



QUEENSTOWN
LAKES DISTRICT
COUNCIL

SUMMARY OF STATEMENT OF PROPOSAL

**PROPOSED AMENDMENT TO THE NAVIGATION SAFETY BYLAW
2018**

OVERVIEW

- 1 The Queenstown Lakes District Council (**Council**) propose to amend the clauses within the Navigation Safety Bylaw 2018 (**Bylaw**), which regulate vessels using the Clutha River (clause 37, Scheduled 2 (Table 1) – Clutha River, Maps 8-9). The proposed amendment affects the Clutha River, which is referred to as follows:
 - a. **Upper Clutha** = area of Clutha River between Lake Wanaka outlet and the Albert Town Bridge.
 - b. **Lower Clutha** = area of Clutha River between the Albert Town Bridge and the Red Bridge.
- 2 The proposed amendment (refer **Appendix**), if adopted, will result in a summer prohibition of powered vessels on the Upper Clutha (subject to exceptions), and a timed uplifting on the Upper Clutha for the rest of the year. A permanent uplifting is proposed on the Lower Clutha year round.

PROPOSAL

- 3 The Council proposes to carry out a special consultative procedure regarding an amendment to the Bylaw (clause 37, Schedule 2 and Maps 8-9), as follows:
 - a. On the Upper Clutha (between the Lake Wanaka Outlet and Albert Town Bridge):
 - i. Between 1 December and 31 March: no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
 1. it is expressly authorised to operate in this area by a resource consent issued by the Council, provided that between 15 January and 1 February the powered vessel shall:
 - a. only operate between 10am and 12pm; and
 - b. not exceed more than two daily trips.
 2. it is carrying out a permitted activity under the Queenstown Lakes District Plan.
 3. it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
 - ii. Between 1 April and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting: 10am – 6pm).
 - b. A permanent speed uplifting to be implemented on the Lower Clutha (between Albert Town Bridge and the Red Bridge).

- 4 The proposal as a change tracked into the text of the Bylaw is in the **Appendix**.

AMENDMENT TO NAVIGATION SAFETY BYLAW 2018

- 5 The Bylaw currently provides for a timed speed uplifting for vessels travelling between the Red Bridge and a 5 knot buoy located approximately 3 km upstream from the Albert Town Bridge (an approximately 15 km stretch of river). The uplifting is all year between 10 am and 4 pm (during winter) and 10 am and 6 pm (during summer). Outside of those hours a 5 knot speed limit applies. Between the 5 knot buoy and the Lake Wanaka outlet, there is also a 5 knot speed limit that applies (with no uplifting).
- 6 Many members of the public are concerned about the navigation safety risks posed by powered vessels in the Upper Clutha, particularly the risk of collision between powered vessels and passive users. However, the status quo offers limited protection in the Upper Clutha as powered vessels are not restricted beyond a 5 knot limit which commences approximately 3km above the Albert Town Bridge. The Council proposes to change this by prohibiting powered vessels entering the Upper Clutha during summer months when passive use is high.
- 7 The Council recognises that the Clutha River is also popular with users of powered vessels. The proposed amendment includes limited exceptions for powered vessels authorised to access the Clutha River under the Resource Management Act 1991. Council also note that the Lower Clutha in particular is seen as attractive for boating because it is wide, has better visibility than the Upper Clutha and is easily navigable. Users of powered vessels are concerned to protect their rights of access and movement in this area.
- 8 The Council considers that a bylaw is the most appropriate way of addressing the problem described above. Under s33M of the Maritime Transport Act 1994 (Act), the Council can make a bylaw for the purposes of maritime safety. Section 33M (1)(a) and (c) of the Act provides that the Council may make a bylaw to regulate and control the use or management of vessels, and to prevent nuisances from the actions of persons and things on the water. The perceived problem is fundamentally a navigation safety issue: collision risks between passive users and powered vessels using a river. The risk affects both recreational and commercial users of the Clutha River.
- 9 Council staff consider that an amendment to the Bylaw is the appropriate regulatory tool for addressing the problem. A prohibition on recreational vessels in summer on the Upper Clutha would significantly reduce the risk of collision highlighted by many members of the public, and it would be targeted to apply during the months when passive use is high. For the rest of the year, the proposed amendment would involve a timed uplifting on the Upper Clutha, at a time when there are far fewer passive users and therefore a lower risk of collision. The Lower Clutha would be subject to a permanent uplifting which recognises the lower navigation safety risk profile of this area.

TIMETABLE FOR CONSULTATION

- 10 The following dates represent the key times in the consultation programme:
- a. Council resolves to undertake public consultation regarding the proposal between **28 July 2018 and 31 August 2018**.
 - b. Advertisement in Otago Daily Times, and Wanaka Sun – between **28 July 2018 and 4 August 2018**.
 - c. Submissions close on **31 August 2018**.
 - d. Submissions heard by a subcommittee of Councillors during the week of **10 – 14 September 2018** (to be confirmed).
 - e. Council considers outcome of consultation process and whether to make decisions in the proposal – **25 October 2018**.
 - f. Public notice of final decision – **27 October 2018**.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 11 Copies of this Statement of Proposal and the text of the proposed amendment 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

- 12 Any person or organisation has a right to be heard in regard to the 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.
- 13 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.
- 14 Submissions must be received by **Friday 31 August 2018**. The Council will then convene a hearing, which it intends to hold between **Monday 10 September and Friday 14 September 2018** (dates to be confirmed) 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.

- 15 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.
- 16 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.
- 17 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

- 18 Written submissions can take any form (e.g. email, letter). An effective submission may be limited to a particular subclause(s) of the proposal and would reference the subclause(s) you wish to submit on. An effective submission states why the proposal or the particular subclause is supported or not supported and states what change is sought.
- 19 Submissions on matters outside the scope of the proposed amendment cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE