access lanes (refer Map 3)</u>	<u>Schedule 2, Table 2</u>
<u>No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kavarau River or Shotover River</u>	<u>Clause 38.1(b)-(c)</u>

Map 5 – Upper Shotover



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015</u>	<u>Clause 37.1</u>
<u>Speed upliftings: Upper Shotover River, Lower Shotover River</u>	<u>Schedule 2, Table 1</u>
<u>Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times</u>	<u>Clause 37.2</u>
<u>No waterskiing, aquaplaning or towing of persons on the Shotover River</u>	<u>Clause 38.1(c)</u>

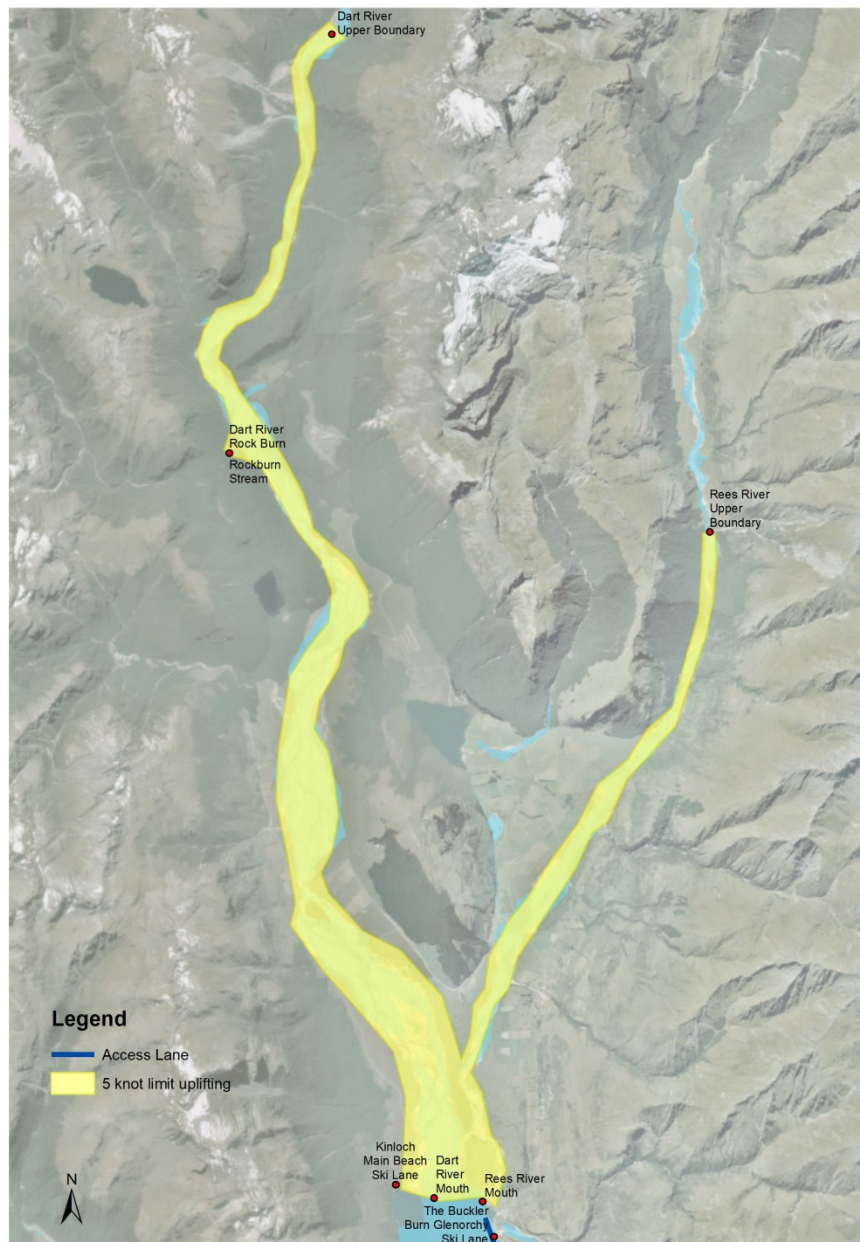
Map 6 – Kawarau River



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015</u>	<u>Clause 37.1</u>
<u>Speed uplifting for Lower Shotover River</u>	<u>Schedule 2, Table 1</u>
<u>Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times</u>	<u>Clause 37.2</u>
<u>Any vessel using the Kāwarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction</u>	<u>Clause 36.2</u>
<u>No powered vessel may operate on the part of the Kāwarau River below the Arrow River</u>	<u>Clause 36.4</u>
<u>No waterskiing, aquaplaning or towing of persons on the outlet of Lake Wakatipu, Kāwarau River or Shotover River.</u>	<u>Clause 38.1(b) - (c)</u>
<u>Water ski access lane: Frankton Beach</u>	<u>Schedule 2, Table 2</u>



Map 7 – Dart &amp; Rees River



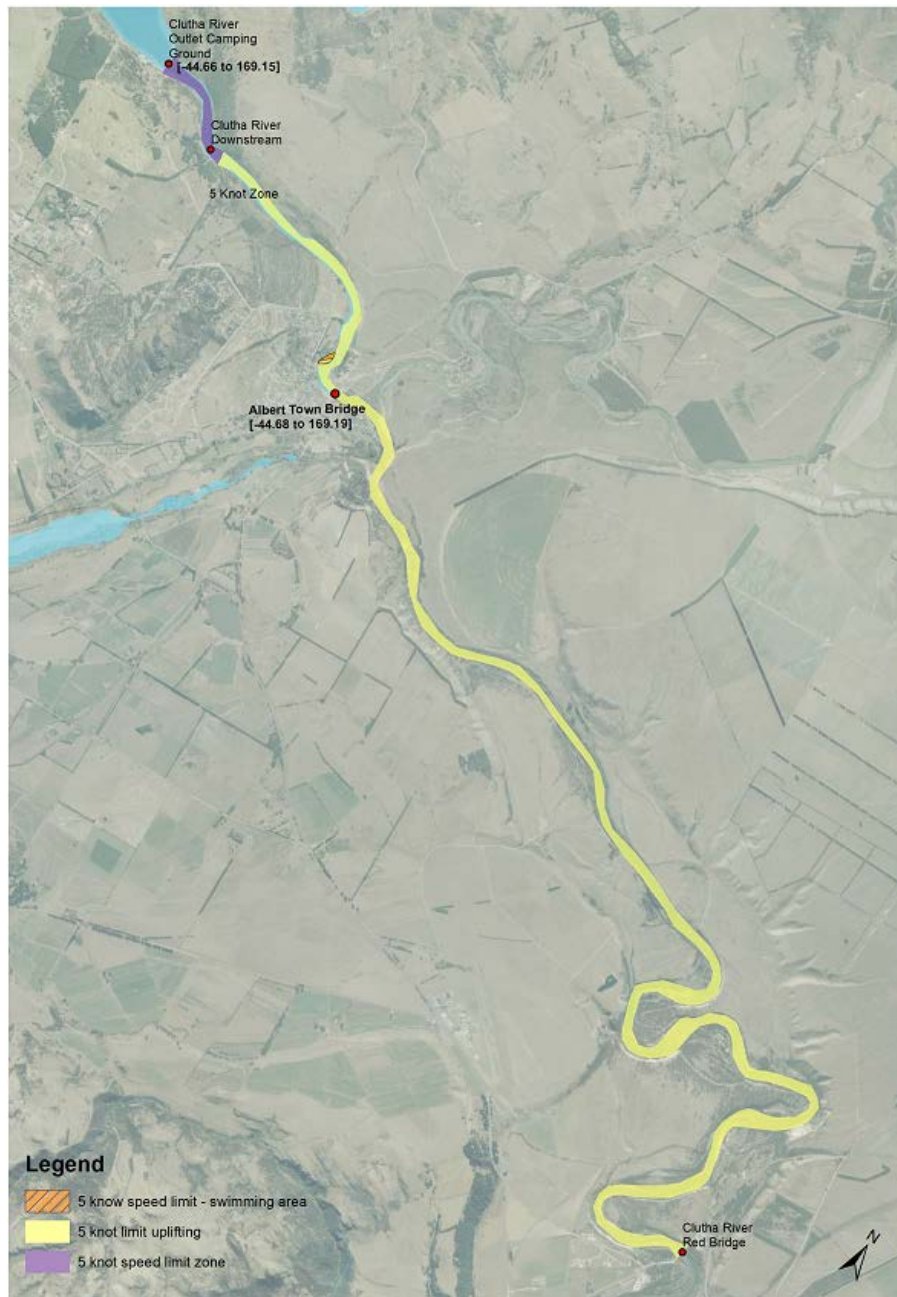
<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>Speed uplifts: Dart River (all year), Rockburn Stream (all year), Rees River (30 October to 1 May)</u>	<u>Schedule 2, Table 1</u>
<u>Water ski access lanes: Kinloch Main Beach,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

Map 8 – Clutha River Mouth



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>5 knot speed limit applies between the Outlet Camping Ground and the 5 knot buoy</u>	<u>Clause 35.1</u>
<u>Timed Speed Uplifting (10am -4pm winter; 10am -6pm summer): from the 5 knot buoy to the Red Bridge</u>	<u>Schedule 2, Table 1</u>
<u>Water ski access lane: Dublin Bay</u>	<u>Schedule 2, Table 2</u>

Map 9 – Clutha River



<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
5 knot speed limit applies between the Outlet Camping Ground and the 5 knot buoy	Clause 35.1
Timed Speed Uplifting (10am -4pm winter; 10am -6pm summer); from the 5 knot buoy to the Red Bridge	Schedule 2, Table 1
No waterskiing, aquaplaning or towing of persons on the Clutha River	Clause 38.1(c)



Map 10 – Matukituki River



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

Map 11 – Hunter River



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



Map 12 – Makarora &amp; Wilkin River



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

Map 13 – Wanaka Ski Lanes



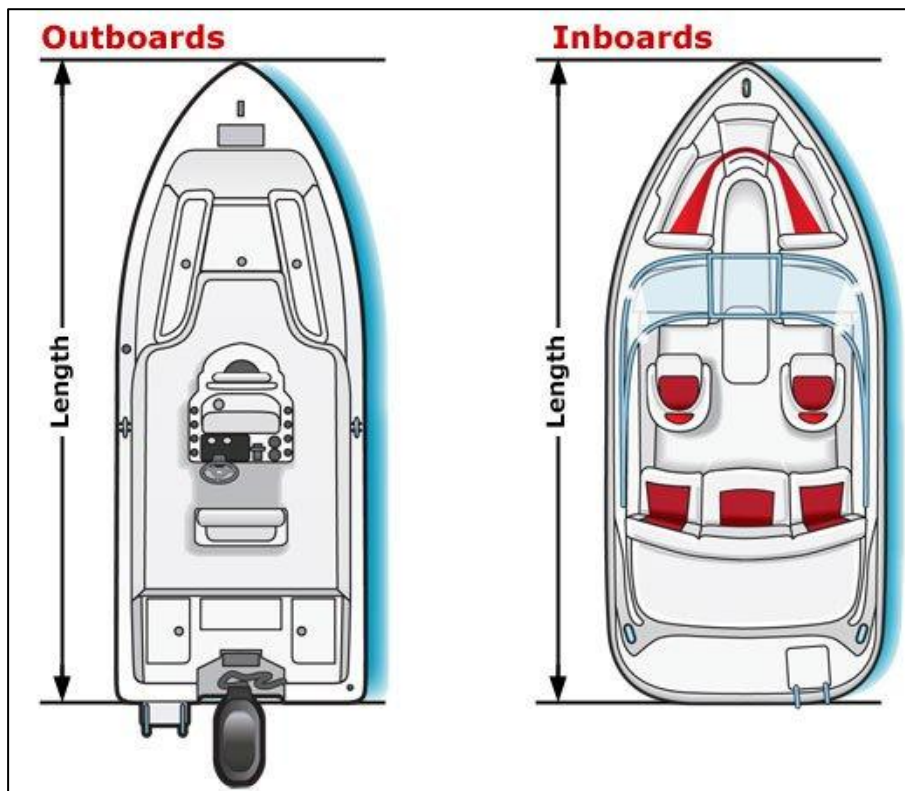
<u>Access lane, reserved area, speed limit, prohibition or other navigation safety rule</u>	<u>Refer to clause / schedule</u>
<u>Water ski access lane: Glendhu Bay West, Glendhu Bay East, Roy's Bay, Roy's Bay Main Beach adjacent Pembroke Park, Roy's Bay Eely Point, Dublin Bay</u>	<u>Schedule 2, Table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

## Schedule 3 – Length Overall of a Vessel

### 1 Length overall of a vessel

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

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



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

