



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**

Order Paper for a meeting

**HEARING OF SUBMISSIONS:**

**Proposed Shotover River Bylaw 2021**

to be held on

Friday, 26 February 2021

commencing at 10.00am

in the

Council Chambers, 10 Gorge Road,

Queenstown

## **9.12 ITEMS OF BUSINESS NOT ON THE AGENDA WHICH CANNOT BE DELAYED**

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

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

*s. 46A (7), LGOIMA*

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

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

## **9.13 DISCUSSION OF MINOR MATTERS NOT ON THE AGENDA**

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

## **REFERENCE:**

Queenstown Lakes District Council Standing Orders adopted on 12 December 2019.

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**HEARING OF SUBMISSIONS ON:  
PROPOSED SHOTOVER RIVER BYLAW 2021**

**PANEL MEMBERS**

**Councillor P Clark**

**Councillor G Lewers**

**Councillor Q Smith**

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

## HEARING OF SUBMISSIONS:



### Proposed Shotover River Bylaw 2021

Agenda for a hearing of submissions on the proposed Queenstown Lakes District Council Shotover River Bylaw 2021 to be held in the Council Chambers, 10 Gorge Road, Queenstown on Friday 26 February 2021 beginning at 10.00am

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		<b>Apologies</b>
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	Page 12	<b>Attachment A: Full submissions</b>
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QLDC Council  
26 February 2021

Report for Agenda Item | Rīpoata moto e Rāraki take : 1

Department: Finance, Legal & Regulatory

Title | Taitara Hearing: Assessment of submissions on the Proposed Queenstown Lakes District Council Shotover River Bylaw 2021

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

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- 1 The purpose of this report is to present the written submissions received by the Queenstown Lakes District Council on the Queenstown Lakes District Council Proposed Shotover River Bylaw 2021 Bylaw, and to outline options to the hearings panel.

EXECUTIVE SUMMARY | WHAKARĀPOPOTOTANGA MATUA

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- 2 On 10 December 2020, Council approved the commencement of the public consultation and publicly notified a proposed bylaw to regulate navigation safety within the concession area of the Shotover River.
- 3 The consultation period began on 11 December 2020 and concluded on 25 January 2021. During the consultation period 38 submissions were received. Eight submissions supported the proposed bylaw. One submitter was neutral. Twenty nine submissions opposed the proposed bylaw. Eight submitters have indicated they wish to be heard in support of their submission.
- 4 This report presents the submissions for consideration by the hearing panel, along with key themes and analysis and recommendations completed by Council's officers.

RECOMMENDATION | NGĀ TŪTOHUNGA

That the Shotover River Bylaw 2021 hearings panel:

1. **Note** the contents of this report;
2. **Consider** the submissions to the proposed Queenstown Lakes District Council Shotover River Bylaw 2021; and
3. **Recommend to Council** the final form of the Queenstown Lakes District Council Shotover River Bylaw 2021 Bylaw for consideration, incorporating any changes following consideration of public feedback from the submissions.

Prepared by:



Tom Grandiek  
Team  
Monitoring/Enforcement  
17/02/2021

Reviewed and Authorised by:



Stewart Burns  
Leader, GM, Finance, Legal & Regulatory  
17/02/2021

**CONTEXT | HOROPAKI**


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- 5 The Queenstown Lakes District Council Shotover River Bylaw 2015 is due for review.
- 6 At the 10 December 2020 Council meeting the Council resolved to approve the commencement of public consultation on the proposed Shotover River Bylaw 2021.
- 7 The Council’s resolution was as follows
  - a. **Note** the contents of this report;
  - b. **Agree** that a bylaw is the most appropriate way of restricting public access to the Shotover River Concession Area for the purposes of maritime safety in accordance with section 155(1) of the Local Government Act 2002; and
  - c. **Adopt** the Statement of Proposal and draft Shotover River Bylaw 2021 for the purpose of public consultation; and
  - d. **Approve** the commencement of the special consultative procedure in accordance with section 83(1) of the Local Government Act 2002 in relation to the proposal to review the Shotover River Bylaw 2015 under section 160 of the Local Government Act 2002; and
  - e. **Appoint** Councillors Lewers, Clark and Smith to hear and consider the submissions on the proposal and make recommendations to the Council on adoption of the reviewed Shotover River Bylaw 2021
- 8 The review process and key milestones in the special consultative procedure are summarised below.

<b>Date</b>	<b>Action</b>
<b>10 December 2020</b>	Council instructed staff to undertake a special consultative procedure on a proposed revised Bylaw.
<b>10 December 2020</b>	Resolution at QLDC Full Council Meeting:  Appointment of Councillors Lewers, Clark and Smith to the hearing panel, three of whom are needed to form a hearing panel to hear and consider the submissions on the proposal and make recommendations to the Council on the adoption of the proposed Shotover River Bylaw 2021.
<b>11 December 2020</b>	Submissions opened.
<b>25 January 2021</b>	Submissions closed.

## Proposal

- 9 Following Council approval, Council staff commenced a special consultative procedure on the proposed bylaw. The proposed bylaw will replace the existing bylaw and maintains an approach to effectively manage and control public access to the Concession Area in order to promote maritime safety of all users of the river. The retention of the current regime, with some minor changes, is considered to be the most appropriate way to manage the use of the Concession Area for users, both recreational and commercial, and to ensure their safety. Minor changes in the proposed bylaw are:
  - a. The word “craft” has been replaced with the word “vessel” for consistency with the Navigation Safety Bylaw 2018;
  - b. The addition of the word “only” in the purpose to clarify that the bylaw is only in respect of the Concession Area;
  - c. In the ‘Permit to access the Concession Area’ the addition of “Any future permits applied for by parties with a history of non-compliance with the Bylaw may be rejected;” and
  - d. Correcting minor errors.
- 10 A detailed assessment of the proposed changes to the Bylaw can be found in the report to full Council dated 10 December 2020, Agenda Item 2.
- 11 Council invited key stakeholders such as Maritime New Zealand, Arthurs Point Community Association, Shotover Jet (Ngai Tahu), Harbour Masters, Jet Boating New Zealand, Otago Regional Council, and Council Officers to provide feedback on how the 2015 Bylaw was viewed. This informal consultation was undertaken between 27 July 2020 and 14 August 2020.
- 12 The Proposed Bylaw and Statement of Proposal were publicly notified by advertisement on the Council website and in local newspapers on 16 and 17 December 2020 respectively. These newspapers included the Wānaka Sun, Mountain Scene, the Otago Daily Times and the Southland Times.
- 13 The Proposed Bylaw and the Statement of Proposal and other supporting documents were made available on the Council’s website, and at the Council offices at 10 Gorge Road, Queenstown and 47 Ardmore Street, Wānaka.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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### Submissions received

- 14 A total of 38 submissions were received on the proposed bylaw. A copy of the full submissions is Attachment A.
- 15 Eight submissions support the proposed bylaw. One submitter is neutral. Twenty nine submissions oppose the proposed bylaw.

- 16 Eight of the submitters have indicated their wish to be heard at the hearing in support of their submission.
- 17 Section 33M of the Maritime Transport Act 1994 requires that the Council consult with the Director of Maritime New Zealand when making bylaws for ensuring maritime safety. Maritime New Zealand responded and did not provide any comments.
- 18 The hearings panel is to give full consideration to the submissions received and determine the extent to which the submissions will be accepted or disallowed.

### **Key themes from submissions**

#### **Submissions in opposition of proposed bylaw**

- 19 For those opposing the bylaw, many felt a greater balance needed to be found between commercial and recreational entities within the Concession Area.
- 20 Submitters associated with local white-water groups expressed the view that the Concession Area has access points along this stretch of river with beginner to intermediate grade rapids that are unique and within close proximity of local communities. They asserted that the proposed bylaw did not go far enough to allow greater access to this resource.
- 21 Arthurs Point Community Association members stated that commercial activities in the Concession Area served to disrupt the natural amenity of the Arthurs Point area. They considered that more emphasis should be on restricting the commercial operator and allowing for a greater number of less impactful recreational activities.
- 22 Many opposing submissions suggested that the proposed bylaw should restrict commercial activities. Ceasing commercial activities earlier in the day would allow for access during more preferential times in later afternoon/early evening, when conditions would be more suitable for recreational activities.
- 23 For a large majority of the submissions opposing the proposed bylaw, many believed that further consideration should be given to the permitting system. Some of those in opposition suggested that this should be managed independently by QLDC as opposed to the commercial operator.

#### **Neutral submissions**

- 24 One submitter was neutral to the proposed bylaw but did not provide additional comment.

#### **Submissions supporting the proposed bylaw**

- 25 Those in support of the proposed bylaw stated that it effectively served to maintain navigation safety and access within the Concession Area of the Shotover River.
- 26 Submitters in support considered that the minor updates and wording changes were appropriate.



- 27 The infringement provisions administered under the bylaw were effective deterrents.
- 28 The coordination and management of all watercraft using the Concession Area, in conjunction with commercial operators, was necessary to maintain safety for all river users.
- 29 The permitting process administered by Shotover Jet was satisfactory, and the pre-requisite safety briefing and communications provided by Shotover Jet was appropriate.

### Options

- 30 **Option 1** - The Hearing Panel recommends to Council that the proposed Shotover River Bylaw 2021 be adopted without changes

#### *Advantages:*

- 31 Provides for effective management and control of potential safety risks to members of the public using the Concession Area recreationally.
- 32 Adoption of the proposed changes to the 2015 Bylaw enables a continuity of a process that has been in place for a number of years to control public access to the Concession Area and has worked effectively.
- 33 The Council will be seen as actively engaging in protecting the district's community and river users through a safe and effective permitting system.
- 34 Navigation safety is maintained at a time of increasing risk, with more private craft using the waterways in the district.

#### *Disadvantages:*

- 35 Wider river users may view the proposed changes as restricting their right to access the Shotover River.
- 36 Community resistance generally to regulatory management.

- 37 **Option 2** - The Hearing Panel recommends to Council that the Proposed Shotover River Bylaw 2021 be adopted with changes following consideration of submissions

#### *Advantages:*

- 38 Option 1 advantages apply.
- 39 Some submitters will perceive that the issues they have raised through submissions have been addressed by Council.

#### *Disadvantages:*

- 40 There may be an inability to make some of the changes sought in submissions due to other legislative permits and agreements already existing.

- 41 This will limit the ability of the authority in being able to maintain navigation safety and may result in accidents/incidents.
- 42 **Option 3** - The Hearing Panel recommends to Council that the Proposed Shotover River Bylaw 2021 not be adopted or that the status quo be maintained.

*Advantages:*

- 43 After the expiry of the 2015 Bylaw there would be wider access to the Shotover River Concession Area, which may be favoured by some users.
- 44 No resources would need to be spent on enforcement of the bylaw.

*Disadvantages:*

- 45 The Council runs the risk of not taking all practical steps to protect, promote and maintain public health and safety and the natural environment.
- 46 Without a bylaw, high risk activities within the Concession Area cannot be monitored and investigated to provide control.
- 47 There is a high risk that there could be a serious incident in the Concession Area with unregulated interaction of commercial and recreational users.

## **LEGAL CONSIDERATIONS AND STATUTORY RESPONSIBILITIES | KA TURE WHAIWHAKAARO, ME KĀ TAKOHAKA WAETURE**

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- 48 The MTA provides regional councils with the powers to make bylaws for the purpose of maritime safety, including to reserve the use of any waters for specified persons, ships, or seaplanes pursuant to section 33M(1)(e). The Otago Regional Council has transferred these powers to QLDC for the Queenstown Lakes District.
- 49 The LGA provides for councils to review bylaws. Section 155 of the LGA contains a number of decision-making requirements when reviewing a bylaw. Firstly, the council must be satisfied that the bylaw is the most appropriate way of addressing the perceived problem. The council must then be satisfied that:
- a. The bylaw is the most appropriate form of bylaw; and
  - b. The bylaw is not inconsistent with the New Zealand Bill of Rights 1990 (NZBORA).
- 50 Section 33M of the Maritime Act requires that the council consult with the Director of Maritime New Zealand when making bylaws for ensuring maritime safety. The Council ran the special consultative procedure under the LGA at the same time as seeking comments from the Director of Maritime New Zealand.
- 51 Under section 160 of the LGA, if, after the review, the local authority considers that the bylaw should be amended, revoked, or should continue without amendment, it must:

- a. Use the special consultative procedure if the bylaw concerns a matter identified in the council’s policy as being of significant interest to the public; or
  - b. Consult under section 82 of the LGA if the bylaw does not concern a matter of significant interest to the public.
- 52 If, following the special consultative procedure, the council decides to make the bylaw, the council will be asked to make resolutions confirming its satisfaction with these legal requirements.
- 53 A bylaw that is not reviewed within the correct timeframes under the Local Government Act, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed.
- 54 Section 18 of the New Zealand Bill of Rights Act 1990 (NZBORA) provides a right to freedom of movement and residence in New Zealand. The Proposed Bylaw will potentially engage the right to freedom of movement under section 18 of NZBORA by restricting access to a part of the Shotover River.
- 55 Section 5 of the NZBORA provides however that rights may be subject to such reasonable limits as can be justified in a free and democratic society. The proposed restriction on access to the Shotover River is justifiable on the grounds that it is unsafe to have unrestricted access to this waterway and there is a reasonable system for public access. The Council will have to be satisfied that the limits on access to the Shotover River are proportionate and justified having regard to the purpose of the bylaw, namely to provide for navigation safety.

**ATTACHMENTS | NGĀ TĀPIRIHANGA**


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A	Copy of submissions in full
B	Summary of submissions
C	Statement of Proposal
D	Proposed Shotover River Bylaw 2021

First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Miira	Murphy		No	I understand	I oppose this	I feel the shotover jet boats start too early in the morning, specifically it is very noisy. I also don't like how close they come to people enjoying the river, (incl dogs) and children/ the waves they create. I feel people should have more time to be able to enjoy the river. , especially in summer. EVERY Arthurs point local I have spoken to was amazed at what a positive difference it made to visit the river during lock down. (No jetboats). Cleaner water, and a much more peaceful experience.	
Alex	Nichol	Home	No	I understand	I oppose this	I think it is a huge shame that such a beautiful part of our local environment is cut off for use by locals. The timing restrictions on being able to apply for a permit means that members of the public can never use the river during winter months due to early hours of darkness. Equally the time we are able to use it during summer is very short. I propose a change in the hours restricted to Shotover Jet only to enable those of us who would love to access the river more time to actually enjoy it. I am a member of Queenstown Kayak Club and we would love to make more use of the river than we are currently able. Additionally it would be great if there was a better system in place to be able to book a permit. Currently we are forced to wait until the day we want access to the river in order to apply and we often don't get given an answer until 2-3pm in the afternoon which makes planning any trips difficult that late in the day. A better booking system so we can all share the river would be great.	
Samantha	Marsh		No	I understand	I am in favour of this	I am in favour of the Bylaw for maritime safety, but I strongly recommend it is limited to certain hours of the day in which commercial operators are running. I do not believe it is fair to only allow public use after 7pm. As a kayaker and river user, this is the only accessible class 2 river near Queenstown and it is currently being dominated by commercial use. It was incredible to see how much community use the river got during lockdown when there were no jetboats; kids and dogs swimming, skipping rocks etc. I think it would be huge shame to the Arthurs Point community to lose their ability to enjoy the river to commercial dominance again. Is there a way to open public permits from 5pm rather than 7pm? That would extend the recreational river running season by several months and would allow the Arthurs Point community time to enjoy the river.	
Kate	Long		No	I understand	I am neutral to this		
Giulio	Chapman-Olla		No	I understand	I am in favour of this	Agree to updating the document for accuracy and general updating	On occasion Shotover Jet have proved difficult to contact and sometime hard to obtain any answer from.in regards to obtaining permits (kayaking after 5pm on the river), I believe that additional conditions should be included to address timely replies and communication, this should be clear and unambiguous ie a certain time period to reply should be stipulated for example maximum 8 hours. Often permits are requested for out of operating hours ie after 5pm on the day due to weather conditions. 8 hours would mean that a requested would need to be made in the morning at a minimum giving Shotover Jet a full day to provide a permit or a reply, which seems fair.
Terri	Anderson		No	I understand	I oppose this	The Shotover river needs to have greater access to non-commercial recreational kayakers and canoeists. Fewer jetboats and more low impact vessels.	
Catherine	Fallon		No	I understand	I am in favour of this		Please allow public access to the river from 5pm instead of 7pm
Nigel	Lloyd		No	I understand	I oppose this	Insufficient consideration has been given to improving recreational access to this community facility and mitigating the impacts of the commercial use within the community in which it occurs. There are a number of practical and pragmatic ways that a better balance between the commercial use covered by the bylaw and recreational use but these have not been considered in the proposed bylaw. As a minimum i would like to see commercial activity finishing early, e.g.4:30pm 1-2 days per week during the warmer months (Nov-March) to allow for recreational and community access to the river. The current permit system is poorly balanced strongly in favour of the commercial operator.	
Alice	Behan		No	I understand	I oppose this	Whilst I understand and appreciate that Shotover Jet is world-renowned tourism asset that provides employment to the greater Queenstown community, and I have no issue with jet boats operating in general, the Bylaw is too heavily weighted towards the commercial interests of Shotover Jet to the detriment of the local community.	I have lived in Arthurs Point since 2012 and myself and my family are frequent users of the permit system to raft the concession area. I believe there should be more of a balance struck between commercial interests and recreational users so that locals can more fully utilise this beautiful section of river that runs right through our community. This summer has highlighted how off balance the system has been. Due to reduced tourism numbers, Shotover Jet have been finishing operations at 5pm instead of 7pm. The increased public accessibility to the river has been noticeable. Now two groups of locals can access the river under two permits (at two different start times) per day, users can access the river when the sun is still out making it a more enjoyable experience, and families with young children are able to make the most of the river before bedtime. An example of this was last Friday evening when a group of us went rafting on an early permit starting at 5:15. We had 6 families on 3 three rafts with children aged between one and eleven. The sun was out and we were able to have a leisurely trip down the river to Tuckers Beach before some private jetboaters started their separate permit at 7pm. It was the best afternoon of summer that, in usual circumstances, would not have been able to happen as a 7pm start is too late and only one group would be able to be on the river each day. It really highlighted the opportunities that have not been available in previous years, and will be lost again once international tourism restarts. I am not opposed to Shotover Jet being a commercial success but profit should not trump the community in all instances. I propose a fairer balance between the two groups of a regulated 5pm closing time each day. This also allows greater use of the river for all users, for example locals would feel safer coming to the river to swim and recreate without jetboats coming by at high speeds, close to the shore. It is disappointing that after your initial review that included feedback from the Arthurs Point Community Association and other river users, that only a few minor wording amendments have been considered. I hope that the Council, who represent all of the community, will take some time to actually consider feedback from all river users and people living close to the river, rather than just revert to the status quo that only benefits one group.
Wulf	Solter		No	I understand	I oppose this	Shotover Jet managing and regulating public access will by design put Shotover Jet ahead of anyone else.  I believe an independent entity - such as QLDC, Harbour Master or Coastguard - should manage recreational/public permits and access, not the company that stands to make more money by declining requests.	
Katie	Russell		No	I understand	I am in favour of this		

First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Stuart	Daniel		Yes	I understand	I oppose this	<p>This bylaw this not go far enough in terms of looking after the wider interests of the public, and continues to allow business interests to monopolise this world class natural recreational area.</p> <p>This stretch of river is very useful resource to the whitewater community as a beginners / grade 1 trip in close proximity to Queenstown, with easy access points. Currently this part of the river is regularly used in Summer/early Autumn times when daylight hours are longer before and after the jet boats are operating.</p> <p>There is no alternative river nearby offering the same level of difficulty and river features, therefore we are very keen to maintain what access we have and improve the usability of this section of river where possible.</p> <p>We use this section of river for family kayaking/rafting and swimming when we get the opportunity. However given Shotover Jet's long operating hours (particularly pre-COVID) the window of opportunity for public access is very small, and the permitting process is onerous, and the power to grant these permits lie in the hands of Shotover Jet.</p> <p>I can not think of anywhere else in New Zealand where public access is so heavily restricted. More needs to be done to improve public access for swimmers and non motorised water craft (vessels), and potentially recreational jet boaters.</p>	
Andrew	Blackford		Yes	I understand	I oppose this	The current bylaw directly and indirectly alienates the Arthur's Point and wider community from a significant, local, recreational resource.	The current permit system is significant barrier to use and particularly impromptu use of the river as a recreation area for the local community. In conjunction with the resource consent, this bylaw grants exclusive use of the river to a single commercial jetboat operator during all daylight hours, all of the year. It is only at the discretion of the concession holder that recreational use of this public space is allowed. This a restriction on the rights of people to move through and enjoy public spaces. This bylaw review provides an opportunity to gain a better balance between commercial interest in and public recreation of the river.
Julia	Crownshaw		No	I understand	I oppose this	The current bylaw directly and indirectly alienates the Arthur's Point and wider community from a significant, local, recreational resource.	The current permit system is significant barrier to use and particularly impromptu use of the river as a recreation area for the local community. In conjunction with the resource consent, this bylaw grants exclusive use of the river to a single commercial jetboat operator during all daylight hours, all of the year. It is only at the discretion of the concession holder that recreational use of this public space is allowed. This a restriction on the rights of people to move through and enjoy public spaces. This bylaw review provides an opportunity to gain a better balance between commercial interest in and public recreation of the river.
Committee	Members	Arthur's Point Community Association.	Yes	I understand	I oppose this	The APCA provided feedback on the SRB as part of key stakeholder engagement in late 2020. It is evident from the minor, technical, changes proposed that QLDC have not considered the associations view on the SRB. We seek, as the community this Bylaw effects the most, for better balance between recreational users and commercial users on this stretch of river.	<p>Further to our feedback that was provided in 2020. We make the following further comments:</p> <ol style="list-style-type: none"> <li>1.The permitting system should be administered by QLDC. This would, within a pre-defined set of parameters, provide a fairer way to gain access to the river.</li> <li>2.The proposed changes are largely technical in nature and have not considered any of the stakeholder feedback provided. Particularly those around access to the river.</li> <li>3.The QLDC statement of proposal in paragraph 15 purports to show that the permit system, in its current form, is working successfully by discussing how many permits have been issued in the previous five years. However, there is no data on how many times permits have been denied or any polling to understand if the permit system is a barrier to using the river. Polling undertaken by the APCA, which received circa 80 responses, suggest that only 5% of the community thinks the current system provides reasonable access to the river</li> <li>4.Polling undertaken by APCA suggests that the current system is a significant barrier to use of the river and the river would be used more by the community if a better balance existed between commercial users and recreational users, with regards to right of access.</li> <li>5.The current permit system is a restriction on the rights of New Zealanders freedom of movement and use of recreational spaces.</li> <li>6.Paragraph 21 of the QLDC statement of proposal suggests that providing more access to the general public is "untenable". APCA's view is that it is only "untenable" as QLDC have put the interest of a commercial entity (that isn't currently using the river to its permitted extent) above that of the community and have opted not to consider any other options that would make it tenable.</li> <li>7.Health &amp; Safety issues could be managed effectively and better public access provided by the operator relinquishing some of the permitted operating time (i.e 5pm to 9pm several days a week from Oct through to April). This would provide the balance that the community seeks.</li> </ol>

First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Stuart	Daniel	Central Otago Whitewater Inc	Yes	I understand	I oppose this	<p>We oppose this bylaw on the basis that nothing has been proposed to improve access for the public to this world class recreational area.</p> <p>This stretch of river is a very valuable resource to the whitewater community as a beginners / grade 1 trip in close proximity to Queenstown, with easy access points. Currently this part of the river is regularly used in Summer/early Autumn when daylight hours are longer before and after the jet boats are operating. Wakatipu High has used this section in recent years (for senior Outdoor Recreation kayaking classes and the kayaking group). It provides a good river trip for the school's beginners &amp; intermediate level kayakers. There is no alternative river nearby offering the same level of difficulty and river features. Given Shotover Jet's long operating hours (particularly pre-COVID) the window of opportunity for public access is very small, and the permitting process is onerous, and the power to grant these permits lie in the hands of a commercial entity, Shotover Jet, which is financially incentivised to minimise access to the river by other users.</p> <p>It is rare to have such an incredible public asset within and/or adjacent to a residential area(s) (Arthurs Point, Tuckers Beach and Lower Shotover). Given the massive growth of residents over the years, Shotover Jet's licence to operate should be reviewed and balanced up with the interests of rate payers and residents living in the area. We would like to see improved access for all as a result of this bylaw review.</p>	<p>To provide some background on our organisation:</p> <p>Central Otago Whitewater (Incorporated) ("COW") was incorporated in 1989 and represents kayaking interests in the Central Otago area. Currently COW has a membership of approximately 200. The total number of kayakers in the Central Otago area exceeds that number including approximately 80 on the Queenstown area, however, there is no requirement for local kayakers to belong to a kayaking club.</p> <p>COW participated in the hearing for the National Water Conservation Order for the Kawarau River and its tributaries in the mid-1990s and has represented local kayakers at hearings over the years concerning whitewater river resources in Central Otago over the last 20 years including:</p> <ul style="list-style-type: none"> <li>•opposing at least three separate applications for commercial jet boats to operate on the Kawarau River</li> <li>•opposing the QLDC application in 2001 on its proposal to remove a rock buttress to widen the Kawarau river above Smiths Falls</li> <li>•the Contact Energy consent renewal process from 2000 for the hydro dams on the Clutha and Hawea Rivers which process resulted in the construction of the Hawea Whitewater Park completed in 2012; and</li> <li>•the proceedings to protect the Nevis River from damming which were successfully concluded in 2013</li> </ul> <p>submissions on the review of the QLDC Navigation Safety Bylaws in 2014 in particular the retention of rule 2.8.4 prohibiting powered craft on the Kawarau river downstream of the Arrow River, which review was successfully concluded in December 2014 with the retention of the prohibition</p> <ul style="list-style-type: none"> <li>•opposing a notice of requirement application by Aurora Energy to construct an electrical substation adjacent to the Hawea Whitewater Park, which was successfully resolved in March 2015 with Aurora Energy finding an acceptable alternative location</li> </ul>
Jana	B		No	I understand	I oppose this	I would like to see that the river could be used for people that live here and the operation time could be reduced for residents too.	
Eddie	Gapper		No	I understand	I oppose this	I oppose the retention of the existing restrictions on public access to the Concession Area in the draft Shotover River Bylaw 2021. The temporary closure of Shotover Jet operations during 2020 has provided an opportunity to review the existing trade-off between commercial operation and public access. As the entire district adapts to the new reality of a smaller tourism industry base, the upside for residents is clear. More time and more access to the exceptional natural surroundings that we enjoy living amongst.	
Tom	Kettlewell		No	I understand	I oppose this	Access should be for everyone.	
Leigh	CARPPE		Yes	I understand	I oppose this	The shotover river is owned by Nz & there fore should be free to access for new Zealanders! The current conditions on the shotover river are an absolute joke! A private company is allowed sole rights to public land & water?	
Sarah	Lyttle		Yes	I understand	I oppose this	I oppose the draft River Bylaw 2021 due to the proposed and ongoing restrictions to public access in favour of commercial operation. I am not necessarily opposed to the need for a bylaw to ensure safety of river users but I am not in favour of one which seems to overly favour a corporate entity (Ngā Tahu). The reduction of commercial/restricted hours would be ideal, for both removing the constant noise pollution (as we live above the rivers and it has been so apparent how invasive the noise actually is once lockdown hit) and for allowing recreation river users so more locals can use the river. Ideally the river is permitted until 5pm each day which will allow the operations of Shotover Jet, but open for all recreational users (just like majority of other rivers around NZ) without any required permits from 5pm so we can enjoy this beautiful part of our backyard in sunlight hours with sensibility and user responsibility.	
Jeremy	Lyttle		No	I understand	I oppose this	I oppose the draft River Bylaw 2021 due to the proposed and ongoing restrictions to public access in favour of commercial operation. I am not necessarily opposed to the need for a bylaw to ensure safety of river users but I am not in favour of one which seems to overly favour a corporate entity (Ngā Tahu). The reduction of commercial/restricted hours would be ideal, for both removing the constant noise pollution (as we live above the rivers and it has been so apparent how invasive the noise actually is once lockdown hit) and for allowing recreation river users so more locals can use the river. Ideally the river is permitted until 5pm each day which will allow the operations of Shotover Jet, but open for all recreational users (just like majority of other rivers around NZ) without any required permits from 5pm so we can enjoy this beautiful part of our backyard in sunlight hours with sensibility and user responsibility.	
Dennis	Behan		Yes	I understand	I oppose this	<p>The Shotover River is the only private river in New Zealand. Whilst I understand the privatisation of the river for health and safety reasons, what I do not understand is why it is so heavily weighted towards commercial enterprise. I feel a better balance could be struck between commercial and recreational interests. This river is world renowned and should not be accessible to paying customers only.</p> <p>I propose that Shotover Jet should only be allowed to use the river until 5PM between October and May. This would give recreational jet boaters, kayakers, rafters and other members of the local community the ability to use the river and enjoy this great asset which is in our backyard. Currently Shotover Jet is running at a reduced capacity which means they are off the river around 5PM each night. This has been great for my family and I which includes two young children as we can enjoy floating down the river before their bedtimes in the sunshine. Why should a tourist have more right to a river than someone who lives here? A better balance must be found!</p>	
Renee	Wootton		No	I understand	I am in favour of this	Amends words for clarification purposes	Shorter hours for the Shotover jet to enable other members of the community to use the river. For me I'd like to see some useable hours in winter (before dark) as well as more time in summer.
Alex	Martin		No	I understand	I oppose this	I would like to see earlier recreational use of the river in the evenings during the off peak (for tourism) months (from 5pm).	
Judith	Collett		No	I understand	I oppose this	I am a white water recreationak user and believe there should be more suitable times allowed to local users and easier access for individual small groups for use. I therefore propose a modest reduction in hours available for concession.	



First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Iain	Phillips		No	I understand	I oppose this	The current bylaw is too restrictive, making no provision for recreational users to access the river without applying for a permit. There is an active kayaking community in Queenstown which would benefit from occasional access to this river section, particularly over the summer period when many local athletes are training for the annual coast to coast race. Currently the only readily accessible rivers suitable for kayaking are in Wanaka, requiring transporting kayaks over the crown range road. I recommend allowing recreational users access to this river section during early morning and late evening hours in summer (when commercial uses are limited anyway), and for a full weekend day once a month.	
Zak	Burnett		No	I understand	I oppose this	The river should be for the use of locals as well as tourists. I can't see why shotover jet can't just use the down river section from their base and leave the small upper portion for locals to use to swim etc. The shotover jet also causes erosion on the natural beaches that exist in that portion. I noticed this after the covid lockdown. The beach had naturally built back up and now is pretty much gone due to their jets.	
Josie	Cederman		No	I understand	I oppose this	I believe that access should be given to the river for people to kayak, packraft, raft, paddle board or other types of water activity in reasonable daylight hours. This may mean early evening access during the summer and some daytime access during the winter.	
Kat	Bulk		No	I understand	I am in favour of this	I think that regulation of this stretch of the river is important, to protect all river users, i think Shotover Jet does a great job of administering the legislation	As a kayaker, I would love to see some increased flexibility for access in the winter months when day light hours are reduced, currently there is a 6 month period where we cannot access the river dues to commercail operations during daylight hours, would be fantastic to reach a comprromise where recreational river users are allowed greater access in the winter
Pete	Oswald	Little Difference Ltd	No	I understand	I oppose this	The permitting system should be administered by QLDC. Not by the commercial entity that has a vested interest in not issuing permits and not letting the public on river. The proposed changes are largely technical in nature and have not considered any of the stakeholder feedback provided. The QLDC internal report in paragraph 15 purports to show that the permit system, in its current form is working successfully by discussing how many permits have been issued in the previous five years. However, there is no information on how many times permits have been denied or any polling to understand if the permit system is a barrier to using the river. Polling undertaken by the APCA, which received XXX responses, suggest that only 5% of the community thinks the current system provides reasonable access to the river Polling undertaken by APCA suggests that the current system is a significant barrier to use of the river and the river would be used more by the community if a better balance existing between commercial uses and recreational users with regards to right of access. The current permit system is a restriction on the rights of New Zealanders freedom of movement and use of recreational spaces Paragraph 21 of the QLDC internal report suggests that providing more access to the general public is "untenable". APCA's view is that it is only "untenable" as QLDC have put the interest of a commercial entity (that isn't currently using the river to its permitted extent) above that of the community. Health & Safety issues could be managed effectively and better public access provided by the operator relinquishing some of the permitted operating time (i.e 5pm to 9pm several days a week from Oct through to April). This would provide the balance that the community seeks.	
Sophie	Oswald		No	I understand	I oppose this	The permitting system should be administered by QLDC. Not by the commercial entity that has a vested interest in not issuing permits and not letting the public on river. The proposed changes are largely technical in nature and have not considered any of the stakeholder feedback provided. The QLDC internal report in paragraph 15 purports to show that the permit system, in its current form is working successfully by discussing how many permits have been issued in the previous five years. However, there is no information on how many times permits have been denied or any polling to understand if the permit system is a barrier to using the river. Polling undertaken by the APCA, which received XXX responses, suggest that only 5% of the community thinks the current system provides reasonable access to the river Polling undertaken by APCA suggests that the current system is a significant barrier to use of the river and the river would be used more by the community if a better balance existing between commercial uses and recreational users with regards to right of access. The current permit system is a restriction on the rights of New Zealanders freedom of movement and use of recreational spaces Paragraph 21 of the QLDC internal report suggests that providing more access to the general public is "untenable". APCA's view is that it is only "untenable" as QLDC have put the interest of a commercial entity (that isn't currently using the river to its permitted extent) above that of the community. Health & Safety issues could be managed effectively and better public access provided by the operator relinquishing some of the permitted operating time (i.e 5pm to 9pmseveral days a week from Oct through to April). This would provide the balance that the community seeks.	
Zoe	Pierce		No	I understand	I oppose this	I would like to see greater access opportunities available to the general public. Limiting general public use of this stretch of the Shotover (with a permit) to outside Shotover Jet operational hours greatly reduces who is able to enjoy and benefit from the experience. This stretch of water is an exceptional class 2 training ground for non-powered 'vessels' such as kayaks, pack rafts & rafts. It's proximity to Queenstown and the easy road/river access at either end would make it extremely attractive for school, college, Scouting and outdoor education groups. However, the reduced hours of potential access, squeezed into the end of the day, mean it is not a viable resource to be utilised for these groups. Please consider a timetable (once/twice a month, eg first Monday each month) or include an invitation to apply for an access permit for daytime use for the purpose of outdoor education. The closest, accessible and comparable stretch of river suitable for this purpose is either the Clutha or Hawea, both involve an hours journey each way. QLDC is recognising the increase of private boat ownership and increased use of our waterways. I would like to see QLDC support educational groups by giving them opportunity to use this stunning piece of river. Thereby furthering youth education, water safety and greater personal development and experience for students.  If members of the Council would like to experience this stretch of river from a non-powered craft and gain some insight to my submission, I would happily organise the trip.	

First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Charlie	Arms-Harris		No	I understand	I oppose this	<p>I reside on McChesney Road in Arthurs Point and consequently spend a lot of time with my family in and around the Shotover River.</p> <p>I would like to see the community/recreational users have greater access to the river (access from 5 PM to 9 PM several days a week from Oct through to April) and the resulting reduction in noise pollution from commercial operations. It would be nice to be able to get out on the river in a raft or kayak with friends in daylight hours, even if after work, and in my opinion, there needs to be a more fair balance of river use between residents/locals and commercial entities.</p> <p>In support of my submission, I have been informed by residents/locals who share this view that:</p> <ul style="list-style-type: none"> <li>- The permitting system should be administered by QLDC and not by the commercial entity that specifically has a vested interest in not issuing permits or letting the public on the river.</li> <li>- The proposed changes are largely technical in nature and have not considered any of the stakeholder feedback provided.</li> <li>- The QLDC internal report in paragraph 15 purports to show that the permit system, in its current form, is working successfully by discussing how many permits have been issued in the previous five years. However, there is no information on how many times permits have been denied or any polling to understand if the permit system is a barrier to using the river. Polling undertaken by the APCA, suggest that only 5% of the community thinks the current system provides reasonable access to the river.</li> <li>- Polling undertaken by APCA suggests that the current system is a significant barrier to the use of the river and the river would be used more by the community if a better balance existing between commercial uses and recreational users with regards to right of access.</li> <li>- The current permit system is a restriction on the rights of New Zealander's freedom of movement and use of recreational spaces.</li> <li>- Paragraph 21 of the QLDC internal report suggests that providing more access to the general public is "untenable". APCA's view is that it is only "untenable" as QLDC has put the interest of a commercial entity (that isn't currently using the river to its permitted extent) above that of the community.</li> <li>- Health &amp; Safety issues could be managed effectively and better public access provided by the operator relinquishing some of the permitted operating time. Specifically, access from 5 PM to 9 PM several days a week.</li> </ul> <p>Open up times for non motorised river recreational users so they can enjoy the river without risk from jet boats.</p>	
Meggie Oliver	Bichard Hart	The outpost	No Yes	I understand I understand	I oppose this I am in favour of this	<p>I believe that this river like any water way does not belong to anyone and must be respected as the beautiful piece of nature that it is. The concept of river ownership is strange but I understand that's the game we are playing in this day and age until all of us can play nice on this small rock we live on. I would vote for quiet unpowered vessles on river systems to as a start off</p>	
Sam	Murray		No	I understand	I oppose this	<p>The Shotover River permitting system should be administered by QLDC. Not by the commercial entity that has a vested interest in not issuing permits and not letting the public on the section of Shotover River in question.</p> <p>The currently proposed bylaw changes are largely technical in nature and have not considered any of the stakeholder feedback provided. The QLDC internal report (paragraph 15) purports to show that the permit system, in its current form, is working successfully by discussing how many permits have been issued in the previous five years. However, there is no information on how many times permits have been denied or any polling to understand if the permit system is a barrier to using the river. Polling undertaken by the APCA, which received numerous responses, suggest that only 5% of the community thinks the current system provides reasonable access to the river. Polling undertaken by APCA suggests that the current system is a significant barrier to use of the river and the river would be used more by the community if a better balance existing between commercial uses and recreational users with regards to right of access.</p> <p>The current permit system is a restriction on the rights of New Zealanders freedom of movement and use of recreational spaces. Paragraph 21 of the QLDC internal report suggests that providing more access to the general public is "untenable". APCA's view is that it is only "untenable" as QLDC have put the interest of a commercial entity (that isn't currently using the river to its permitted extent) above that of the community.</p> <p>Health &amp; Safety issues could be managed effectively and better public access provided by the operator relinquishing some of the permitted operating time (i.e 5pm to 9pm, several days a week from Oct through to April). This would provide the balance that the community seeks.</p>	



First name:	Last name:	Organisation:	Do you wish to speak at a hearing?	I understand that all submissions will be treated as public information.	Re the draft Shotover River Bylaw 2021:	Please explain your stance on the draft Shotover River Bylaw 2021:	Provide your comment here:
Malcolm	Smith	Jet Boating NZ	Yes	I understand that all submissions will be treated as public information.	I am in favour of this	In a summary sense, JBNZ considers that the present 2015 Bylaw has and continues to work well to manage watercraft activities on the Shotover River within the Concession Area.	<p>. It is understood that Queenstown Lakes District Council has delegated responsibility for all watercraft activities within the Concession Area to Shotover Jet who consider the circumstances for all proposed activities and issue permits subject to sensible and reasonable conditions.</p> <p>3. This more so involves access to and use of the waterway during periods of commercial jet boat activity where the permit holders coordinate their activities about the commercial jet boat operations. JBNZ considers this coordination is both important and necessary to maintain safety for all users of the river.</p> <p>2</p> <p>4. The present process to obtain a permit is acceptable to JBNZ. The pre-requisite safety briefing is appropriate, and the subsequent communication with Shotover Jet prior to accessing the river is also important and necessary.</p> <p>5. JBNZ notes that the draft 2021 Bylaw is essentially a continuation of the present 2015 Bylaw albeit with some minor changes. Given the above comments, JBNZ is supportive of the draft 2021 Bylaw.</p> <p>6. We consider that the present access protocols are important and effective, and it is appropriate they are maintained to ensure safety for all users within the Concession Area of the river. . As further feedback, JBNZ members have been unsure if they and other users can obtain permits to access the Concession Area of the river outside the hours of commercial jet</p>

Summary of submissions received – Attachment B

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
1	Kate Long	Neutral No	No comments provided	N/A	N/A
2	Samantha Marsh	Support No	<ol style="list-style-type: none"> <li>1. Submitter supports the bylaw in respect of maintaining Maritime safety.</li> <li>2. Would like to see more access provided for recreational users, before the 7.00pm time Shotover Jet usually ceases operations.</li> </ol>	<ol style="list-style-type: none"> <li>1. The bylaw seeks to maintain navigation safety for all users and this is consistent with the submitters comment.</li> <li>2. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as is.</li> <li>2. Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>
3	Guilio Chapman-Olla	Support No	<ol style="list-style-type: none"> <li>1. Agree to minor changes proposed in the bylaw</li> <li>2. Would like to see more efficient processing of permit applications.</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate to update to correct (more recent and specific) terminology and legislation.</li> <li>2. Currently the operator processes permits submitted as the delegate of Council. From a safety perspective, this allows the operator to permit other users as and when possible and provide safety briefing inductions and communications.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain proposed changes regarding minor changes.</li> <li>2. Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>
4	Catherine Fallon	Support No	<ol style="list-style-type: none"> <li>1. Allow for more public access from 5.00pm, rather than 7.00pm.</li> </ol>	<ol style="list-style-type: none"> <li>1. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
5	Katie Russell	Support No	No comments provided	N/A	N/A
6	Renee Wootton	Support No	<ol style="list-style-type: none"> <li>1. Agree to minor amendments</li> <li>2. Allow greater public access</li> </ol>	<ol style="list-style-type: none"> <li>1. Appropriate to update to correct (more recent and specific) terminology and legislation.</li> <li>2. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as is regarding minor changes.</li> <li>2. Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>
7	Kat Bulk	Support No	<ol style="list-style-type: none"> <li>1. Submitter outlines that regulation of this stretch of river is important to protect public safety.</li> <li>2. Delegate Shotover Jet does a good job of administering permits.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Maritime Transport Act 1994 (<b>MTA</b>) provides for Regional Council's to create bylaws for maritime safety in its region. The Otago Regional Council (<b>ORC</b>) transferred its maritime bylaw making powers in the Queenstown Lakes District to the Queenstown Lakes District Council (<b>Council</b>) under sections 17(1) and 17(4)(a) of the Local Government Act 2002 (<b>LGA</b>) and section 650J of the Local Government Act 1974</li> <li>2. Agree with comment in relation to maintaining navigation and public safety.</li> <li>3. Delegate/Shotover Jet have demonstrated a willingness to process permits outside of hours of operation and provide emphasis on safety briefings.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintaining the proposed bylaw in its current form will ensure navigation safety and public safety are maintained.</li> <li>2. Maintain bylaw as is regarding minor changes.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
8	Oliver Hart	Support Yes	1. Submitter outlines that the river does not belong to anyone and should be managed in a safe way that permits all users to access it.	1. The Maritime Transport Act 1994 ( <b>MTA</b> ) provides for Regional Council's to create bylaws for maritime safety in its region. The Otago Regional Council ( <b>ORC</b> ) transferred its maritime bylaw making powers in the Queenstown Lakes District to the Queenstown Lakes District Council ( <b>Council</b> ) under sections 17(1) and 17(4)(a) of the Local Government Act 2002 ( <b>LGA</b> ) and section 650J of the Local Government Act 1974 2. Agree with comment. Current Bylaw and permit system does allow for this.	1. Maintaining the proposed bylaw in its current form will ensure navigation safety and public safety are maintained.
9	Jet boating NZ (Malcolm Smith)	Support Yes	1. In a summary sense, JBNZ considers that the present 2015 Bylaw has and continues to work well to manage watercraft activities on the Shotover River within the Concession Area. 2. We consider that the present access protocols are important and effective, and it is appropriate they are maintained to ensure safety for all users within the Concession Area of the river. 3. The extension to this is confirmation that JBNZ does	1. The Maritime Transport Act 1994 ( <b>MTA</b> ) provides for Regional Council's to create bylaws for maritime safety in its region. The Otago Regional Council ( <b>ORC</b> ) transferred its maritime bylaw making powers in the Queenstown Lakes District to the Queenstown Lakes District Council ( <b>Council</b> ) under sections 17(1) and 17(4)(a) of the Local Government Act 2002 ( <b>LGA</b> ) and section 650J of the Local Government Act 1974 2. Agree with comment. Current Bylaw and permit system does allow for this. 3. This may be considered during the permitting process in a discretionary sense by the delegate and authority.	1. Maintain the proposed bylaw in its current form will ensure navigation safety and public safety are maintained. 2. As above 3. This needs to be further considered with hearings panel and delegate as to whether or not permits can be utilized in an ongoing basis outside of operation hours. Ultimately this

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<p>wish to enjoy access to the Concession Area of the river outside of commercial jet boat operations if this is acceptable to Queenstown Lakes District Council and Shotover Jet. However, members wish to do so in a manner that is safe.</p>		<p>is dependent on ability to maintain navigation safety.</p>
10	Miira Murphy	Oppose No	<ol style="list-style-type: none"> <li>Shotover Jet operates too early in the morning.</li> <li>Submitter refers to the reduced activities during lockdown demonstrating the positive community benefits of reduced hours of operation.</li> </ol>	<ol style="list-style-type: none"> <li>Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> <li>Comment acknowledged. As above.</li> </ol>	<ol style="list-style-type: none"> <li>Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>
11	Alex Nichol	Oppose No	<ol style="list-style-type: none"> <li>Submitter outlines disappointment of restricted nature the bylaw imposes on members of the community accessing the concession area.</li> <li>Suggests restricting Shotover Jet hours of operation to allow for greater public access.</li> </ol>	<ol style="list-style-type: none"> <li>The Maritime Transport Act 1994 (<b>MTA</b>) provides for Regional Council's to create bylaws for maritime safety in its region. The Otago Regional Council (<b>ORC</b>) transferred its maritime bylaw making powers in the Queenstown Lakes District to the Queenstown Lakes District Council (<b>Council</b>) under sections 17(1) and 17(4)(a) of the Local Government Act 2002 (<b>LGA</b>) and section 650J of the Local Government Act 1974.</li> </ol>	<ol style="list-style-type: none"> <li>Maintain bylaw as proposed.</li> <li>As above</li> <li>Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<ol style="list-style-type: none"> <li>3. And Council/delegate providing a more efficient permitting system.</li> </ol>	<ol style="list-style-type: none"> <li>2. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> <li>3. Comment noted.</li> </ol>	
12	Terri Anderson	Oppose No	<ol style="list-style-type: none"> <li>1. The Shotover River needs to have greater access to non-commercial recreational users.</li> </ol>	<ol style="list-style-type: none"> <li>1. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> </ol>
13	Nigel Lloyd	Oppose No	<ol style="list-style-type: none"> <li>1. Proposed bylaw does not go far enough to consider and allow greater public access.</li> <li>2. Current permitting system is poorly balanced.</li> <li>3. Wants to see commercial operations finishing earlier in the day.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Maritime Transport Act 1994 (MTA) provides for Regional Council's to create bylaws for maritime safety in its region. The Otago Regional Council (ORC) transferred its maritime bylaw making powers in the Queenstown Lakes District to the Queenstown Lakes District Council (Council) under sections 17(1) and 17(4)(a) of the Local Government Act 2002 (LGA) and section 650J of the Local Government Act 1974.</li> <li>2. Comment noted.</li> <li>3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. As above</li> <li>3. Maintain bylaw as proposed. Consider implementing a streamlined permitting application process online.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
				permitting hours of operation from 7.30am to 9.00pm seven days a week.	
14	Alice Behan	Oppose No	1. The bylaw is too heavily weighted towards the commercial interest of Shotover Jet at the detriment of the community.	1. Comment noted. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week.	1. Maintain bylaw as proposed.
15	Wulf Solter	Oppose No	1. Concerned that Shotover Jet managing and regulating public access will put them ahead of anyone else. 2. Believes an independent entity should manage recreational/public permits and access	1. Comment noted. 2. Council can consider managing the public permit process or elect an independent delegate. Ultimately consideration will need to be provided by the commercial operator to ensure permit works in with consented activities.	1. Maintain bylaw as proposed. 2. Council to consider ability to have permitting system online and streamlined.
16	Stuart Daniel	Oppose Yes	1. Worried that the Bylaw doesn't look after the wider interests of the public, and allows businesses to monopolise the area. 2. This stretch of river is used by the whitewater community and there is no alternative river nearby offering the same level of difficulty and river features 3. Shotover Jet's operating hours makes the use for	1. Comment noted. Bylaw is in place to manage navigation safety and public safety 2. Comment noted. This point has been identified as a key theme from submissions. 3. Comment noted. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety	1. Maintain bylaw as proposed. 2. Maintain bylaw as proposed. 3. Council to consider ability to have permitting system online and streamlined.

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			public access small, and the permitting process is onerous and only Shotover Jet can issue permits. More needs to be done to improve public access for swimmers and non motorised water craft	can be maintained and access improved Council will consider possible options.	
17	Andrew Blackford	Oppose Yes	1. Bylaw alienates the Arthur's Point and wider community from a significant, local, recreational resource.	1. Comment noted. Bylaw's purpose is to maintain navigation safety.	1. Maintain bylaw as proposed.
18	Julia Crownshaw	Oppose No	1. Bylaw alienates the Arthur's Point and wider community from a significant, local, recreational resource.	1. Comment noted. Bylaw's purpose is to maintain navigation safety.	1. Maintain bylaw as proposed.
19	Arthurs Point Community Association	Oppose Yes	1. Following on from feedback previously provided, the APCA seeks for better balance between recreational and commercial users on this stretch of river.	1. Comment noted. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.	1. Maintain bylaw as proposed.
20	Stuart Daniel (Central Otago)	Oppose Yes	1. States that nothing has been proposed to improve access for the public to the area. 2. This stretch of river is used by the whitewater	1. Comment noted. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm	1. Maintain bylaw as proposed. 2. Council to consider ability to have permitting system



ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
	Whitewater Inc)		<p>community and there is no alternative river nearby offering the same level of difficulty and river features</p> <ol style="list-style-type: none"> <li>3. Shotover Jet's operating hours makes the use for public access small, and the permitting process is onerous and only Shotover Jet can issue permits which is financially incentivized to minimize access to the river by other users.</li> <li>4. Shotover Jet's license to operate needs to be reviewed and balanced up with the interests of rate payers and residents in the area.</li> </ol>	<p>seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</p> <ol style="list-style-type: none"> <li>2. Comment noted</li> <li>3. Comment noted. Council can consider managing the public permit process or elect an independent delegate. Ultimately consideration will need to be provided by the commercial operator to ensure permit works in with consented activities.</li> <li>4. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> </ol>	<p>online and streamlined.</p> <ol style="list-style-type: none"> <li>3. Maintain bylaw as proposed.</li> <li>4. Maintain bylaw as proposed.</li> </ol>
21	Jana B	Oppose No	<ol style="list-style-type: none"> <li>1. Would like to see the river accessed by locals and the operation time reduced for residents</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed. Council to consider ability to have permitting system online and streamlined.</li> </ol>
22	Eddie Gapper	Oppose No	<ol style="list-style-type: none"> <li>1. Opposes retaining the existing restrictions on public access to the Concession</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			Area. Shotover Jet's temporary closure has provided more public access.		Council to consider ability to have permitting system online and streamlined.
23	Tom Kettlewell	Oppose No	1. Access should be for everyone	1. Comment noted.	1. Maintain bylaw as proposed.
24	Leigh Carppe	Oppose Yes	1. The Shotover river is should be free to access for everyone	1. Comment noted.	1. Maintain bylaw as proposed.
25	Sarah Lyttle	Oppose Yes	1. Opposes restrictions to public access in favour of commercial operation. 2. Wants reduction of commercial/restricted hours, removing noise pollution and allowing recreation river use. 3. Allow permitted river until 5pm, then open to recreational users from 5pm	1. Comment noted. 2. Bylaw is in place to manage navigation safety and public safety. 3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.	1. Maintain bylaw as proposed. 2. Council to consider ability to have permitting system online and streamlined.
26	Jeremy Lyttle	Oppose No	1. Opposes restrictions to public access in favour of commercial operation. 2. Wants reduction of commercial/restricted hours, removing noise pollution and allowing recreation river use.	1. Comment noted. 2. Bylaw is in place to manage navigation safety and public safety. 3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If	1. Maintain bylaw as proposed. 2. Council to consider ability to have permitting system online and streamlined.

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			3. Allow permitted river until 5pm, then open to recreational users from 5pm	navigation safety can be maintained and access improved Council will consider possible options.	
27	Dennis Behan	Oppose Yes	<ol style="list-style-type: none"> <li>1. River is only private river in NZ. Bylaw is heavily weighted towards commercial enterprise. Wants to see better balance between commercial and recreational users.</li> <li>2. Proposes Shotover Jet access until 5PM October to May.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> <li>2. Bylaw is in place to manage navigation safety and public safety.</li> <li>3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Council to consider ability to have permitting system online and streamlined.</li> <li>3. Maintain bylaw as proposed.</li> </ol>
28	Alex Martin	Oppose No	<ol style="list-style-type: none"> <li>1. Would like to see earlier recreational use of the river in the evenings during off peak months from 5pm.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> <li>2. Bylaw is in place to manage navigation safety and public safety.</li> <li>3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Council to consider ability to have permitting system online and streamlined.</li> </ol>
29	Judith Collett	Oppose No	<ol style="list-style-type: none"> <li>1. More suitable times allowed to local users and easier access for small groups. Proposes a reduction in</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> <li>2. Bylaw is in place to manage navigation safety and public safety.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Council to consider ability to have</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			hours available for concession.	3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.	permitting system online and streamlined.
30	Iain Phillips	Oppose No	<ol style="list-style-type: none"> <li>1. Bylaw is too restrictive, no provisions for recreational users to access without permit.</li> <li>2. Proposes recreational users access to this river section during early morning and late evening hours in summer and for a full weekend day once a month.</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment noted.</li> <li>2. Bylaw is in place to manage navigation safety and public safety.</li> </ol> <p>Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</p>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Council to consider ability to have permitting system online and streamlined.</li> </ol>
31	Zak Burnett	Oppose No	<ol style="list-style-type: none"> <li>1. Wants to see locals use river as well as tourists. Suggests Shotover jet use the down river section from their base and leave the small upper portion for locals.</li> <li>2. Shotover jet causes erosion on the natural beaches</li> </ol>	<ol style="list-style-type: none"> <li>1. Concession area cannot be altered via the bylaw.</li> <li>2. Comment acknowledged. Shotover Jet has conditions of their resource consent to adhere to relating to bank erosion and is not managed via bylaw.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Maintain bylaw as proposed.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
32	Josie Cederman	Oppose No	<ol style="list-style-type: none"> <li>1. Wants access given to kayaks, packraft, raft, paddle boards etc in early evenings during summer and some daytime access during the winter.</li> </ol>	<ol style="list-style-type: none"> <li>1. Access is provided permit system, however common theme requesting more time for recreational use.</li> <li>2. Bylaw is in place to manage navigation safety and public safety.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Council to consider ability to have permitting system online and streamlined.</li> </ol>
33	Pete Oswald (Little Differences LTD)	Oppose No	<ol style="list-style-type: none"> <li>1. Permits should be administered by QLDC. Not by the commercial entity that has a vested interest on river.</li> <li>2. Proposed changes have not considered any of the stakeholder feedback provided.</li> <li>3. QLDC report shows that the current permit system is successfully working but doesn't include how many times permits have been denied or it being a barrier for use by recreational users. Suggests QLDC have put the interest of a commercial entity above that of the community.</li> <li>4. Refers to poll undertaken by APCA, suggesting only 5% of</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment acknowledged.</li> <li>2. All informal feedback was and is being considered.</li> <li>3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> <li>4. Comment noted.</li> <li>5. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> </ol>	<ol style="list-style-type: none"> <li>1. Council to consider ability to have permitting system online and streamlined.</li> <li>2. Maintain bylaw as proposed.</li> <li>3. Council to consider ability to have permitting system online and streamlined.</li> <li>4. Maintain bylaw as proposed.</li> <li>5. Maintain bylaw as proposed.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<p>community thinks the current system provides reasonable access to the river</p> <p>5. Change operating hours to 5pm to 9pm several days a week from Oct through to April to manage Health &amp; Safety issues and provide better public access.</p>		
34	Sophie Oswald	Oppose No	<ol style="list-style-type: none"> <li>1. Permits should be administered by QLDC. Not by the commercial entity that has a vested interest on river.</li> <li>2. Proposed changes have not considered any of the stakeholder feedback provided.</li> <li>3. QLDC report shows that the current permit system is successfully working but doesn't include how many times permits have been denied or it being a barrier for use by recreational users. Suggests QLDC have put the interest of a commercial</li> </ol>	<ol style="list-style-type: none"> <li>1. Comment acknowledged.</li> <li>2. All informal feedback was and is being considered.</li> <li>3. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> <li>4. Comment noted.</li> <li>5. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and</li> </ol>	<ol style="list-style-type: none"> <li>1. Council to consider ability to have permitting system online and streamlined.</li> <li>2. Maintain bylaw as proposed.</li> <li>3. Council to consider ability to have permitting system online and streamlined.</li> <li>4. Maintain bylaw as proposed.</li> <li>5. Maintain bylaw as proposed.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<p>entity above that of the community.</p> <p>4. Refers to poll undertaken by APCA, suggesting only 5% of community thinks the current system provides reasonable access to the river</p> <p>5. Change operating hours to 5pm to 9pm several days a week from Oct through to April to manage Health &amp; Safety issues and provide better public access.</p>	<p>access improved Council will consider possible options.</p>	
35	Zoe Pierce	Oppose No	<ol style="list-style-type: none"> <li>1. Greater access available to the general public.</li> <li>2. Exceptional Training ground for non-powered 'vessels'.</li> <li>3. Reduced hours of potential access at the end day means it's not a viable resource to be utilised for these groups.</li> <li>4. Suggests using a monthly/daily timetable or use of permits for daytime use for the outdoor education. Would like to see QLDC support educational groups providing them the</li> </ol>	<ol style="list-style-type: none"> <li>1. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> <li>2. Comment noted.</li> <li>3. Comment noted.</li> <li>4. Comment noted. Permits should be emphasized for educational purposes where navigation safety can be maintained.</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Maintain bylaw as proposed.</li> <li>3. Maintain bylaw as proposed.</li> <li>4. Council to consider ability to have permitting system online and streamlined.</li> </ol>

ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<p>opportunity to use this piece of river.</p>		
36	Charlie Arms-Harris	Oppose No	<ol style="list-style-type: none"> <li>1. Community/recreational users have greater access to the river from 5 PM to 9 PM several days a week from Oct through to April.</li> <li>2. Would reduce noise pollution</li> <li>3. Fair balance between residents/locals and commercial entities.</li> <li>4. Permitting system should be administered by QLDC, not by the commercial entity that has a vested interest in not issuing permits</li> <li>5. QLDC report shows that the current permit system is successfully working but doesn't include how many times permits have been denied or it being a barrier for use by recreational users. Suggests QLDC have put the interest of a commercial entity above that of the community.</li> </ol>	<ol style="list-style-type: none"> <li>1. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> <li>2. Comment noted.</li> <li>3. Comment noted.</li> <li>4. Comment noted.</li> <li>5. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options.</li> <li>6. Comment noted.</li> <li>7. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If</li> </ol>	<ol style="list-style-type: none"> <li>1. Maintain bylaw as proposed.</li> <li>2. Maintain bylaw as proposed.</li> <li>3. Maintain bylaw as proposed.</li> <li>4. Council to consider ability to have permitting system online and streamlined.</li> <li>5. Maintain bylaw as proposed.</li> <li>6. Maintain bylaw as proposed.</li> <li>7. Maintain bylaw as proposed.</li> </ol>



ID	Submitter	Support / Neutral / Oppose the Proposal; Would like to be heard in person	Key themes of submission	Analysis of submission	Recommendations
			<p>6. Refers to poll undertaken by APCA, suggesting only 5% of community thinks the current system provides reasonable access to the river</p> <p>7. Change operating hours to 5pm to 9pm several days a week from Oct through to April to manage Health &amp; Safety issues and provide better public access.</p>	<p>navigation safety can be maintained and access improved Council will consider possible options.</p>	
37	Meggie Bichard	Oppose No	<p>1. Alter times for non motorised river recreational users to access river</p>	<p>1. Restricting the commercial activities of Shotover Jet is limited with the existing resource consent for the activity permitting hours of operation from 7.30am to 9.00pm seven days a week. If navigation safety can be maintained and access improved Council will consider possible options</p>	<p>1. Maintain bylaw as proposed.</p>
38	Sam Murray	Oppose No	<p>1. Permits should be administered by QLDC, not the commercial entity that has a vested interest in not issuing permits</p>	<p>1. Comment noted.</p>	<p>2. Council to consider ability to have permitting system online and streamlined.</p>



**QUEENSTOWN LAKES DISTRICT COUNCIL  
SHOTOVER RIVER BYLAW 2020**

**STATEMENT OF PROPOSAL**

## INTRODUCTION

1. This is a statement of proposal prepared in accordance with section 83(1)(a) Local Government Act 2002 (LGA), in relation to the review of the Shotover River Bylaw 2015 (**Current Bylaw**), and making of the proposed Queenstown Lakes District Shotover River Bylaw 2021.
2. The Queenstown Lakes District Council (**Council**) is seeking public feedback on its proposal to make minor amendments to the Current Bylaw, and provide comment on the reviewed Shotover River Bylaw 2021 (**Proposed Bylaw**). A copy of the Proposed Bylaw is included as Appendix 1.
3. The Current Bylaw regulates a portion of the Shotover River (**Concession Area**) by reserves the Concession Area for use by persons and craft that have a permit granted by Council or its delegate for the purposes of maritime safety. It also provides the permitting system. There is an identified need to continue to regulate the Shotover River to ensure the safety of all users of the river, both recreational and commercial. A copy of the Proposed Bylaw is included as Appendix 2.
4. The Proposed Bylaw will retain the same regime as the Current Bylaw, with minor amendments, in order to provide for the continued safe and effective regulatory management of the Concession Area.
5. Council officers have consulted with key stakeholders to identify matters within the Current Bylaw that may require amending, and to address any specific concerns they have with the Current Bylaw. Council officers have also sought legal advice about the drafting improvements that could be made to the Current Bylaw.

## LEGISLATIVE FRAMEWORK

6. Section 33M of the Maritime Transport Act 1994 (**MTA**) provides for Regional Council's to create bylaws for ensuring maritime safety in its region, including by reserving the use of any waters for specified persons, ships or seaplanes. The Otago Regional Council transferred its maritime bylaw making powers in the Queenstown Lakes District to the Council under the LGA and the Local Government Act 1974. The transfer has continuing effect under section 87 of the Maritime Transport Act Amendment Act 2013.
7. The Current Bylaw was made on 15 December 2015, and is due for review in accordance with section 158 LGA .
8. Section 33M requires that the Council consult with the Director of Maritime New Zealand when making bylaws for ensuring maritime safety. The Council will run the special consultative procedure under the LGA at the same time as seeking comments from the Director of Maritime New Zealand.

## PROPOSAL

9. The Council proposes that minor amendments to the Current Bylaw should be made by adopting the proposed Shotover River Bylaw 2021.
10. This Statement of Proposal has been prepared in accordance with the requirements of sections 83 and 86 of the LGA, and includes:

- a. Consideration of whether a bylaw is the most appropriate and proportionate way of addressing the perceived problems in relation to the safety of the users of the Concession Area;
- b. Consideration of whether the Proposed Bylaw is the most appropriate form of bylaw ensure the safe navigation of users in the Concession Area;
- c. Consideration of the bylaw's consistency with the New Zealand Bill of Rights Act 1990;
- d. A draft of the proposed reviewed Shotover River Bylaw 2021.

**IS THE PROPOSED BYLAW THE MOST APPROPRIATE WAY OF ADDRESSING THE PERCEIVED PROBLEM?**

- 11. The Shotover River is a popular destination in the Queenstown Lakes District for both residents and tourists alike. Commercial operators operate on the Shotover River, as well as recreational users, making it a busy and high traffic river.
- 12. The area of the Shotover River that the bylaws relate to is a unique section of the river home to narrow canyons and gorges. This is a dynamic section of the river that both commercial and recreational watercraft users utilise. It poses a significant safety risk for all users of the river if not appropriately managed, due to the dynamic and unforgiving nature of this section of river.
- 13. The Council has undertaken informal consultation with key stakeholders to assist in the review of the Current Bylaw. Stakeholders were unified in identifying a continuing need for a bylaw to ensure the safety for all users of the river. Stakeholders identified that if vessels are operated within the Concession Area without a permit or outside permit conditions the potential for significant injuries is high, and fatalities are a distinct possibility.
- 14. From the feedback received from stakeholders, the Current Bylaw has worked effectively to manage the use of the Shotover River from a variety of users, both recreational and commercial, which has resulted in increased safety for all users of the river. Stakeholders are generally supportive of the Current Bylaw, and retaining the same restrictions.
- 15. Council has gathered the following information in relation to the Current Bylaw:
  - a. Since 1 January 2015 there have been a total of 708 permits issued to recreational users within the Concession Area;
  - b. On average 130 permits per year are issued to recreational users;
  - c. Since 2015, there has been a total of five infringements issued for private craft entering the Concession Area without obtaining a permit. Four of the five infringements have been issued in the past eight months; and
  - d. Anecdotally, Council officers have observed that the ownership of private craft, and jet boats in particular, have become more common in the Queenstown Lakes District since the Current Bylaw was made. No known accidents have occurred in the past five years.

16. The number of permits issued, alongside the increase in ownership of private craft and recent infringements issued shows that there is increasing demand for use of the river. The risk of a serious incident would be extremely high without appropriate restrictions and provisions in place. This risk is only increasing with more users of the river.
17. Near accidents within the Concession Area have been a result of non-permitted recreational users that have not first notified the Council or its nominated delegate of its presence within the Concession Area. Part of the permitting process under the Existing Bylaw and the Proposed Bylaw is for the Shotover Jet Ngai Tahu to complete an induction with the applicant and to advise on river conditions and hazards. Without a permitting system in place the likelihood of a severe or fatal accident taking place increases significantly.
18. The Council has determined that a bylaw is the most effective mechanism to ensure public safety on the Shotover River by reserving the Concession Area for specified persons, ships or seaplanes.
19. The Council has determined that the most appropriate way of addressing the problems in respect of safety on the Shotover River is to retain the same restrictions on public access to the Concession Area as in the Existing Bylaw, with the following minor amendments to the 2015 Bylaw:
  - a. The word “craft” has been replaced with the word “vessel” for consistency with the Navigation Safety Bylaw 2018;
  - b. The addition of the word “only” in the purpose to ensure clarity that the bylaw is only in respect of the Concession Area;
  - c. In the Permit to access the Concession Area the addition of “Any future permits applied for by parties with a history of non-compliance with the Bylaw may be rejected;” and
  - d. Correcting minor errors
20. In considering whether a bylaw is the most appropriate way of addressing the problem in respect of the Shotover River, the Council has considered the following options:
  - a. Option 1 – Adopt the proposed Shotover River Bylaw 2021 for public consultation;
  - b. Option 2 – Do nothing, allow the Current Bylaw to expire
21. Option 1 is the proposed option.

**Option 1: Adopt the proposed Shotover River Bylaw 2021 for public consultation**

22. If the Council adopts the Proposed Bylaw it will continue to provide effective management and control provide of potential safety risks to members of the public utilising the concession area recreationally. One advantage of this option is that it enables continuity of a successful process that has been in place for a number of years to control public access to the Concession Area. This has provided a secure system to ensure the safety of all river users. The Council will be seen as actively engaging in protecting the district’s community and river users via a safe and effective permitting system.

23. One disadvantages of this option is that the Council will not be providing unimpeded access for the public to the Concession Area of the Shotover River.

**Option 2: Do nothing, allow existing bylaw to expire**

24. If the Council does nothing, the Existing Bylaw will expire on 15 December 2022. After the expiry of the Existing Bylaw there would be no restrictions on who could access the Concession Area, which may be favoured by some users.
25. The Council runs the risk of not taking all practical steps to protect, promote and maintain public health and safety and the natural environment. Without a bylaw, high risk activities within the Concession Area cannot be monitored and investigated to provide control and ensure public safety.
26. If this option is taken, and there is no regulation on this section of the Shotover River, there is a high risk that there could be a serious incident on this section of the Shotover River.

**ARE THERE ANY IMPLICATION UNDER THE NEW ZEALAND BILL OF RIGHT ACT 1990?**

27. Section 18 of the New Zealand Bill of Rights Act 1990 (**NZBORA**) provides a right to freedom of movement and residence in New Zealand. The Proposed Bylaw will potentially engage the right to freedom of movement under section 18 of NZBORA by restricting access to a part of the Shotover River. However, the proposed controls are considered reasonable limits on that right as allowed for in section 5 of the NZBORA:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

28. The proposed restriction on access to the Shotover River is justified because it is unsafe to have unrestricted access to this waterway, and there is a reasonable system for public access. The proposed restriction is an appropriate control.

**TIMETABLE FOR CONSULTATION**

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

10 December 2020	Council resolves to undertake public consultation on the proposed changes to the Shotover River Bylaw following the special consultative procedure.
11 December 2020	Submissions open
11 December 2020 - 18 December 2020	Advertisement in Otago Daily Times, Southland Times, The Mountain Scene, and the Wanaka Sun

25 January 2020	Submissions close 5pm
Early February 2020	Submissions heard by a subcommittee of Councillors
Council meeting February 2020	Council considers outcome of consultation process and whether to make decisions on the proposal.
Council meeting February 2020	Public notice of final decision (if Council resolve to adopt the Bylaw)
At a date when Council resolves for the Bylaw to come into force	The Bylaw comes into force (if the Council resolve to adopt the Bylaw)

### INSPECTION OF DOCUMENTS AND OBTAINING COPIES

30. 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 Wānaka Service Centre, 47 Ardmore Street, Wānaka ;
  - b. Any Council library within the Queenstown Lakes District; or
  - c. The Council website – <http://www.qldc.govt.nz>

### RIGHT TO MAKE A SUBMISSION AND BE HEARD

31. 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.
32. The Council would prefer that all parties intending to make a submission:
- a. go to the Queenstown Lakes District Council Website: <http://www.qldc.govt.nz> or
  - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
33. Submissions must be received by **Monday 25 January 2021**. The Council will then convene a hearing, which it intends to hold in early February, at which any party who wishes to do so can present their submission in person.
34. The Council will give equal consideration to written and oral submissions.

35. 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.
36. Every submission made to the Council will be acknowledged in accordance with the LGA, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
37. Section 82 of the LGA 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**

38. Written submissions can take any form (eg email or letter) but we recommend your submission be made on a standard submission form available from Council. An effective submission references the clause(s) of the Draft bylaw you wish to submit on, states why the clause is supported or not supported, and states what change to the clause is sought.
39. Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

**APPENDIX 1 – Proposed Shotover River Bylaw 2021**

**APPENDIX 2 – Shotover River Bylaw 2015**

**APPENDIX 3– Informal consultation feedback**





## Shotover River Bylaw 2021

Queenstown Lakes District Council

Date of making: [Date]

Commencement: On a date resolved by the Queenstown Lakes District Council

The bylaw is adopted pursuant to section 33M(1)(e) 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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## **1 Title**

- 1.1 This Bylaw is the Queenstown Lakes District Council Shotover River Bylaw 2021.

## **2 Purpose**

- 2.1 The purpose of this Bylaw is to provide for navigation safety by restricting public access to the Shotover River Concession Area.

## **3 Commencement**

- 3.1 This Bylaw comes into force on a date to be resolved by Council.

## **4 Interpretation**

- 4.1 In this Bylaw, unless the context otherwise requires:

**Council** means the Queenstown Lakes District Council, a territorial authority named in Part 2 of the Local Government Act 2002.

**Vessel** means a ship as defined in the Maritime Transport Act 1994.

**Shotover River Concession Area** means the part of the Shotover River between Tuckers Beach (GPS reference 44 deg 59'24.58 S 168 deg 43'58.89 E) and the east end of the Oxenbridge Tunnel, as depicted in the map in Schedule 1.

## **5 Reservation of Shotover River Concession Area in the interests of maritime safety**

- 5.1 The Shotover River Concession Area is reserved for use only by persons and Vessels permitted to be present in or to operate or be operated in the Shotover River Concession Area by permit granted by Council or its delegated representative.
- 5.2 The permit shall be in a form and style approved by Council, an example of which is set out in Schedule

## **6 Prohibitions**

- 6.1 No person may operate or cause to be operated any Vessel in the Shotover River Concession Area unless permitted by Council or its delegated representative to do so.
- 6.2 No person shall operate or cause any operation within the Shotover River Concession Area contrary to a permit issued under this Bylaw.

## **7 Revocation**

- 7.1 The Queenstown Lakes District Council (Shotover River) Bylaw 2015 is revoked from the date this bylaw comes into force.
- 7.2 Any permit issued prior to the commencement of this Bylaw under the Queenstown Lakes District Council (Shotover River) Bylaw 2015 shall continue in force until the expiry stated on the permit, or if no expiry is stated, by no later than 12 months from the date this Bylaw comes into force.

*Explanatory Notes:*

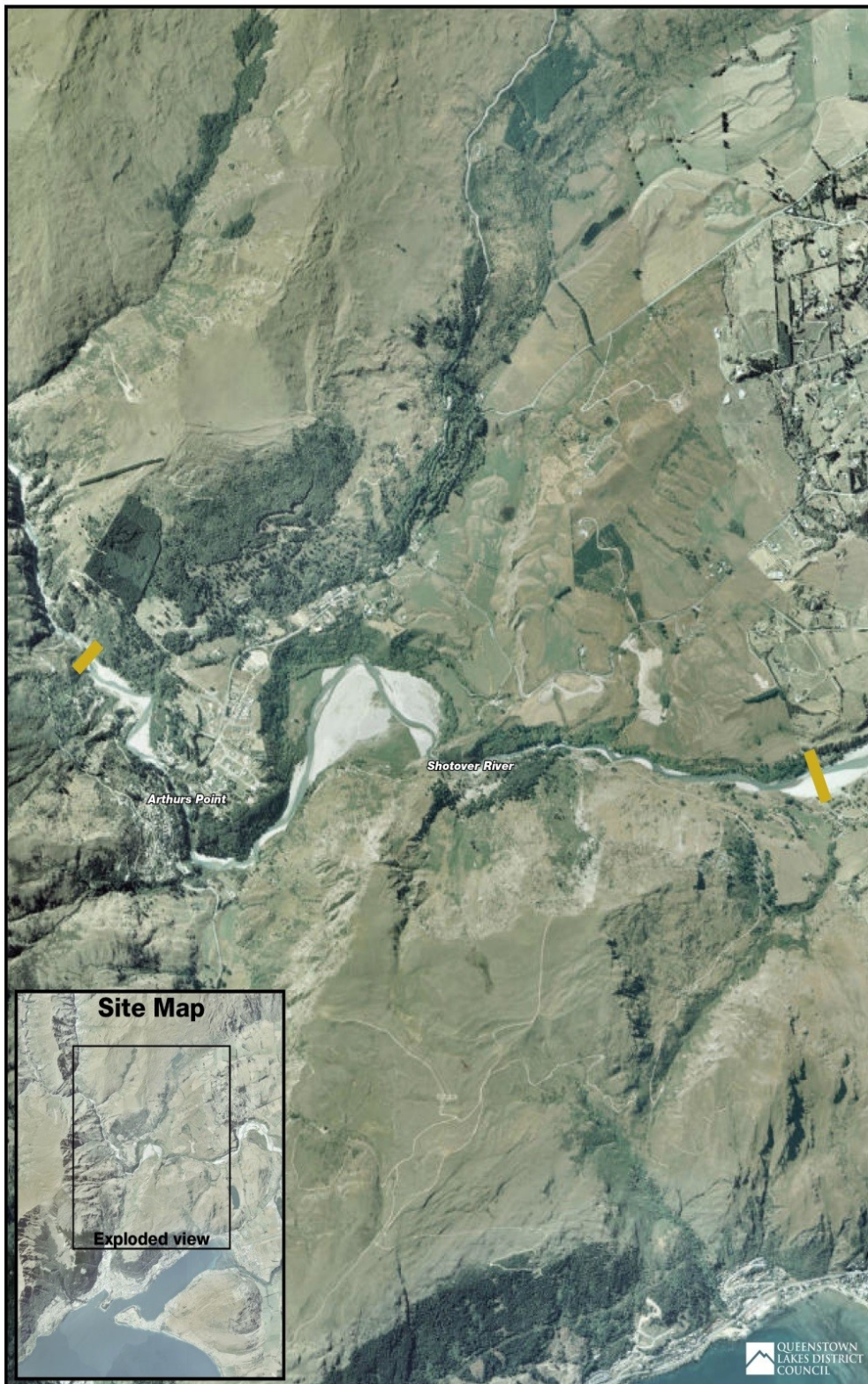
*The Queenstown Lakes District Council Shotover River Bylaw 2021*

*This Bylaw was adopted pursuant to a resolution passed by the Queenstown Lakes District Council on and in accordance with section 33M(1)(e) of the Maritime Transport Act 1994 and section 145 of the Local Government Act 2002.*

*Mayor*

*Chief Executive Officer*

# Schedule 1 – Map of Shotover River Concession Area



44deg58'56.17 S 168deg39'58.89 E 44Deg59'24.58S 168deg43'58.89 E

## Schedule 2 - Shotover River Concession Area Permit

Permit No: \_\_\_\_\_

- 1 Permit issued by the Queenstown Lakes District Council (**Council**) or its delegated representative to:

\_\_\_\_\_ of \_\_\_\_\_

\_\_\_\_\_ (name & address) ("the Permit Holder").

Emergency Contact name & telephone no: \_\_\_\_\_

for access to Shotover River between Tuckers Beach and Oxenbridge Tunnel solely for the purpose of recreational activities.

- 2 Access date: \_\_\_\_ 20 \_\_\_\_

- 3 Access entry time: \_\_\_\_\_ am/pm

- 4 Access exit time: \_\_\_\_\_ am/pm

- 5 Details of vessels to be used in access: \_\_\_\_

- 6 Number of passengers: \_\_\_\_

### Conditions

- 7 The Permit Holder will make good at their own expense any damage caused by them to any property of the Council or its delegated representative in the course of this access.

- 8 The Permit Holder indemnifies the Council or its delegated representative from all loss harm or damage however sustained which arises from their access and against any action, claim, injury, damage or loss whatsoever arising in the course of access pursuant to this permit provided that the permit holder shall not indemnify the Council or its delegated representative in respect of any loss harm or damage sustained as a result of any negligence on the part of the Council or its delegated representative.

- 9 The access shall be at the Permit Holder's risk.

- 10 The Permit Holder completed the pre-requisite safety briefing on the \_\_\_\_\_ day of \_.

- 11 The Permit Holder shall comply with the safety briefing procedures and any instruction given to them by any agent of the Council or its delegated representative.

- 12 A breach of these conditions or any applicable rule or law may result in this permit being revoked and the Permit Holder prosecuted. Any future permits applied for by parties with a history of non-compliance may be rejected.

- 13 The Council or its delegated representative will not interfere with or prevent the full use or enjoyment of the access granted by this permit.

Signed: \_\_\_\_\_ Signed: \_\_\_\_\_

for the Council or its delegated representative      Permit Holder

Date: \_\_\_\_\_ Date: \_\_\_\_\_

Personal Identification Number: \_\_\_\_\_