

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakāterē 2025

Introduction

Why do we have a navigation safety bylaw?

Queenstown Lakes District Council (**QLDC, Council**) can address certain issues for our district using a bylaw. Bylaws are made under the Local Government Act 2002 (**LGA**) for one (or more) of the following reasons:¹

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places

The Maritime Transport Act 1994 (**MTA**) empowers regional councils to make navigation safety bylaws² to ensure maritime safety. This power has been delegated to **QLDC** from Otago Regional Council (**ORC**).

The purpose of navigation safety bylaws is to ensure maritime safety is achieved. The MTA enables QLDC to create a bylaw that addresses a range of different matters relating to navigation safety. The MTA also provides QLDC with the power to enforce navigation safety regulations using infringement fines.

What does the current navigation safety bylaw address?

The Navigation Safety Bylaw 2018 (**the current bylaw**) applies to all navigable waters and foreshores in the district. Its purpose is to regulate the following matters:

- the use or management of ships, anchorages, and vessel traffic,
- moorings and maritime facilities,
- preventing nuisances arising on, in, or near the water,
- reserving the use of water for specified purposes,
- manage events on the water,
- wearing of life jackets and buoyancy aids on recreational vessels,
- administrative requirements including fees and charges for administrative functions, and
- offences and penalties for contravention of the bylaw's provisions.

The current bylaw has been in place since March 2018. It is due for review and will automatically expire if not reviewed prior to March 2025.

A full copy of the current bylaw can be found on Council's website here <https://www.qldc.govt.nz/your-council/council-documents/bylaws>.

What are the effects and implications of the current bylaw?

The current bylaw addresses a wide range of matters to achieve navigation safety on the district's lakes and rivers. Each of these matters is supported by provisions in the bylaw that could be enforced by the Harbourmaster, Council's enforcement officers or police officers.

¹ LGA Section 145

² MTA Section 33M

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

Attachment A identifies the range of matters addressed within the current bylaw and provides a brief summary of how its provisions regulate navigation safety.

Council's proposal

During October and November 2023 QLDC undertook a period of pre-engagement to understand community views on a range of key navigation safety issues for the district. Feedback was also invited on any other aspect of the bylaw. In October 2022 Council undertook informal public consultation in relation to the district's ski lanes. In addition, Council has engaged with QLDCs Harbourmaster, Maritime New Zealand and a range of other key stakeholders. All of this feedback has been taken into consideration to determine how best to manage navigation safety in the district.

At a Council meeting on 19 September 2024, Council endorsed the draft Navigation Safety Bylaw 2025 | Te Ture ā-Rohe mō te Haumarū Whakātere 2025 (**the draft bylaw**) for consultation with the community. The draft bylaw proposes a range of changes from the current bylaw to ensure navigation safety is achieved in the district. The draft bylaw is attached to this Statement of Proposal as **Attachment B**.

The draft bylaw includes:

- > provisions that are proposed to be carried forward into the draft bylaw without any amendment,
- > amendments proposed to provisions of the current bylaw, and
- > new provisions addressing matters that are not currently addressed in the bylaw.

All of the proposed amendments are identified in the draft bylaw (included as **Attachment B**) by way of tracked changed text. Deletions are shown as ~~struck through~~ and additions are shown as underlined. Images that are proposed to be deleted are crossed out with a red x and new and/or replacement images are indicated with a red border. Carried over text or images are shown in the draft bylaw as unaltered text (i.e. no tracked changes).

This statement of proposal is prepared under sections 83 and 86 of the LGA and contains:

- > a copy of the draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakātere 2025,
- > information about the proposed amendments, including Council's determinations under section 155 of the LGA,
- > the reasons for the proposed amendments,
- > how the public and any interested person can have their say on the draft bylaw, and
- > the timetable for consultation.

The reason for the proposal

The key reasons for this proposal are to:

- > address issues related to navigation safety, including:
 - > ski lane locations and identification,

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025



- > navigation safety risk associated with recreational jumping from the Albert Town Bridge,
 - > vessel identification,
 - > temporary events on the water,
 - > vessel speed interpretation,
 - > Kawarau Dam access lanes,
 - > carriage of communication devices, and
 - > other miscellaneous minor corrections to improve the clarity, legibility and overall accessibility of the bylaw.
- > seek community views on the draft bylaw,
 - > to encourage people to give feedback on the draft bylaw, and
 - > to let people know how they can give feedback.

The 19 September 2024 Council report contains more detailed information on these points:
<https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>

How you can have your say

Anyone can make a submission online using the survey provided at <https://letstalk.qldc.govt.nz>.

Submissions can also be received in writing by post or hand delivery, or via email (letstalk@qldc.govt.nz) but we recommend your submission be made using the online survey.

Submissions will be accepted from 8.00am on 30 September 2024 and must be received by 5.00pm on 31 October 2024.

All submissions should state:

- > the submitter's name³,
- > details of any organisation the submitter is representing (if applicable),
- > the submitter's contact details, and
- > whether or not the submitter would like to speak at a hearing on the draft bylaw.

Copies of this Statement of Proposal and the draft bylaw may be obtained at no cost from either of the Council offices at 10 Gorge Road, Queenstown or 47 Ardmore Street, Wānaka, any Council library within the Queenstown Lakes District or the Council website at <https://letstalk.qldc.govt.nz>. If you need help

³ Note: if you do not feel comfortable providing your name or contact details in a submission, please contact Council, who can facilitate an anonymous submission.

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025



submitting, please contact Council at 03 441 0499, or call in to one of Council's offices. All written submissions made to Council within the submission period will be acknowledged.

Submissions are considered public information under the Local Government Official Information and Meetings Act 1987, and submissions will be made publicly available including by being published on our website following the consultation period. Your personal contact details will not be published⁴.

Council intends to hold a hearing in the week of 25 November 2024. This is when anyone who has made a submission and who has said they would like to speak to Council, can do so. This meeting will be open to the public. If you indicate you would like to be heard, Council staff will get in touch with you to arrange a time for you to speak at the hearing either in person or via audio-visual link. If at the hearing you have any requirements, please let us know.

Timetable for consultation

The dates below outline the timetable for the consultation process. Any changes to these dates will be publicly advised on Council's Facebook page and website.

Indicative date	Activity
19 September 2024	Council adopted the proposal for consultation
30 September 2024	Consultation period begins (8.00am)
31 October 2024	Consultation period ends (5.00pm)
week of 25 November 2024	Oral submissions heard by Council hearing panel
first quarter of 2025	Deliberations and adoption by Council

Proposed draft bylaw

Council is proposing the following as part of the draft bylaw:

⁴ In accordance with LGOIMA section 7(2)(a) to protect the privacy of natural persons.

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakatere 2025

Ski lanes

A ski lane is an 'access lane' that enables powered boats to legally exceed 5 knots for the purpose of towing water skiers. Ski lanes cannot be used for any other purpose. Speed is otherwise limited to 5 knots within 200 metres of a shore outside of an access lane.

Currently, the bylaw identifies 10 ski lanes in Lake Whakatipu, six in Lake Wānaka and one at Lake Hāwea. Council has considered the current location, size and usage characteristics of each ski lane. In some cases, these characteristics create risk to navigation safety, including conflict between different users. Council has undertaken an analysis of the current ski lanes to understand any navigation safety issues associated with their use and location, and advice has been sought from QLDCs Harbourmaster and regulatory staff on how to address these issues.

The draft bylaw includes a number of changes to the district's existing ski lanes to remedy these navigation safety concerns. These changes include amending or removing some ski lanes. The table below describes the changes proposed.

Ski lane	Proposed amendments
Lake Whakatipu	
Kelvin Grove	Amend – Reduce width of ski lane by shifting the eastern pole 50 metres west
Wilson's Bay	Amend – Retain ski lane but shift approximately 80 metres west by moving the right pole to the left pole location
Buckler Burn	No change
Kingston Main Beach	No change
Bobs Cove	No change
Sunshine Bay	Amend – Formally establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area
Kinloch Main Beach	Remove ski lane
Frankton Beach	Remove ski lane
Willow Place West Side	Remove ski lane
Loop Road	Remove ski lane
Frankton Arm North Side	Remove ski lane
Lake Wānaka	
Roys Bay – Main Beach adjacent to Pembroke Park	Remove ski lane
Roys Bay – Eely Point	Remove ski lane
Roys Bay – Waterfall Creek	Remove ski lane
Dublin Bay	No change

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

Glendhu Bay – East	Amend – Reduce the width of the ski lane by shifting the western pole east by 50 metres
Glendhu Bay – West	No change
Lake Hāwea	
Lake Hāwea	No change

In addition, Council is proposing to improve the accuracy of the GPS coordinates for each ski lane, formally include the existing Sunshine Bay ski lane in the draft bylaw, and update the ski lane identification maps.

You can find maps and co-ordinates identifying the ski lanes in schedule 2 of the draft bylaw (link TBC). Clauses 42 and 43 of the draft bylaw control ski lanes.

Clauses 42 and 43 of the draft bylaw contains the provisions controlling ski lanes.

Albert Town Bridge recreational jumping

The Albert Town Bridge is a common place for people to jump into the Clutha River Mata-Au. This is a busy stretch of the river with frequent vessel movements. People jumping off the bridge in this location can therefore create a navigation safety risk due to the presence of both vessels and swimmers in the water. Council have received concerns and complaints in regard to this risk.

To better understand this risk, Council commissioned Drowning Prevention Aotearoa to undertake a risk assessment. This assessment (link TBC) shows the risk to vessels and jumpers (once they are in the water) is unacceptable and warrants intervention.

Council is proposing to amend the bylaw to mitigate this navigation safety risk. This amendment would create new upstream and downstream vessel passage lanes to separate vessel traffic from the section of river people are understood to jump into. This would prevent vessels from travelling under the Albert Town Bridge except through the identified passage lanes.

You can find an image identifying the location of the proposed vessel passage lanes at map 14 of the proposed bylaw.

Clause 37.1 of the draft bylaw contains the provisions controlling vessel traffic through the Albert Town Bridge (link TBC).

Vessel identification

The current bylaw does not require vessels to be identifiable. This limits the ability to respond to waterway incidents and complaints involving vessels (including emergency events). Council is proposing to amend the bylaw to introduce vessel identification rules. These rules would require specified vessels⁵ to display a name or number which meets the proposed identification standards. The proposed vessel identification rules can be found at clause 18 of the draft bylaw (link TBC).

⁵ In general, this applies to vessels 6 metres or more in length, with some exceptions.

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

A range of different forms of identification would be acceptable, including those that meet the requirements of Maritime New Zealand or an equivalent foreign authority, a sporting body, a radio call sign, a trailer registration number, a sail number, or markings that comply with an identification requirement within other navigation safety bylaws.

Temporary events on the water

The current bylaw specifies event organisers need to apply to the Harbourmaster only if they propose to hold events on the water **and** if the event seeks to:

- uplift speed restrictions for the event location (i.e. temporarily provide for vessels to travel at any speed), and/or
- temporarily reserve the event area (i.e. temporarily prevent access to any other vessels), and/or
- temporarily suspend the designation of permanent access lanes or reserved areas (i.e. temporarily remove existing restrictions that limit vessel access to an area).

Some events may not trigger these existing requirements for notification, meaning they could take place without Harbourmaster approval, Council notification or public notice.

The current provisions also contain strict public notice requirements, including in a printed newspaper. This requirement is challenging for event organisers and Council regulatory staff given the tight timeframes of event programming and newspaper circulation.

Council is proposing to amend the bylaw as follows:

- event organisers will be required to notify the Harbourmaster of all temporary events regardless of their impact on speed uplifts, reserved areas or access lanes,
- event organisers will need to obtain approval from the Harbourmaster if the temporary event is likely to affect the normal operation of another vessel or any other users of the water and the Harbourmaster will have discretion to approve or refuse event applications subject to terms and conditions, and
- amend the requirement to give public notice of any event requiring approval of the Harbourmaster by removing the need for a newspaper advertisement and associated time constraints, but requiring notice on Council's website and social media platforms.

Applications will continue to be required to the Harbourmaster for events which already require an approval under the current bylaw.

Clause 33 (also note the definition of 'public notice or publicly notified' in clause 6.1) of the draft bylaw contains the provisions controlling temporary events.

Vessel speed interpretation

Part A - How speed is interpreted when travelling on rivers

The current bylaw defines speed as '*speed through water*', and vessels are required to travel 5 knots on rivers (unless a speed uplifting is present). This can be problematic when traveling on rivers due to the velocity of

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakatere 2025

water moving in a river. In many cases, vessels may need to travel faster than 5 knots (when measured through the water) to navigate safely, and would therefore be in breach of the bylaw.

Council is proposing to amend the definition of speed to address this interpretation issue so that it differentiates the way that speed is measured on rivers and lakes. This amendment would provide for speed to be measured over the ground if vessels are travelling on a river and against a river's current (i.e. travelling upstream). The current interpretation of speed would remain for vessels travelling on a river and with a river's current (i.e. travelling downstream), and when travelling on lakes.

Clause 6.1 of the draft bylaw contains the proposed definition of speed.

Part B - A speed uplifting between 1 December and 30 April for the Clutha River / Mata-Au to clarify speed interpretation for commercial vessels that operate under an approved resource consent

Clause 35 of the current bylaw controls vessel speed on the Clutha River / Mata-Au between the Lake Wānaka outlet and the Albert Town Bridge. These controls prohibit powered vessels between 1 December and 30 April, and provides an exception for vessels authorised by a resource consent. This exception recognises that commercial vessels are primarily assessed and managed by Maritime New Zealand.

However, QLDC resource consents may not specify the speed at which commercial vessels are permitted to travel. This provides a speed interpretation tension where it is unclear if such vessels are permitted to exceed the 5 knot speed limit on rivers during the 1 December to 30 April powered vessel prohibition period.

The bylaw is not intended to impose a 5 knot speed limit on commercial vessels authorised by a resource consent. The Maritime New Zealand approvals process provides the framework for managing commercial vessel speed and safety. This interpretation issue has led to questions from members of the public and commercial vessel operators concerning the speed of commercial vessels.

Council is proposing to amend the bylaw to address this speed interpretation tension by introducing a speed uplifting for the Clutha River / Mata-Au that applies to commercial vessels operating under an approved resource consent⁶. This uplifting would enable these vessels to travel at speeds that exceed 5 knots provided they are complying with all other relevant obligations of the bylaw, their resource consent conditions, and any applicable Maritime New Zealand licence.

Clause 37 and map 8 of the proposed bylaw contains the proposed provisions relating to vessel speed on the Clutha River / Mata-Au.

Kawarau Dam access lanes

The current bylaw identifies an upstream and downstream access lane which directs vessel traffic under the Kawarau Dam and enables vessels to exceed 5 knots. Shallower water levels in this part of Lake Whakatipu, larger vessels and vessel congestion in the area around the Hilton Hotel mean that the current Kawarau Dam access lanes are no longer fit for purpose. The current lake conditions mean that vessels need to get on the

⁶ At the time of writing two active resource consents are known to have been approved for commercial vessels on this part of the Clutha River / Mata-Au

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakāterē 2025

plane (i.e. exceed 5 knots) in areas which they cannot do so lawfully (i.e. within 200 metres of the shore), and have access to other areas of water at higher speeds. It is proposed to address this issue by amending the bylaw to increase the size of the existing access lanes.

The proposed access lane is shown in map 3 in the draft bylaw (link TBC) and the provisions controlling the use of this access lane are in clause 38 of the draft bylaw.

Carriage of communication devices

The current bylaw does not specify requirements for people operating a vessel to carry any form of communication. This presents a navigation safety issue because the district's dynamic alpine lakes and rivers have unique and sometimes dangerous conditions, including low water temperatures, fast flowing and deep waters, as well as large and isolated waterways. These conditions may present navigation safety risks to waterway users. In emergency situations it is critical that people are able to contact emergency services.

Council is proposing to amend the current bylaw to require vessel operators to carry communication devices commensurate to the context and waterway. The proposed provisions require that:

- two independent forms of communication are carried that are either waterproof or carried in a waterproof bag or container except that:
 - people using non-powered vessels on a river are required to carry at least one form of communication,
 - people using non-powered vessels on a lake within 50 metres of the shore are not required to carry communication equipment, and
 - people participating in a sporting event or training activity are not required to carry communication equipment provided a compliant support vessel is present.

Communication devices may comprise (but are not limited to) equipment that uses satellites (i.e. emergency locator beacons (EPIRBs, PLBs) and satellite phones), equipment that uses land based stations (i.e. marine radio and mobile phones), or audio/visual signals (i.e. flares, lights, whistles, horns).

The proposed provisions requiring the carriage of communication devices are in clause 19 of the draft bylaw (link TBC).

Other miscellaneous amendments

A number of provisions within the current bylaw require minor corrections. Amending these various provisions will help to improve the clarity, legibility and overall accessibility of the draft bylaw.

The proposed amendments to these provisions can be viewed in the draft bylaw here (link TBC).

Determinations under section 155 of the LGA

Before adopting a new bylaw, Council will consider whether there has been adequate consultation and, under section 155 of the LGA, must determine that a bylaw is the most appropriate way of addressing the perceived problems, that the proposed bylaw is in the most appropriate form, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). Council has made these determinations in relation to the draft bylaw, discussed below.

Most appropriate way of addressing the perceived problem

The perceived problem that requires addressing is navigation safety⁷. The district has a large number of navigable lakes and rivers with a range of unique conditions which attract year-round use from residents and visitors. Together, these conditions give rise to a wide range of perceived and/or actual navigation safety problems.

A number of specific navigation safety problems have been considered through the review. Council considers that a bylaw is the most appropriate way to address navigation safety problems in the district. The MTA and MNZs national maritime rules provide a legislative framework for QLDC to effectively and efficiently manage navigation safety problems in the district through the use of a bylaw.

Council could rely solely on the MTA and MNZs national maritime rule framework or the Queenstown Lakes District Plan to manage waterways activities. However, Council has determined that these mechanisms alone would not sufficiently address the district's unique local navigation safety problems.

Most appropriate form of bylaw to address the perceived problem

Different forms of the bylaw could include a standalone document, amendment to another existing document, or consolidation with other bylaws. Council has determined that a standalone document is the most appropriate form of bylaw because it would provide an accessible single repository for all relevant regulatory matters, is appropriately concise, and there are no other appropriate documents or bylaws that could reasonably be applied to achieve QLDCs navigation safety roles and responsibilities.

QLDC has used a standalone navigation safety bylaw since at least 2009. This form of bylaw has been generally considered fit for purpose. The draft bylaw takes a very similar format to other navigation safety bylaws (i.e. those of ORC, Environment Canterbury and Environment Southland) and achieves a degree of consistency with navigation safety bylaws of surrounding regions.

Does the draft bylaw give rise to implications under the NZBORA

The NZBORA protects the civil and political rights and freedoms of all New Zealanders. In accordance with section 5 of the NZBORA, *'the rights and freedoms contained in the Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society'*.

Section 18 of the NZBORA relates to 'freedom of movement' and provides that *'everyone lawfully in New Zealand has the right to freedom of movement and residence in New Zealand'*.

⁷ Also referred to as maritime safety in the MTA

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

The draft bylaw includes a number of provisions which restrict and/or prevent waterways activities to ensure navigation safety is achieved. Among others, this includes general powers conferred on the Harbourmaster to prohibit or restrict activities. The bylaw also includes offence and penalty clauses for breaches the bylaw's provisions. In addition to the bylaw's restrictive provisions, it includes a wide range of enabling provisions that provide for and protect the safe and enjoyable use of the district's lakes and rivers.

On balance, Council has determined that the draft bylaw's restrictive and enabling provisions, considered together, have been '*demonstrably justified*' and present '*reasonable limits*' on the rights and freedoms contained within the NZBORA to achieve navigation safety, and do not unreasonably interfere with any of the rights contained in the NZBORA. Council has determined that the draft bylaw is consistent with the NZBORA.

What happens next?

After it has received written and oral submissions, it is intended Council will make decisions on the draft bylaw in the first quarter of 2025. As with the formal review, or making, of any bylaw, it is open to Council to consider other amendments that could be included in the bylaw. Council may make other changes to the draft bylaw in response to feedback, but any further changes after the consultation period concludes could be subject to further consultation, if the changes are material and go beyond the scope of the draft bylaw and this Statement of Proposal may require further consultation.

During the consultation process, Council may consider community views that seek to:

- make changes to the issues that are regulated in the draft bylaw,
- add additional issues that are regulated by the draft bylaw,
- make additional changes to the draft bylaw,
- not adopt a bylaw.

Once the hearing panel has received submissions and made their recommendations on the draft bylaw, Council will consider the following options about how to proceed:

Option 1 – adopt the draft bylaw

Advantages:

- Efficiently and effectively addresses the identified navigation safety issues.
- Responds to issues concerning navigation safety in the district that are not addressed in the current bylaw.
- Enables QLDC to give effect to its roles and responsibilities under the MTA.

Disadvantages

- Some of the proposed provisions in the bylaw may introduce new costs and obligations that may not be supported by waterways users.
- Changes to the current bylaw will be unfamiliar to waterway users, and may require education programmes by QLDCs Harbourmaster and regulatory staff.

Statement of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

Option 2 – adopt an amended draft bylaw

Advantages

- Efficiently and effectively addresses some of the identified navigation safety issues.
- Responds to some of the issues concerning navigation safety in the district that are not addressed in the current bylaw.
- Partly enables QLDC to give effect to its roles and responsibilities under the MTA.

Disadvantages

- Some of the identified navigation safety issues, new information and advice may not be addressed by the new bylaw, and as such, it may not be the most efficient or effective means for QLDC to give effect to its roles and responsibilities under the MTA.
- Some of the proposed provisions in the bylaw may introduce new costs and obligations that may not be supported by waterways users.

Option 3 – do not adopt the draft bylaw or an amended draft bylaw

Advantages

- There are no clear advantages.

Disadvantages

- The current bylaw has been in place since March 2018 and will automatically expire if not reviewed prior to March 2025. If a draft bylaw is not adopted, the district will not have navigation safety regulations (other than those provided by way of national maritime rules).

Attachment A – Summary of matters addressed within the current bylaw and their effect

Matters addressed in the current bylaw	Summary of relevant provisions
The use or management of ships, anchorages, and vessel traffic	<p>Part 2 of the current bylaw⁸ contains general navigation safety requirements for people in charge of vessels. Part 2 contains a range of provisions that address the following matters:</p> <ul style="list-style-type: none"> • obligations relating to the safety and wellbeing of people on vessels, and any other person on the water • setting a minimum age for operating powered vessels • managing the speed of vessels, including in proximity to other vessels, structures, people in the water, and to the shore • the wake of vessels • embarking and disembarking from vessels • anchoring, mooring and obstructions, including in relation to obstructions, hazards, including risks to navigating vessels, any person or property • the seaworthiness of anchored or moored vessels • impacts to navigation aids • safe refueling of vessels • Preventing nuisances arising on, in, or near the water
Mooring, structures and maritime facilities	<p>Part 9 of the current bylaw⁹ contains provisions regulating structures and moorings. Part 9 contains a range of provisions that address the following matters:</p> <ul style="list-style-type: none"> • Permissions to use or occupy structures or the foreshore, including for loading or unloading • Placing of moorings and issuing mooring permits • Specifying the powers of the Harbourmaster and Council with respect to moorings vessels on moorings in relation to compliance with mooring permits or any other clause of the bylaw
Reserving and use of water for specified purposes	<p>Part 7 of the current bylaw¹⁰ contains provisions regulating access lanes and reserved areas. These provisions:</p> <ul style="list-style-type: none"> • Illustrate areas identified as access lanes • That Council can, using public notice identify or revoke access lanes and reserved areas • Establish conduct requirements within access lanes to achieve navigation safety, which prevent swimming, obstructions and dangerous use within access lanes • Set out how reserved areas are to be identified

⁸ Clauses 7 – 17, pages 10 - 14

⁹ Clauses 46 – 48, pages 25 - 26

¹⁰ Clauses 41 – 43, pages 22 - 24

Events on the water	<p>Clause 31 of the current bylaw¹¹ contains provisions that regulate events on the water.</p> <p>The bylaw specifies a need to apply to the Harbourmaster if an event seeks to uplift speed restrictions, temporarily reserve an area, suspend an access lane or reserved area. Applications can be granted if an event will not endanger the public.</p> <p>Public notice¹² must be given (including in a newspaper) detailing the event not less than seven days or more than 14 days before its commencement.</p>
Life jackets on recreational vessels	<p>Part 3 of the current bylaw¹³ sets out the provisions relating to the carriage and wearing of lifejackets.</p> <p>The current bylaw's lifejacket provisions essentially replicate those contained within Part 91.4 of the national maritime rules. Part 3 sets out that:</p> <ul style="list-style-type: none"> • lifejackets must be carried on vessels, be readily accessible and suitable for each person on board, • lifejackets must be worn if instructed by the person in charge, • every person must wear a lifejacket on vessels 6 metres or less in length while it is moving, • people 10 years old or less must wear a lifejacket at all times on vessels of any length, • every person must wear a lifejacket on a moving jet boat, • lifejackets must be worn during dangerous situations, • people being towed must wear a lifejacket, • exceptions are provided in limited and specific circumstances.
Rules relating to specific locations	<p>Part 5 of the current bylaw¹⁴ include prohibitions, restrictions or enabling provisions relating to certain activities at certain times to address navigation safety concerns unique to specific locations. Areas subject to specific rules include, Queenstown Bay, Clutha river / Mata – Au, Kawarau River and the Shotover River among other identified in clause 33.</p> <p>All rivers are subject to the standards in clause 32.</p>
Incidents and near misses	<p>Part 6 of the current bylaw¹⁵ addresses procedures that need to be followed in the event of an incident or near miss, including that:</p>

¹¹ Page 18 - 19

¹² Public notice means a notice published on the Council website and in a newspaper circulating in the area of the District.

¹³ Clauses 18 – 22, pages 14 – 16

¹⁴ Clauses 32 – 38, pages 19 – 21

¹⁵ Clauses 39 and 40, pages 21 – 22

	<ul style="list-style-type: none"> • a person in charge of a vessel subject to a specified incident is required to report the event to Maritime New Zealand and the Harbourmaster • no person can move a vessel subject to the event unless required to maintain navigation access or to prevent further damage
Commercial vessels	<p>Part 8 of the current bylaw¹⁶ includes provisions related to the operation of commercial vessels. They address:</p> <ul style="list-style-type: none"> • license processes for commercial vessels that are not subject to a Maritime New Zealand licensing requirement. • Council’s discretion in regard to commercial licenses • Surveying requirements for commercial vessels
Administrative functions	<p>Part 10 of the current bylaw¹⁷ includes provisions that address fees and charges for administrative functions of council. These provisions regulate:</p> <ul style="list-style-type: none"> • Responsibilities and powers of the Harbourmaster • Impersonation of a Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer • Processes associated a request to uplift any speed limit on any waterway • Council’s powers to specify forms, guidelines, terms and conditions or any other processing functions • Council’s power to specify fees or charges for any permit or licence, and to recover costs • The Harbourmaster’s powers to grant exemptions from the bylaw’s provisions
Enforcement, offences and penalties	<p>Part 11 of the current bylaw¹⁸ set out powers held by various officers, including the Harbourmaster, Council’s enforcement officers or police officers. These provisions set out:</p> <ul style="list-style-type: none"> • powers of the Harbourmaster, including to prohibit or restrict any activity to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, and to direct any vessel or person to take any action to comply with the bylaw • an obligation to pay any relevant fee • steps to be taken in the event of any non compliance with any permit or license issued under the bylaw • what activities comprise an offence • that penalties can be issued under the bylaw, the Maritime Transport Act 1994 or the Local Government Act 2002 • that infringement fees can be issued as specified in associated regulations that may be created under the Maritime Transport Act 1994

¹⁶ Clauses 44 – 45, pages 24 – 25

¹⁷ Clauses 49 – 54, pages 26 – 29

¹⁸ Clauses 55 – 59, pages 29 – 30



Navigation Safety Bylaw ~~2018~~2025 **Te Ture ā-Rohe mō te Haumarū Whakatere 2025**

Queenstown Lakes District Council

Date of making: ~~23 March 2018~~TBC

Commencement: ~~6 April 2018 (other than clause 46 which shall take effect on 1 July 2019)~~TBC

This bylaw is adopted pursuant to the Maritime Transport Act 1994 and Local Government Act 2002 by virtue of a transfer of bylaw making powers by the Otago Regional Council pursuant to section 17 of the Local Government Act 2002 and section 650j of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

Note – The contents page of this draft bylaw does not illustrate all amendments from the current bylaw (i.e. page numbers)

Contents

	Page		Page
Part 1 - Preliminary	5	Part 6 – Accidents, incidents, and mishaps and near misses	25
1 Title and Commencement	5	41 Requirement to report to the Harbourmaster in the event of accident , mishap or serious incident	25
2 Application	5	Requirement to report to the Harbourmaster in the event of a near miss	26
3 Purpose	5	Part 7 – Access Lanes and Reserved Areas	26
4 Bylaw to bind the Crown	6	42 Access Lanes	26
5 Delegation	6	43 Conduct in Access Lane	26
6 Interpretation	6	44 Reserved Areas	27
Part 2 – General navigation safety requirements	12	Part 8 – Commercial vessels	27
7 General duties of person in charge of the vessel to ensure safety	12	Commercial vessels to be licenced	27
8 Minimum age for operating power-driven vessels	12	Requirement as to survey	28
9 Speed of vessels	12	Part 9-8 – Structures and Moorings	28
10 Harbourmaster may instruct vessel not to exceed specified speed	14	45 Permission to use or occupy structures or the foreshore	28
11 Wake	14	46 Mooring permits	29
12 Embarking and disembarking vessels	14	47 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings	29
13 Anchoring, mooring and obstructions	14	Part 10-9 – Administration provisions	30
14 Vessels to be seaworthy and not abandoned	15	48 Powers of Harbourmaster	30
15 Damage to navigation aids (eg buoys)	15	49 Impersonation of Harbourmaster	30
16 Prevention of nuisances	15	50 Speed Upliftings	30
17 Refuelling of vessels	16	51 Administration requirements	30
18 Vessels to be identified	16	52 Fees and charges	31
19 Carriage of communication devices	17	53 Exemptions	31
Part 3 – Carriage and wearing of lifejackets	17	Part 11-10 - Enforcement	32
20 Carriage of lifejackets	17	54 General enforcement powers of the Harbourmaster	32
21 Wearing of lifejackets	17	55 Non-compliance with conditions of a permit or licence	32
22 Requirement to wear lifejackets during dangerous situation	18	56 Offences	32
23 Requirement to wear lifejackets if being towed	18	57 Penalties	33
24 Exceptions to requirements to carry or wear lifejackets	18	58 Exceptions	33
Part 4 – Specific water-based activities	19	Part 12-11 – Revocation and savings	33
25 Water skiing or towing of any person – requirement for a lookout	19	59 Revocation	33
26 Water skiing or towing of any person – restriction between sunset and sunrise	19	60 Savings	33
27 Parasailing	19	Schedule 1 – Map of Queenstown Lakes District	35
28 Whitewater rafting	20	Schedule 2 – Speed upliftings and access lanes	37
29 Jet boating	20	Schedule 3 – Length overall of a vessel	55
30 Swimming or diving around wharves or jetties	20		
31 Hot works	20		
32 Dangerous goods	21		
33 Special Temporary events	21		
Part 5 – Rules relating to specific locations	22		
34 Rivers	22		
35 Lakes	22		
36 Queenstown Bay	23		
37 Clutha River / Mata-Au	23		
38 Kawerau River	24		
39 Shotover River	24		
40 Prohibited areas	25		

Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw- ~~2025~~~~2018~~” [Te Ture ā-Rohe mō te Haumaru Whakatere 2025](#).
- 1.2 This bylaw comes into force on a date to be resolved by Council.

2 Application

- 2.1 This bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District, as set out in Schedule 1 of this bylaw.

3 Purpose

- 3.1 [To ensure navigation safety](#) the purpose of this bylaw is to:
- (a) regulate and control the use or management of ships;
 - (b) regulate the placing and maintenance of moorings and maritime facilities;
 - (c) prevent nuisances arising from the use of vessels, actions of persons and things on, in, or near the water;
 - (d) reserve the use of any waters for specified persons or vessels;
 - (e) in relation to any sporting event, training activity, ceremonial or other authorised customary event:
 - (i) prohibit or regulate the use of vessels;
 - (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas;
 - (f) regulate and control the use of anchorages;
 - (g) prescribe vessel traffic separation and management schemes;
 - (h) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on recreational vessels;
 - (i) prescribe administrative requirements, fees and charges for the performance of administrative functions;
 - ~~(j) prescribe offences and penalties for contravention or permitting a contravention of the bylaw; [and](#)~~
 - ~~(k) [require the marking and identification of vessels.](#) [and](#)~~
 - ~~(j) [require the carriage of communication equipment.](#)~~

4 **Bylaw to bind the Crown**

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

5 **Delegation**

- 5.1 Any of the various powers and functions of the Queenstown Lakes District Council as detailed and set out in this bylaw may be delegated by it to its Chief Executive Officer and through him or her to any person in accordance with the Act and the Local Government Act 2002.

Explanatory note: The delegations of Council functions under this bylaw are set out in the QLDC Register of Delegations. Register of Delegations. The Bbylaw also contains individual clauses which confer powers directly on the Harbourmaster and/or Enforcement Officers.

6 **Interpretation**

- 6.1 In this bylaw, unless the context otherwise requires,-

Access Lane means an area defined and designated as an access lane described in clause ~~42~~ of this bylaw.

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

Act means the Maritime Transport Act 1994.

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

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

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

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

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

Contravene includes fail to comply with.

Council means the Queenstown Lakes District Council or anyone delegated or authorised to act on its behalf.

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

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

District means the area administered by the Queenstown Lakes

District Council.

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

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

Fee means the fee prescribed by Council under clause 532.

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

Foreshore means the whole or any part of the bed, shore or banks of a lake or a river as are covered or uncovered by the natural, normal and annual rise and fall of the level of the surface of the lake or river water whether caused by natural means or otherwise and includes any bed, shore or bank of any island within such waters and also includes any lakebed and any riverbed and excludes areas flooded by occasional and irregular flood events.

GPS or GPS Coordinate(s) means a [Global Positioning System used to determine a location using the WGS84 Lat-Long system.](#)

Harbourmaster means the person appointed by the Council to that position and includes any Deputy Harbourmaster.

Hot work operations includes activities such as welding, grinding, soldering, or other work involving flames or generating sparks.

Impedes the passage means to cause a vessel, whether by action or inaction on the part of another vessel, to alter course, alter speed or stop, or to prepare to alter course, alter speed or to stop.

Incident means [any occurrence, other than an accident, collision, grounding or mishap that is associated with the operation of any vessel and affects or could affect the safety of operation.](#)

Intoxicated means observably affected by alcohol, other drugs, or other substances (or a combination of 2 or all of those things) to such a degree that 2 or more of the following are evident:

- (a) appearance is affected;
- (b) behaviour is impaired;
- (c) co-ordination is impaired;
- (d) speech is impaired.

Jet boat means a vessel with water jet propulsion that—

- (a) is less than nine metres in length overall; and

- (b) is designed to carry no more than 34 persons:

Launch facility means a place that:

- (a) is land (whether above or below water) within a 50 metre radius of a ramp; or
- (b) is that part of the foreshore that lies between the water and the Eely Point Reserve legally described as Section 71 Blk XIV Lower ~~Wānaka~~ Wanaka-SD (known as Eely Point); or
- (c) is that part of the foreshore that lies between the water and land legally described as Section 46 Block III Lower ~~Wānaka~~ Wanaka-SD (known as Waterfall Creek).

Length means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 3.

Lifejacket means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting:

- (a) type ~~401, 402, 403, 404, 405, or 408 in NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005~~; or
- (b) a national or international standard that the Director is satisfied substantially complies with types ~~401, 402, 403, 404, 405, or 408 of the NZ Standard 5823:1989 or NZ Standard 5823:2001 or type 401, 402, 403, 404, 405 or 406 in NZ Standard 5823:2005~~.

Explanatory note: for the purposes of this bylaw the term “lifejacket” has the same meaning as a “personal flotation device” under ~~the Maritime Rule 918~~.

Making way means being propelled by an instrument or device.

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

Explanatory note: where specific maritime rules apply, these have been expressly stipulated.

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

Mishap means an event that:

- (a) ~~causes any person to be harmed; or~~
- ~~(a)(b) in different circumstances, might have caused any person to be harmed.~~

Moor means:

- (a) the securing of any vessel alongside a wharf, jetty or pontoon by means of suitable mooring ropes, or

- (b) the securing of any vessel to a mooring or anchor, but excludes the temporary anchoring of a vessel.

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

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

Mooring permit means a permit issued under clause 467 of this bylaw.

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

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

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

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

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

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

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

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

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

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

- (a) has a fully enclosed hull; and

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

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

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

Power-driven ed Vessel means any vessel propelled by machinery.
~~that is not solely powered manually or by sail.~~

~~Proper speed means speed through water.~~

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

Public notice or publicly notified means

- a) In relation to Clause 33.4 (Temporary events), a notice published on the Council website and; and
- a)b) In relation to any other clause in this Bylaw, a notice published on the Council web site and in a newspaper circulating in the area of the District.

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

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

Recreational vessel means a vessel that is:

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

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

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

Sailboard means any type of board that is propelled by a detachable

sail apparatus and operated by a person standing on the board.

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

Shotover River Concession Area has the meaning set out in the Queenstown Lakes District Council Shotover River bylaw ~~2015~~2021.

Speed means:

(a) in relation to lakes, the speed through the water; or

~~(a)(b)~~ in relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

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

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

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

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

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

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

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

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

- (i) an inner tube;
- (j) a kayak or canoe;

but does *not* include a surfboard.

White water raft means an inflatable vessel manoeuvred by

- (a) oars or paddles; or
- (b) a combination of oars and paddles,

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

Part 2 – General navigation safety requirements

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

7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board;
- (b) must navigate that vessel with all due care and caution and at a speed and manner so as not to endanger any person.

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

8 Minimum age for operating power-driven¹ vessels¹

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

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

8.3 Clauses 8.1 and 8.2 apply unless an exemption has been granted by the Council under this bylaw or by the Director in accordance with the [Maritime Rule 91s](#).

9 Speed of vessels²

9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel

¹ Rule 91.5.

² Rule 91.6.

(including a vessel towing a person or some object) at a ~~proper~~ speed greater than five knots within:

- (a) 50 metres of any other vessel or floating structure or person in or on the water;
- (b) 200 metres of the shore or of any structure;
- ~~(c) 200 metres of any vessel that is flying Flag A (the divers flag) of the International Code of Signals;~~

Explanatory note: The measurement of speed is defined in clause 6 to mean:

(a) In relation to lakes, the speed through the water; or

(b) In relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.

9.2 Clause 9.1(a) does not apply to:

- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
- (b) a vessel training for or participating in competitive rowing or paddling; or
- (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
- (d) a vessel operating in accordance with a speed uplifting established under this bylaw ~~or the maritime Rule 918.~~

9.3 Clause 9.1(b) does not apply to:

- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
- (b) a vessel operating in accordance with a speed uplifting established under this bylaw ~~or the maritime Rule 918;~~
- (c) a vessel training for or participating in competitive rowing or paddling; or
- (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

- 9.4 No person may propel or navigate a power-driven vessel at a ~~proper~~ speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other similar object) at a ~~proper~~ speed exceeding 5 knots in any circumstances specified in clause 9.1.
- 9.6 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.

10 Harbourmaster may instruct vessel not to exceed specified speed

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

11 Wake³

- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
 - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
 - (c) does not cause any risk of harm to any other person.

12 Embarking and disembarking vessels

- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.

13 Anchoring, mooring and obstructions⁴

- 13.1 No person may anchor a vessel so as to:
- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor.

³ Rule 91.7.

⁴ Rule 91.13.

- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
 - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.
- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.

14 Vessels to be seaworthy and not abandoned

- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
 - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 394.3 of this bylaw.

15 Damage to navigation aids⁵ (eg. buoys)

- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
 - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

16 Prevention of nuisances

- 16.1 No person may create a nuisance to any other person through:
- (a) his or her use or control of a vessel;
 - (b) the speed of a vessel; or
 - (c) the speed of any item or object towed behind or used in conjunction with such a vessel.

⁵ Rule 91.14.

- 16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:
- (a) causing an obstruction or loitering while loading or unloading a trailer; ~~and/or~~
 - (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.

17 Refuelling of vessels

- ~~17.1~~ No vessel is to be refuelled at any time while there are passengers on board the vessel.

18 Vessels to be identified

- ~~18.1~~ No person shall navigate a vessel (excluding vessels listed in clause ~~18.3~~) unless it displays an identifying name or number above the waterline on each side of the vessel that is recognised under clause ~~18.2~~, and satisfies the following criteria:

- ~~(a)~~ consists of letters of the Roman alphabet or numbers that are not the vessel's brand, make or model; and
- ~~(b)~~ is unique to that vessel; and
- ~~(c)~~ unless it is a type recognised by an organisation listed in subclause ~~18.2(a)~~, is a minimum height of 90 millimetres and is capable of being read by the Harbourmaster or an enforcement officer from a distance of at least 50 metres.

- ~~18.2~~ The following identifying name or number referred are recognised for the purposes of subclause ~~18.1~~ of the Bylaw:

- ~~(a)~~ an identification approved by and conforming to the requirements of:
 - ~~(i)~~ Maritime New Zealand (MNZ) or an equivalent foreign authority (e.g. a MNZ number or vessel's registered name); or
 - ~~(ii)~~ A sporting body as may be approved from time to time by the Harbourmaster and listed on the Council's website; or
- ~~(b)~~ the vessel's radio call sign; or
- ~~(c)~~ for any trailer borne vessel without a registration or identification listed in subclauses (a) or (b), the registration number of its trailer; or
- ~~(d)~~ for sail vessels the identifying name or number may be the vessel's sail number.

- ~~18.3~~ The requirements of clause ~~18.1~~ – ~~18.2~~ do not apply to the following vessels:

- ~~(a)~~ non-power-driven vessels of six metres or less in length
- ~~(b)~~ vessels powered solely by paddles or oars of six metres or less in length;
- ~~(a)(c)~~ a vessel which is temporarily being operated on waterways in the district and which display markings that comply with an identification requirement within the Navigation Safety Bylaws of the region in which the vessel normally operates.

- ~~18.4~~ Vessels referred to in subclause ~~18.3~~ must be marked with the current owner's name and contact details somewhere on the vessel.

19 Carriage of communication devices

19.1 The person in charge of a vessel must ensure two independent forms of communication equipment that are either waterproof or carried in a waterproof bag or container are on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.2 A person in charge of a non-powered vessel being operated on a river must ensure that at least one form of communication equipment that is either waterproof or carried in a waterproof bag or container is carried on board for the duration of any intended voyage. The equipment must be able to perform communication functions from any area where the vessel is intended to be operated.

19.3 Subclauses 19.1 and 19.2 do not apply to:

- (a) a person participating in a sporting event or training activity if there is a support vessel present that complies with subclause 19.1, or
- (b) a person in charge of a non-powered vessel being operated within 50 metres of the shore of a lake where they can communicate with a person using their voice or a whistle.

Explanatory note: Forms of communication may include but are not limited to VHF radio, distress beacons (EPIRB or PLB), mobile phone in a waterproof bag and flares. The person in charge of a vessel should seek guidance on appropriate forms of communication.

Part 3 – Carriage and wearing of lifejackets

1820 Carriage of lifejackets⁶

1820.1 No person in charge of a recreational vessel may use it unless there are on board at the time of use, and in a readily accessible location, sufficient lifejackets of an appropriate size for each person on board.

1921 Wearing of lifejackets

1921.1 If instructed to do so by the person in charge of a recreational vessel, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.

1921.2 Every person in charge of a recreational vessel 6 metres or less in length must ensure that while the recreational vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

1921.3 Every person in charge of a recreational vessel greater than 6 metres in length must ensure that every person on the recreational vessel who is 10 years old and under is wearing a properly secured lifejacket of an appropriate size at all times.

⁶ Rule 91.4(1)

~~19-421.4~~ Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.

~~20-22~~ Requirement to wear lifejackets during dangerous situations⁷

~~20-122.1~~ Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.

~~21-23~~ Requirement to wear lifejackets if being towed⁸

~~21-123.1~~ No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.

~~22-24~~ Exceptions to requirements to carry or wear lifejackets⁹

~~22-124.1~~ Clauses ~~18-20~~, ~~19-21~~, and ~~20-22~~ do not apply to:

- (a) any surfboard, sailboard, paddleboard, windsurfer, ~~or other~~ or similar unpowered craft, if a full wetsuit is worn at all times;
- (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
- (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
- (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
- (e) a commercial raft; and
- (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause ~~3-33~~;

~~22-124.2~~ Clauses ~~18-20~~, ~~19-21~~, and ~~20-22~~ do not apply to any sporting event, training activity, authorised customary activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity and

⁷ Rule 91.4(6).

⁸ Rule 91.4(7).

⁹ Rule 91.4.

carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.

~~22.24.3~~ 23.24.3 Clauses ~~21-23~~ does not apply to:

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

Part 4 – Specific water-based activities

~~23.25~~ 24.25 **Water skiing or towing of any person – requirement for a lookout¹⁰**

~~23.25.1~~ 24.25.1 No person in charge of a vessel may use it to tow any person at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

~~23.25.2~~ 24.25.2 No person may cause himself or herself to be towed by any vessel at a speed exceeding 5 knots unless at least one other person is on board who is:

- (a) 10 years of age or older; and
- (b) responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.

~~24.26~~ 25.26 **Water skiing or towing of any person – restriction between sunset and sunrise¹¹**

~~24.26.1~~ 25.26.1 No person may operate, between sunset and sunrise, or in restricted visibility, a vessel that is towing any person, whether or not that person is on water skis, an aquaplane, surfboard, or similar object.

~~24.26.2~~ 25.26.2 No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

~~25.27~~ 26.27 **Parasailing**

~~25.27.1~~ 26.27.1 Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and [the Health and Safety Guidelines for Commercial Parasailing Operations 2022-issued by the Director](#).

~~25.27.2~~ 26.27.2 No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Whakatipu.

¹⁰ Rule 91.8.

¹¹ Rule 91.9.

Explanatory note: Applicable [Health and safety guidelines for Commercial Parasailing operations are found on the Maritime New Zealand website. \[://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf\]\(http://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf\).](http://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf)

2628 Whitewater rafting

~~26.1~~ — Every person in charge of a white water raft that is used to transport fare paying passengers or trainee guides on rivers must ensure the whitewater board is operated and navigated strictly in accordance with the [Health and Safety at Work \(Adventure Activities\) Regulations 2016](#).

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

2729 Jet boating

~~27.129.1~~ Every person in charge of a jet boat that is a commercial vessel must ensure that the jet boat is operated and navigated strictly in accordance with the applicable maritime rules.

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

2830 Swimming or diving around wharves or jetties

~~28.130.1~~ No person may jump, dive, swim or undertake any other related activities:

- (a) from or within 50 metres of any jetty or wharf where “no swimming” signage has been approved by the Harbourmaster or an enforcement officer;
- (b) within any other area the Harbourmaster identifies for the purposes of ensuring navigation safety.

2931 Hot works

~~29.1~~ — A person conducting hot work operations on a vessel must comply with the current edition of the [Code of Safe Working Practices for Merchant Seafarers \(Maritime New Zealand\)](#).

~~29.231.1~~ The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.

~~29.331.2~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

Explanatory note: The Health and Safety at Work Act 2015 applies to any person conducting hot work operations on a vessel where it is a place of work.

30.32 **Dangerous Goods**

30.32.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:

- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
- (b) makes the written record of dangerous goods required under clause 32.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

31.33 **Special Temporary events**

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

- ~~(a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or~~
- ~~(b) temporarily reserve the area for the purpose of that activity; and/or~~

~~temporarily suspend the designation of permanent access lanes or reserved areas.~~

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

33.1 Any person intending to conduct a sporting event, training activity or any other organised water activity in an area to which this bylaw applies must do the following prior to the activity occurring:

- (a) Notify the Harbourmaster in every case; and
- (b) Apply for and obtain approval from the Harbourmaster if the activity meets one or more of the following criteria:
 - i. The activity is likely to affect normal operation of another vessel(s) or any other user(s) of the water; or
 - ii. The activity requires a temporary suspension of any clause of this Bylaw; or
 - iii. The activity requires an area to be temporarily reserved for a specific purpose; or
 - iv. The activity requires the temporary suspension of a reserved area or access lane; or

v. The activity requires temporary installation of course markers or similar such objects in the water.

~~33.2~~ The Harbourmaster has discretion in relation to an application for approval under clause 33.1(b) to either:

(a) Grant approval if satisfied that the application (together with any safety plan that may be required) can be approved for a period of up to 7 days without endangering the public; or

(b) Refuse the application.

~~31-233.3~~ The Harbourmaster may grant approval under clause 32.2(a) upon such terms and conditions as the Harbourmaster thinks fit, including conditions that provide for the temporary suspension of use of defined waters by all other users, if reasonably required for maritime safety purposes as determined by the Harbourmaster.

~~31-333.4~~ No ~~grant of an application approval~~ under clause ~~33.3~~32 has effect unless ~~not less than 7 days or more than 14 days~~ before the commencement of the activity a public notice is given specifying the period of the activity and details of the supervision or reserved area.

~~31-433.5~~ The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.

~~31-533.6~~ The Council may prescribe any fees associated with ~~special~~ Temporary events in accordance with clause ~~532~~.

Part 5 – Rules relating to specific locations

~~3234~~ Rivers¹²

~~32-134.1~~ Subject to the more specific rules below, a person in charge of a vessel on a river must:

- (a) ensure that the vessel keeps to the starboard (right) side of the river channel;
- (b) if going upstream, give way to any vessel coming downstream; and
- (c) not operate the vessel unless river and weather conditions permit safe operation of the vessel.

~~3335~~ Lakes

~~33-135.1~~ No power-driven vessels may proceed at any speed exceeding 5 knots on the waters of Lake Hayes, Moke Lake, Lake Johnston, Lake Kilpatrick, Diamond Lake, Lake Dispute or Lake Reid.

¹² Rule 91.17.

3436 Queenstown Bay

3436.1 The ~~proper~~ speed of vessels must not exceed five knots within 50 metres of any boundary of the access lane in Queenstown Bay unless specifically permitted as a condition of the access lane or by a speed uplifting.

3537 Clutha River / Mata-Au

37.1 No person may navigate a power-driven vessel under the Albert Town Bridge except in accordance with the following rules (or as may be directed by the Harbourmaster):

(a) power-driven vessels proceeding downstream must be navigated through the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au;

(b) power-driven vessels proceeding upstream must be navigated through the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au.

3537.2 The following clauses apply to persons operating power-driven vessels ~~operating~~ in the area between the Outlet Camping Ground (GPS ~~-44 39 45 N, 169 08 55 E~~ ~~-44.66 to -46.15~~) and the Albert Town Bridge (GPS ~~-44 40 51 N, 169 11 26 E~~ ~~-44.68, -46.19~~):

(a) Between 1 December and 30 April no person may operate a power-driven vessels ~~may operate~~ in this area, unless ~~the powered vessel satisfies~~ expressly authorised to do so under one of the following exceptions:

(i) ~~it is expressly authorised to operate in this area by a resource consent issued by the Council;~~

~~(i)(ii)~~ it is carrying out one of the following permitted activities under the Queenstown Lakes District Plan, with the permission of the Harbourmaster:

- (A) emergency search and rescue;
- (B) hydrological survey;
- (C) public scientific research;
- (D) resource management monitoring;
- (E) water weed control; or
- (F) access to adjoining land for farming activities.

~~(ii)(iii)~~ it the power-driven vessel is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.

- (b) ~~Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council provided the person complies with:~~
- ~~(i) All other obligation under this bylaw including clause 7.1(b);~~
 - ~~(ii) All resource consent conditions applicable to the activity;~~
 - ~~(iii) Any requirement under an applicable licence issued by Maritime New Zealand.~~

~~(b)(c)~~ Between 1 May and 30 November any person operating a power-driven vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).

~~35-237.3~~ A permanent speed uplifting shall apply between the Albert Town Bridge (GPS ~~-44 40 51 N, 169 11 26 E-44-68, -169-19~~) and the Red Bridge (~~-44 43 51 N, 169 16 54 E-44-73 to -169-28~~) as specified in Schedule 2.

~~36-38~~ **Kawarau River**

~~36-38.1~~ No person may rest or stop a vessel in tThe areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam ~~are not to be used as rest or stop areas by any vessel.~~

~~36-38.2~~ The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.

~~36-38.3~~ No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):

- (a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;
- (b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.

~~36-438.4~~ No person may operate a power-driven vessel ~~No powered vessels may operate~~ on that part of the Kawarau River located downstream from the confluence between the Kawarau River and below the Arrow River.

~~37-39~~ **Shotover River**

~~37-39.1~~ No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw ~~2015-2021~~ or any bylaw adopted by Council to replace that bylaw.

~~37-239.2~~ Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E119) of the movements and location of the

commercial vessel at all times.

~~38.40~~ **Prohibited areas**

~~38.40.1~~ No person in charge of a power-~~driven~~ vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:

- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
- (b) the Outlet of Lake Whakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
- (c) the Shotover, Kawarau and Clutha / Mata-Au Rivers.

Part 6 – Accidents, incidents, and mishaps and near misses

~~39.41~~ **Requirement to report to the Harbourmaster in the event of accident, mishap or serious incident**

~~39.41.1~~ A person in charge of a vessel that has been involved in an accident, incident or mishap where:

- ~~(a) — the incident has caused damage to another vessel, or a navigation aid or any structure;~~
- ~~(b) — a vessel has been sunk or grounded or become stranded in any waterway;~~
- ~~(c) — by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or~~
- ~~(d) — any person has been injured;~~

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

~~39.41.2~~ A report required by clause ~~39.41.1~~ must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause ~~51.2~~ of this bylaw.

~~39.41.3~~ If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:

- (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or

- (b) in accordance with directions from the Harbourmaster or the police.

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

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

Part 7 – Access Lanes and Reserved Areas

~~41~~42 Access Lanes

~~41.1~~42.1 The following areas are access lanes for the purposes of this bylaw:

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

~~41.2~~42.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.

~~41.3~~42.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

~~42~~43 Conduct in Access Lane¹³

~~42.1~~43.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:

- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
- (b) by the most direct route through the access lane;
- (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
- (d) this clause applies to objects towed by a vessel.

~~42.2~~43.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.

~~42.3~~43.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.

¹³ Rule 91.10

~~42-443.4~~ No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.

~~42-543.5~~ If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

~~4344~~ Reserved Areas¹⁴

~~43-144.1~~ The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:

- (a) for use of vessels generally; or
- (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
- (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
- (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

~~43-244.2~~ Adequate signs must be provided in the vicinity of any reserved area that:

- (a) define the area;
- (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
- (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.

~~43-344.3~~ The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.

~~43-444.4~~ The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.

~~43-544.5~~ In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.

~~43-644.6~~ No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

Part 8 – Commercial vessels

~~44~~ Commercial vessels to be licensed

¹⁴ Rule 91.12.

~~44.1~~ — Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.

~~44.2~~ — The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.

~~44.3~~ — Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.

~~44.4~~ — Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.

~~44.5~~ — A licence is personal to the holder and to the vessel specified therein and is not transferable.

~~44.6~~ — Every commercial vessel licence issued under this bylaw or the applicable maritime rules must be available for inspection at any time by the Harbourmaster or an enforcement officer.

~~45~~ — Requirement as to survey

~~45.1~~ — No person may operate on any waters within the District a commercial vessel that is required to be surveyed under any relevant maritime rule unless the owner of such vessel holds a Maritime Operator Safety System certification or a certificate of compliance under the applicable maritime rule.

Part ~~9~~8 – Structures and Moorings

~~46.45~~ — Permission to use or occupy structures or the foreshore

~~46.45.1~~ No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause ~~46.5.3~~ of this bylaw.

~~46.45.2~~ No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause ~~46.5.3~~ or clause ~~46.5.4~~ of this bylaw.

~~46.45.3~~ The Council may grant permission to any person to use or occupy a structure subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

~~46.45.4~~ The Council may in accordance with the Reserves Act 1977 grant permission to any person to occupy the foreshore subject to terms and conditions (including the payment of a fee) and for such periods as determined by the Council.

~~47.46~~ **Mooring permits**

~~47.46.1~~ No person may place a mooring in any waters, or moor any vessel in any navigable waters, other than in accordance with a mooring permit issued by the Council.

~~47.46.2~~ The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause ~~51~~.

~~47.46.3~~ The Council may prescribe fees associated with moorings and mooring permits in accordance with clause ~~52~~.

~~47.46.4~~ Mooring permit holders shall take all care to ensure that the mooring is used in a lawful manner and use moorings at their own risk.

~~47.46.5~~ Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

~~48~~ **Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**

~~48.47.1~~ The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.

~~48.47.2~~ If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.

~~48.47.3~~ The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:

- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
- (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
- (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
- (d) the mooring does not have an identification number visible.

~~48.47.4~~ The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.

~~48.47.5~~ If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.

Part 10-9 - Administration provisions

~~49~~48 Powers of Harbourmaster

~~49~~48.1 The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and can exercise any of the powers conferred on the Harbourmaster under the Act or this bylaw.

~~50~~49 Impersonation of Harbourmaster

~~50~~49.1 It is an offence for any person who is not the Harbourmaster, a Deputy Harbourmaster, or an Enforcement Officer to behave in a manner that could lead any person to believe that the person holds any such appointment.

~~51~~50 Speed Upliftings¹⁵

~~51~~50.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.

~~51~~50.2 An application under clause ~~50~~50.1 must not be granted unless the Council is satisfied that:

- (a) the application has been publicly notified;
- (b) the Director has been consulted;
- (c) affected persons have had a reasonable opportunity to comment on the application;
- (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
- (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
- (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.

~~50~~3 The Council may grant an application in accordance with clause ~~51~~50.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.

~~51~~50.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause ~~52~~3.

~~52~~51 Administrative requirements

~~52~~51.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:

¹⁵ Rule 91.20.

- (a) any forms to be required by Council for the administration of this bylaw.
- (b) any guidelines applicable to issuing a mooring permit, ~~commercial vessel license~~, or other approval under this bylaw.
- (c) any terms and conditions upon which any approval under this bylaw may be issued.
- (d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

5352 Fees and charges

~~53-52.1~~ The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit ~~or licence~~ issued under this bylaw following public consultation in accordance with section 150(3)-(6) of the Local Government Act 2002.

~~53-52.2~~ The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

5453 Exemptions

~~54-53.1~~ The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.

~~54-53.2~~ The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, ~~1921~~, ~~2830~~, and Part 5 of this bylaw.

~~54-53.3~~ The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses ~~18-20~~ and ~~20-22~~ provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.

~~54-53.4~~ In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on ~~public health and safety~~[navigation safety](#).

~~54-53.5~~ The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe ~~public health or safety~~[navigation safety](#) has, or might be, adversely affected.

~~54-63.6~~ No exemption may be granted:

- (a) for a contravention of this bylaw that has already occurred;
- (b) for a period exceeding 14 days;
- (c) for an activity that has prohibited activity status within [any district plan rule having legal effect in the District the Queenstown Lakes District Plan](#); or
- (d) if it would authorise something that is or would be contrary

to any other enactment, regulations or a maritime rule.

~~54-753.7~~ The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause ~~523~~.

Part ~~101~~ – Enforcement

~~554~~ General enforcement powers of the Harbourmaster

~~55-354.1~~ In any case where the Harbourmaster is not satisfied adequate precautions have been taken to ensure the health or safety of any person or the public or to avoid damage to any vessel, structure or the environment, the Harbourmaster may prohibit or restrict the activity until satisfied adequate precautions have been taken.

~~55-354.2~~ The Harbourmaster, enforcement officer or police officer may use powers under the Act and maritime rules and/or the Local Government Act 2002 and regulations to enforce this bylaw.

~~55-354.3~~ The Harbourmaster, or enforcement officer may direct any vessel or person to take any action they deem necessary to ensure compliance with the maritime rules or this bylaw.

~~55-454.4~~ Where any provision in this bylaw imposes an obligation to pay a fee, the owner of the vessel is liable for that fee on the date that payment falls due.

~~5655~~ Non-compliance with conditions of a permit ~~or licence~~

~~56-355.1~~ Where a holder of any permit ~~or licence~~ issued under this bylaw does not comply with the terms and conditions of the permit, the Council or Harbourmaster may take one or more of the following steps:

- (a) issue a written warning to the holder of the permit, which may be considered as evidence of a prior breach of a permit condition during any subsequent review of the permit;
- (b) review the permit, which may result in:
 - (i) amendment of the permit; ~~or~~
 - (ii) suspension of the permit; or
 - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw, including as provided for under the Act, maritime rules and/or the Local Government Act 2002 and regulations.

~~56-355.2~~ There will be no refund of fees if any permit ~~or licence~~ is cancelled.

~~5756~~ Offences

~~57-356.1~~ Every person commits an offence against this bylaw who:

- (a) contravenes or permits a contravention of this bylaw;
- (b) prevents a Harbourmaster or an enforcement officer from

carrying out their statutory functions or duties under this bylaw;

- (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
- (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

~~5857~~ Penalties

~~58.157.1~~ Every person who:

- (a) commits an offence against this bylaw will be liable either under the Act and/or the Local Government Act 2002;
- (b) commits an infringement offence, set out in the regulations created under the Act and/or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

~~5958~~ Exceptions

~~59.158.1~~ A person does not contravene this bylaw if that person proves that the act or omission was in compliance with the directions of the Harbourmaster, an enforcement officer or a police officer.

Part ~~12-11~~ – Revocation and savings

~~6059~~ Revocation

~~60.159.1~~ The Queenstown Lakes District Navigation Safety Bylaw ~~2014~~ 2018 including all amendments is revoked.

~~60.2~~ ~~The Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 including all amendments is revoked from a date specified by publicly notified resolution of the Council.~~

~~6160~~ Savings

~~61.160.1~~ Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014~~ 2018 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.

~~61.260.2~~ Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2018 ~~that bylaw~~ or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61.360.3~~ Directions of the Harbourmaster issued under the Queenstown Lakes District Council Navigation Safety Bylaw 2018 ~~that bylaw~~ or

preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~61.460.4~~ Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2014-2018~~ or the ~~Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014~~ continues in force but:

- (a) expires on the date specified; or
- (b) if no expiry date is specified, expires ~~on 1 July 2019~~ TBC [same period as current bylaw - 15 months 8 days from date of making]; and
- (c) can be renewed only by application made and determined under this bylaw.

~~61.560.5~~ Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Navigation Safety Bylaw ~~2014-2018~~ or the ~~Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014~~ that was filed before the date specified under clause ~~60-59~~ of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

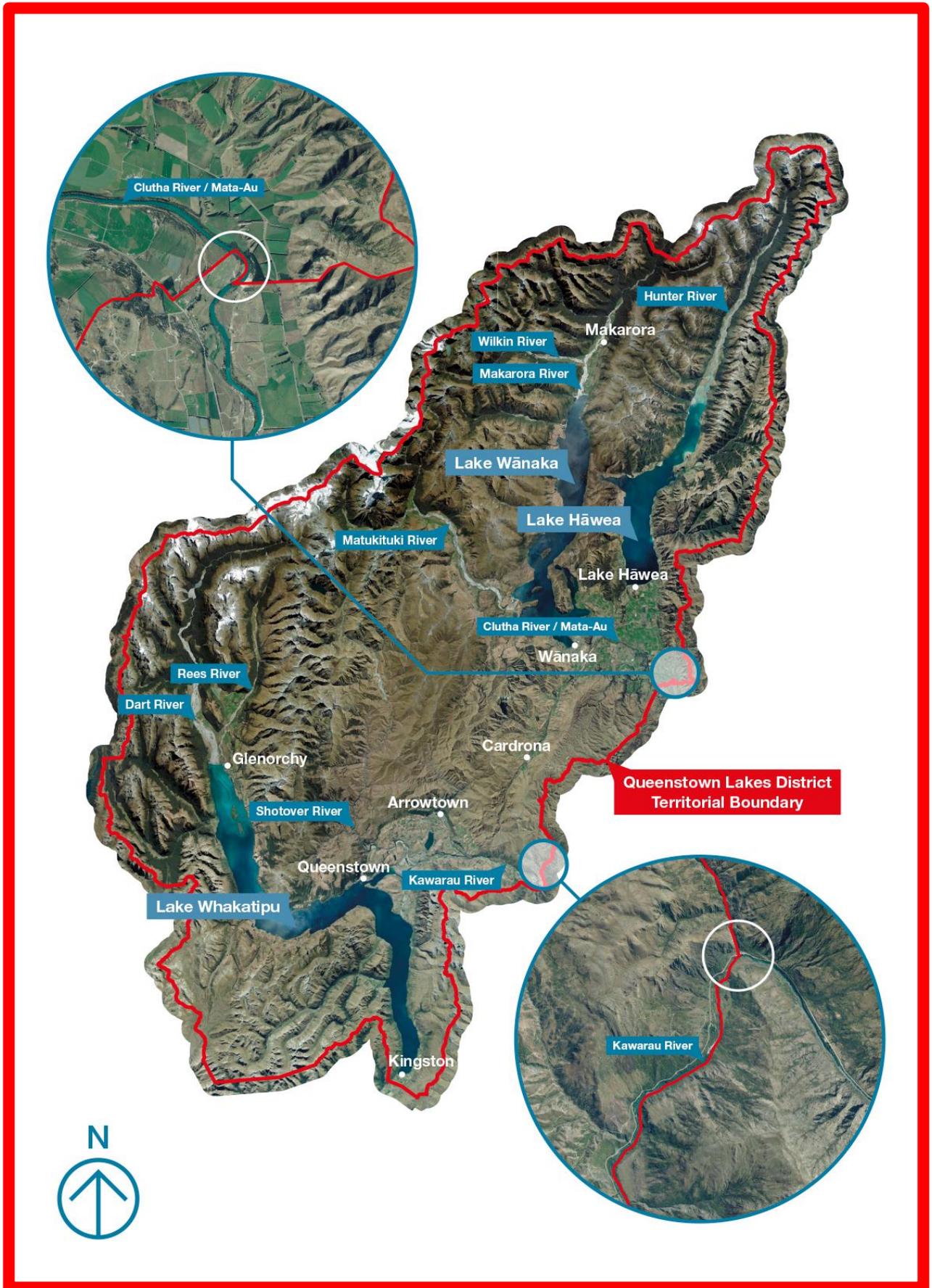
The Queenstown Lakes District Council Navigation Safety Bylaw ~~2018-2025~~ Te Ture ā-Rohe mō te Haumaru Whakatere 2025 was adopted pursuant to the Maritime Transport Act 1994 and the Local Government Act 2002, by resolution of the Queenstown Lakes District Council on ~~23 March 2018~~ TBC.

Mayor:

Chief Executive Officer:

Schedule 1 – Map of Queenstown Lakes District





Schedule 2 – Speed upliftings and access lanes

1 Upliftings for Lakes and Rivers

- (1) The uplifting of speed restrictions applies in the areas and locations and for the durations described in Table 1.

Explanatory note: If the waterbody is not listed below a 5 knots speed limit applies, unless otherwise stipulated by clause 9, or elsewhere in this bylaw.

Table 1 – Speed Upliftings

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Whakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	-44 50 60 N, 168 21 37 E to -44.85 to -168.36
			Upper Boundary	-44 34 12 N, 168 20 60 E to -44.57 to -168.35
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44 40 12 N, 168 18 36 E to -44.67 to -168.31
Rees River	From Lake Whakatipu to Muddy Creek	30 October to 1 May	River Mouth	-44 51 00 N, 168 22 48 E to -44.85 to -168.38
			Upper Boundary	-44 41 52 N, 168 27 54 E to -44.70 to -168.33
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44 53 35 N, 168 40 27 E to -44.89 to -168.67
			Skippers Bridge	-44 50 39 N, 168 41 13 E to -44.84 to -168.69
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45 0 59 N, 168 46 30 E to -45.02 to -168.77
			Oxenbridge Tunnel	-44 58 51 N, 168 39 52 E to -44.98 to -168.67
Kawarau River	From Lake Whakatipu to the	All Year	Lake Whakatipu	-45 01 40 N, 168 43 54 E to -45.03 to -168.73

	Arrow River confluence, excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.		Arrow River confluence	-45 0 28 N, 168 52 53 E -45.01 to -168.89
Makarora River	From Lake Wānaka Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44 19 12 N, 168 10 12 E -44.32 to -169.17
			Young River confluence	-44 12 01 N, 169 14 12 E -44.20 to -169.24
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44 16 9 N, 169 10 53 E -44.27 to -169.18
			Kerin Forks	-44 14 15 N, 169 01 53 E -44.24 to -169.03
Matukituki River	From Lake Wānaka Wanaka upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	-44 37 12 N, 169 01 08 E -44.62 to -169.019
			East Branch	-44 26 58 N, 168 48 54 E -44.44 to -168.81
			West Branch	-44 30 0 N, 168 46 53 E -44.5 to -168.79
Clutha River / Mata-Au	From Lake Wānaka Wanaka outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	Outlet camping ground	-44 39 45 N, 169 08 55 E -44.66 to -169.15
			Albert Town Bridge	-44 40 51 N, 169 11 26 E -44.68 to -169.19
	From the Albert Town Bridge to the Red	All Year	Albert Town Bridge	-44 40 51 N, 169 11 26 E -44.68 to -169.19

	Bridge.			
			Red Bridge	-44 43 51 N, 169 16 54 E - 44.73 to 169.28
	From Lake Wānaka outlet to the Albert Town bridge (only for power-driven vessels authorised under a resource consent	1 December to 30 April	Outlet camping ground	-44 39 45 N, 169 08 55 E
			Albert Town Bridge	-44 40 51 N, 169 11 26 E
Hunter River	From Lake Hāwea Hāwea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44 18 59 N, 169 25 58 E - 44.28 to 169.45
			Ferguson Creek	44 06 49 N, 169 33 58 E - 44.71 to 169.21

2 Upliftings for Access Lanes

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

3 Upliftings for Water Ski access lanes

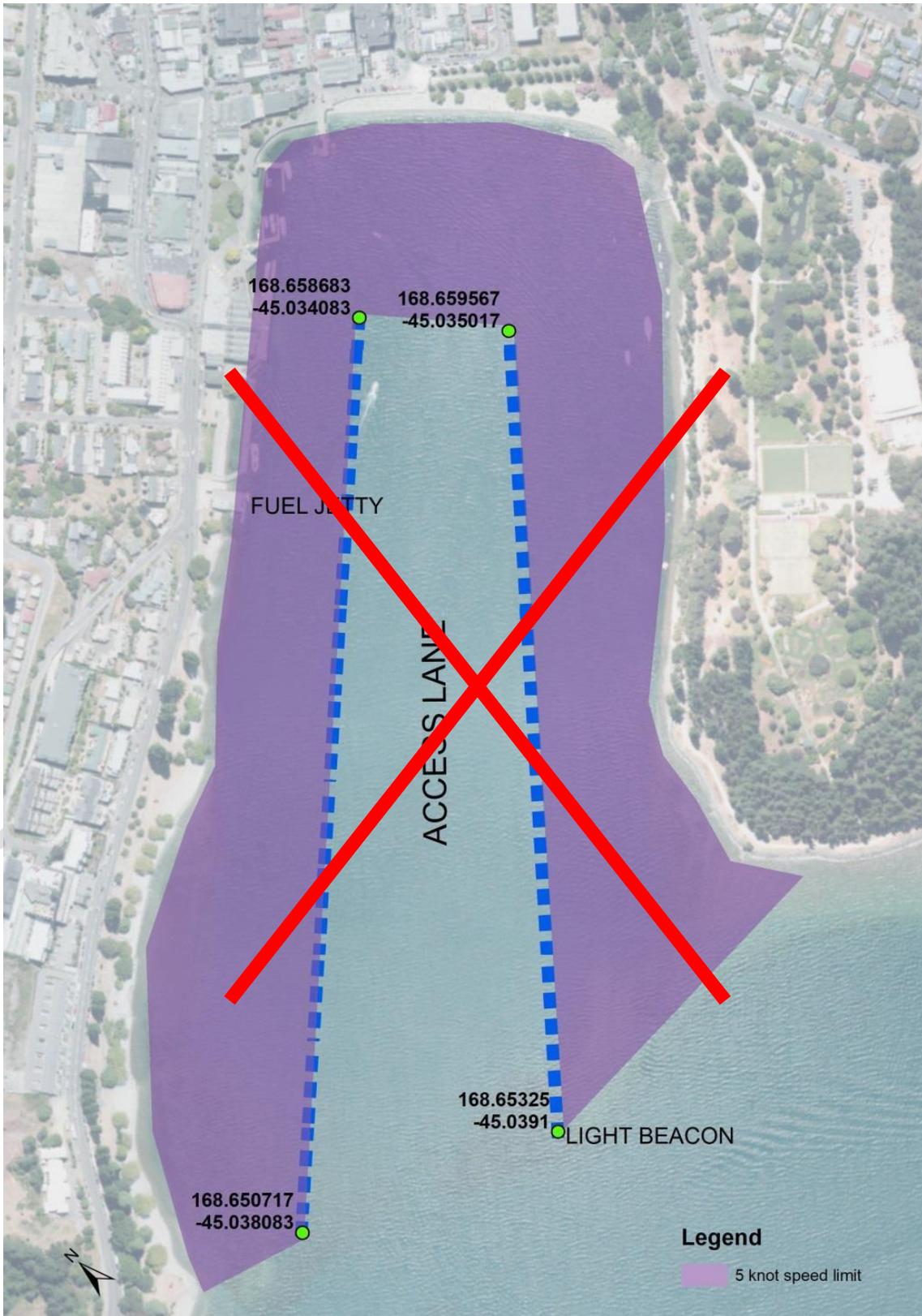
- (i) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

Table 2 – Access Lanes

Water ski access lanes – Lake Whakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44 51 23 N 168 22 47 E - 44.86 to 168.38
Kinloch Main Beach	-44.84 to 168.35
Kelvin Grove	-45 02 33 N 168 40 51 E - 45.04 to 168.68
Frankton Beach	-45.02 to 168.73
Willow Place West Side	-45.03 to 168.72
Loop Road	-45.036 to 168.70

Frankton Arm North Side	-45.03 to 168.69
Kingston Main Beach	-45 19 51 N 168 43 11 E -45.33 to 168.72
Bobs Cove	-45 04 22 N 168 30 41 E -45.07 to 168.51
Wilson's Bay	-45 03 42 N 168 33 53 E -45.06 to 168.57
Sunshine Bay	-45 02 54 N 168 37 32 E
Water ski access lanes – Lake WānakaWanaka	
Roys Bay – Eely Point	-44.68 to 169.12
Roys Bay – Main Beach adjacent Pembroke Park	-44.70 to 169.13
Roys Bay – Water Fall Creek	-44.69 to 169.10
Dublin Bay	-44 38 56 N 169 10 9 E -44.65 to 169.17
Glendhu Bay - West ski lane	-44 40 14 N 169 0 49 E -44.67 to 169.01
Glendhu Bay - East ski lane	-44 40 23 N 169 01 19 E -44.67 to 169.02
Water ski access lanes – Lake Hāwea	
Lake Hāwea Hawea-Ski Lane	-44 36 23 N 169 16 03 E -44.61 to 169.27
High speed access lanes – Lake Whakatipu	
Location	Description
Queenstown Bay	Access lane starts north east end of Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.03 to 168.66, -45.04 to 168.66 (see Map 1 – Queenstown Bay). These buoys define the lanes out of Queenstown Bay. The green beacon at the entrance to Queenstown Bay is the southern most boundary of the Access Lane (refer map 1).
The Narrows	Access lane is between Kelvin Heights Peninsula and Park Street. The south side of the lane is marked by 3 navigational buoys between points starting 50 metres off shore from the North West end of the Kelvin Peninsula and continues to a point 100 metres off shore between the Yacht Club jetties and at no point will the south side of the access lane be nearer than 50 metres from the shore. From the Eastern point, further buoys will be set approximately 120 metres off shore around to a point off the Earnslaw slipway. The north side of the lane is marked 50 metres off shore opposite the Frankton Walking Track, extending to a point 200 metres West along Park Street into the main body of Lake Whakatipu, with the outer boundary of the Narrows being the red beacon on the southern most tip of Queenstown Gardens (refer Map 2).
Kawarau Dam Access Lanes (Downstream):	Access lanes between Lake Whakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Whakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).

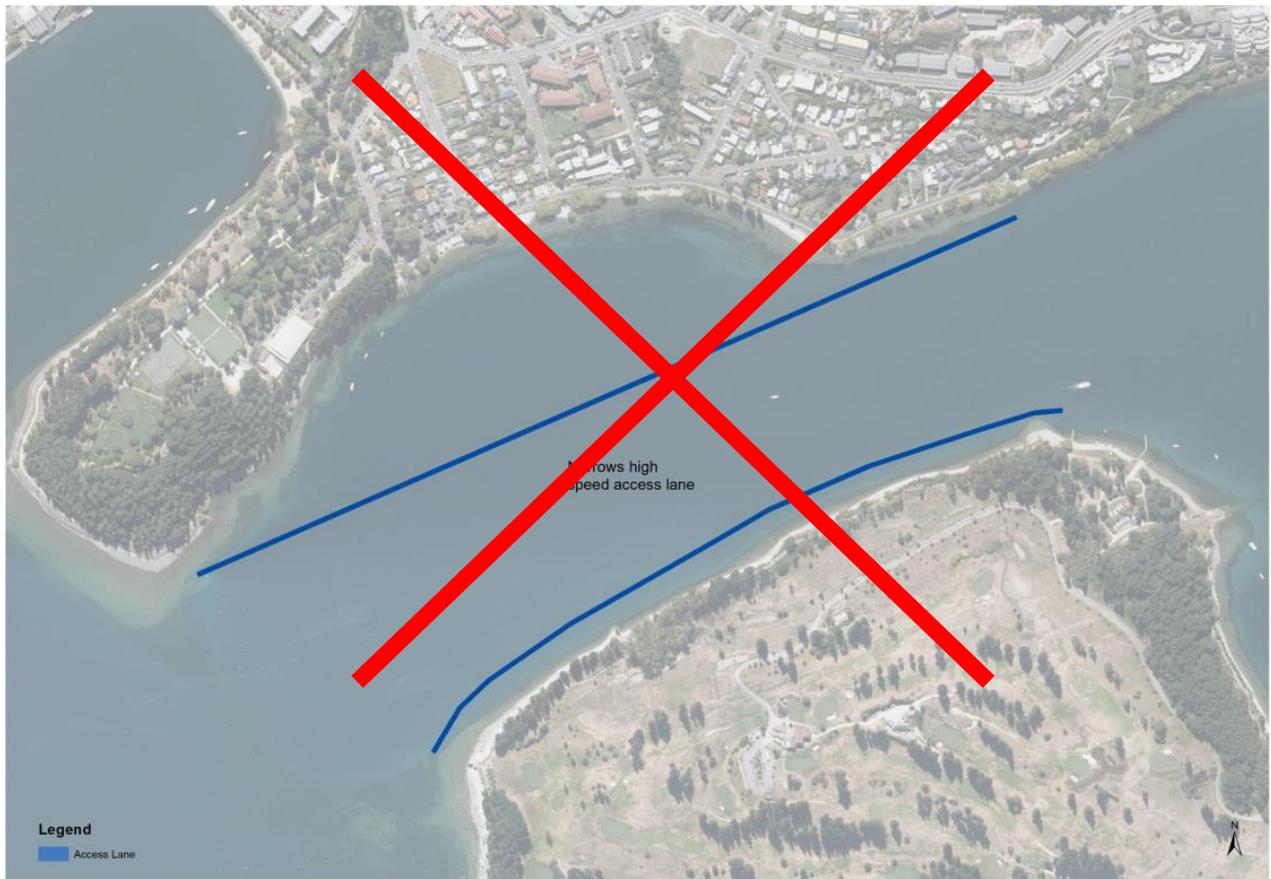
Map 1 – Queenstown Bay





Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 23, Table 2
5 knot limit within 50m of boundary of access lane	Clause 364.1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 4038.1(a)

Map 2 – The Narrows, Queenstown



DRAFT



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 23, Table 2

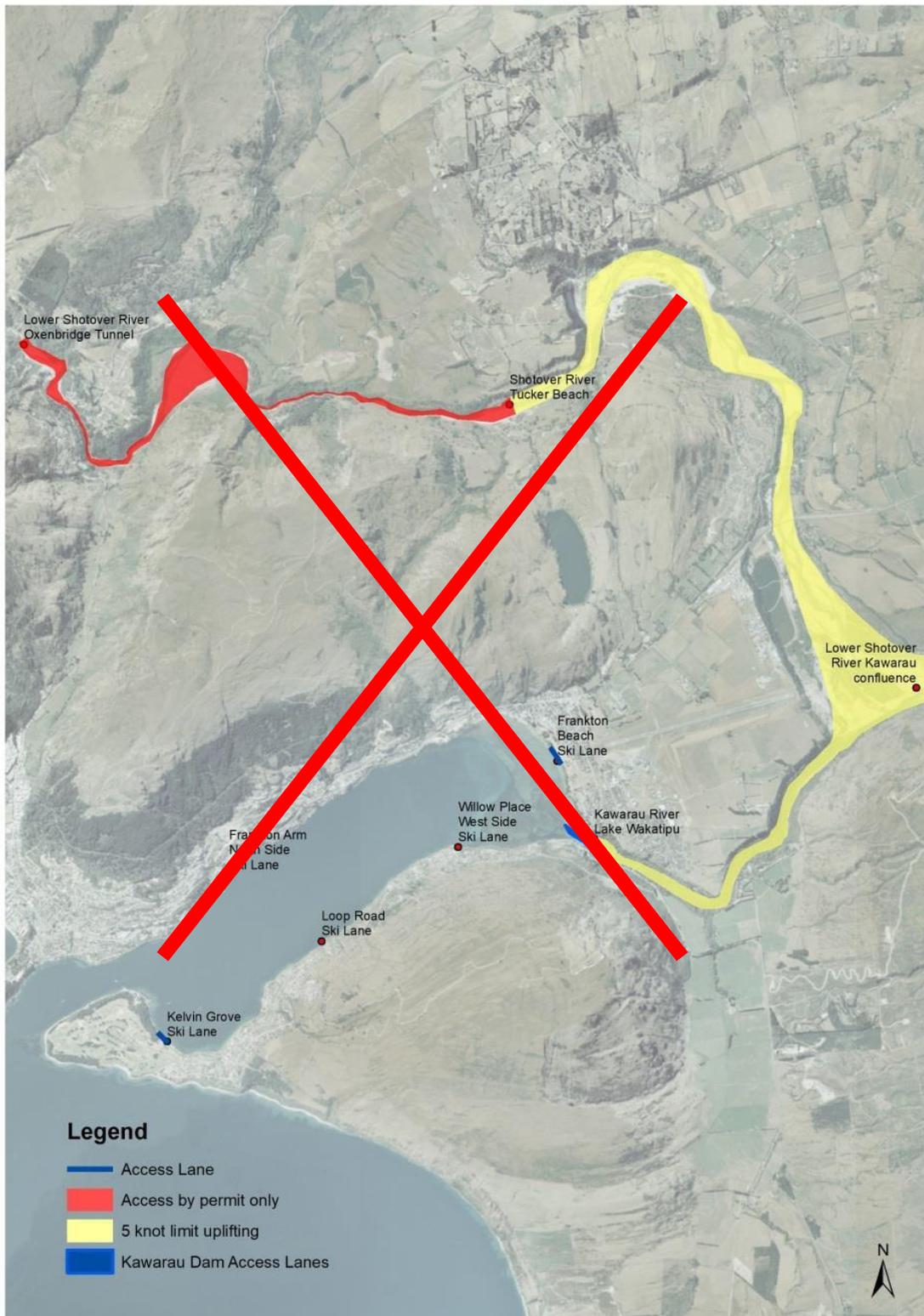
Map 3 – Kawarau Dam

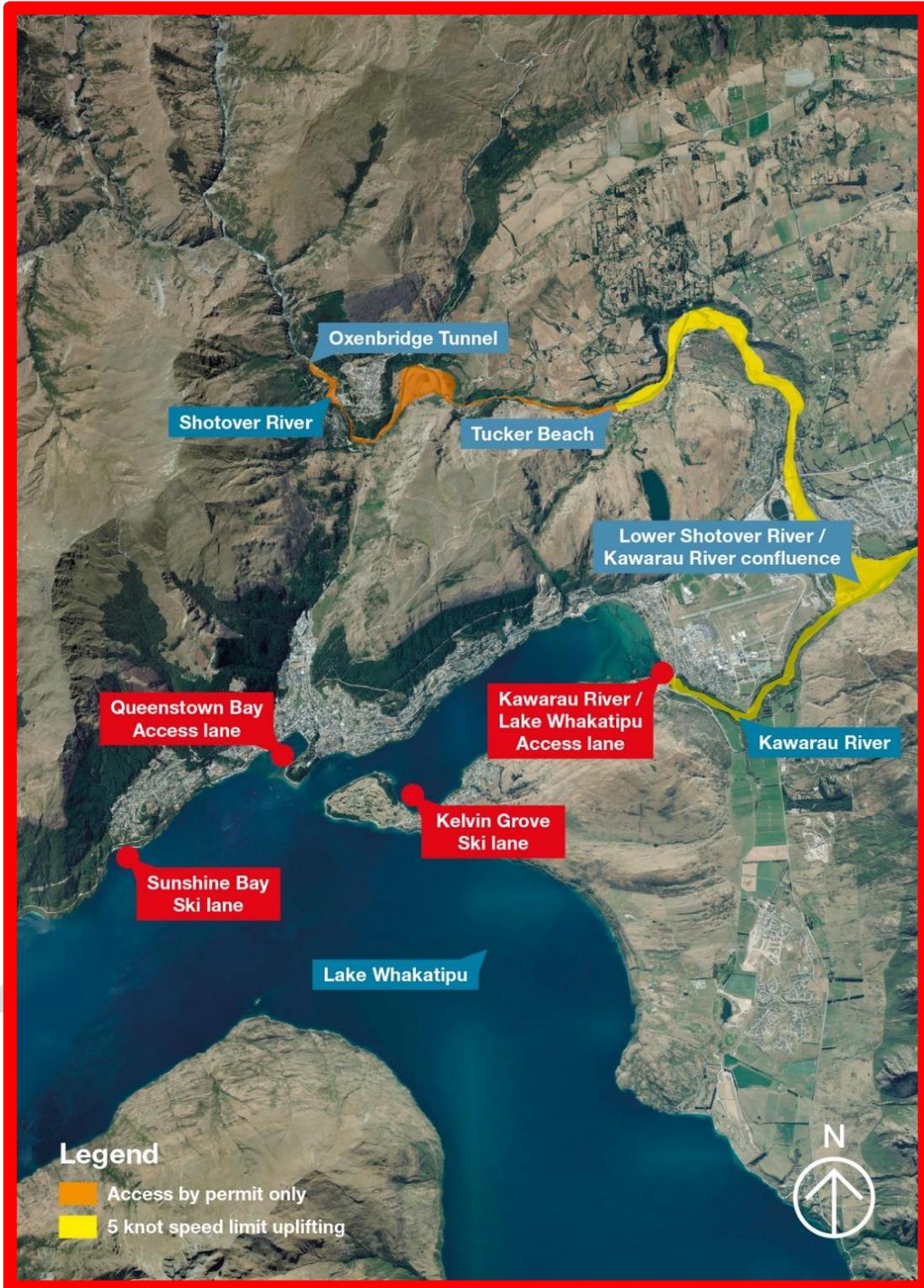




Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 368.1
Vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(a)
Vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River	Clause 386.3(b)

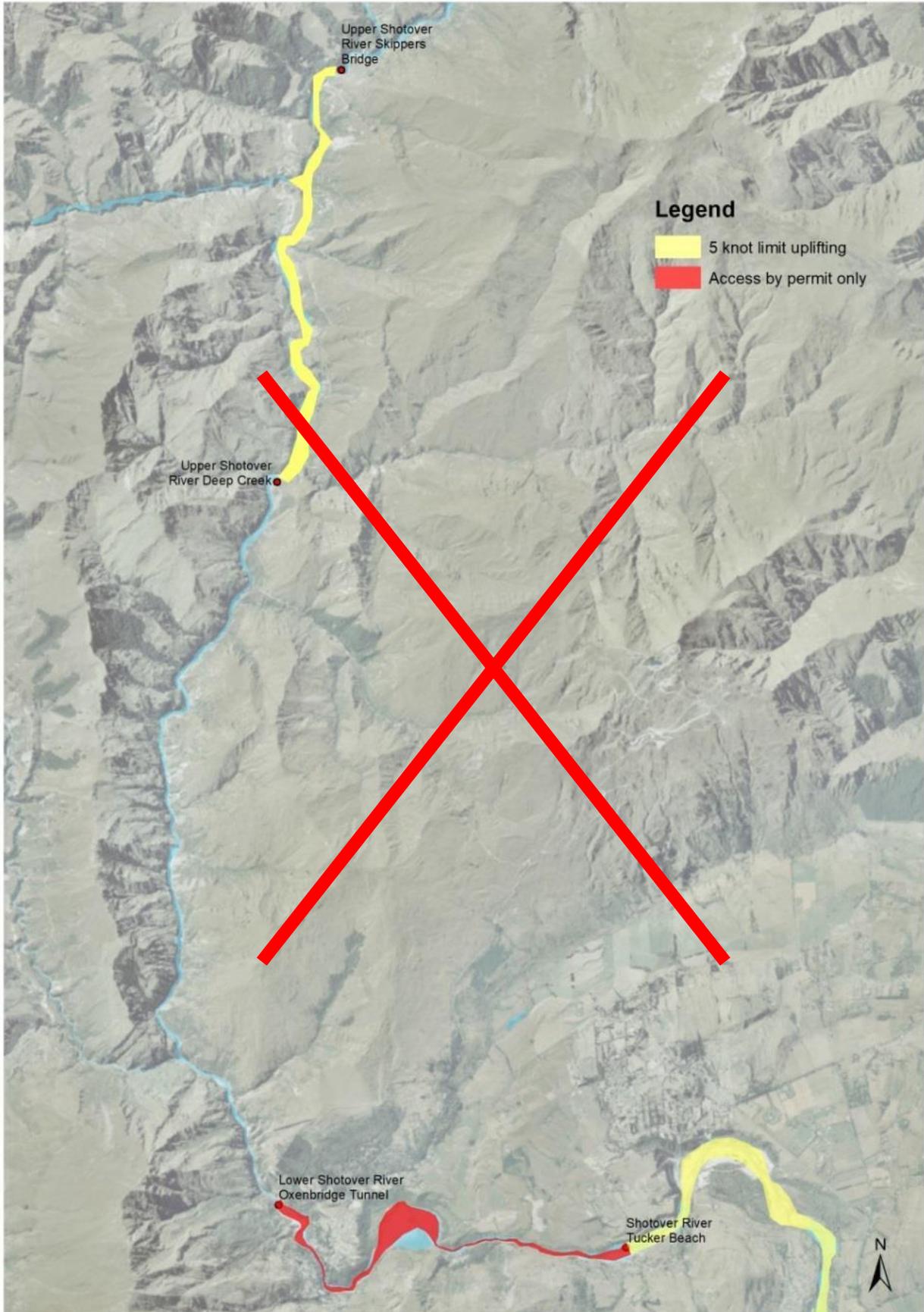
Map 4 – [Queenstown, Sunshine Bay](#) Frankton Arm, Lower Shotover & Kawarau River

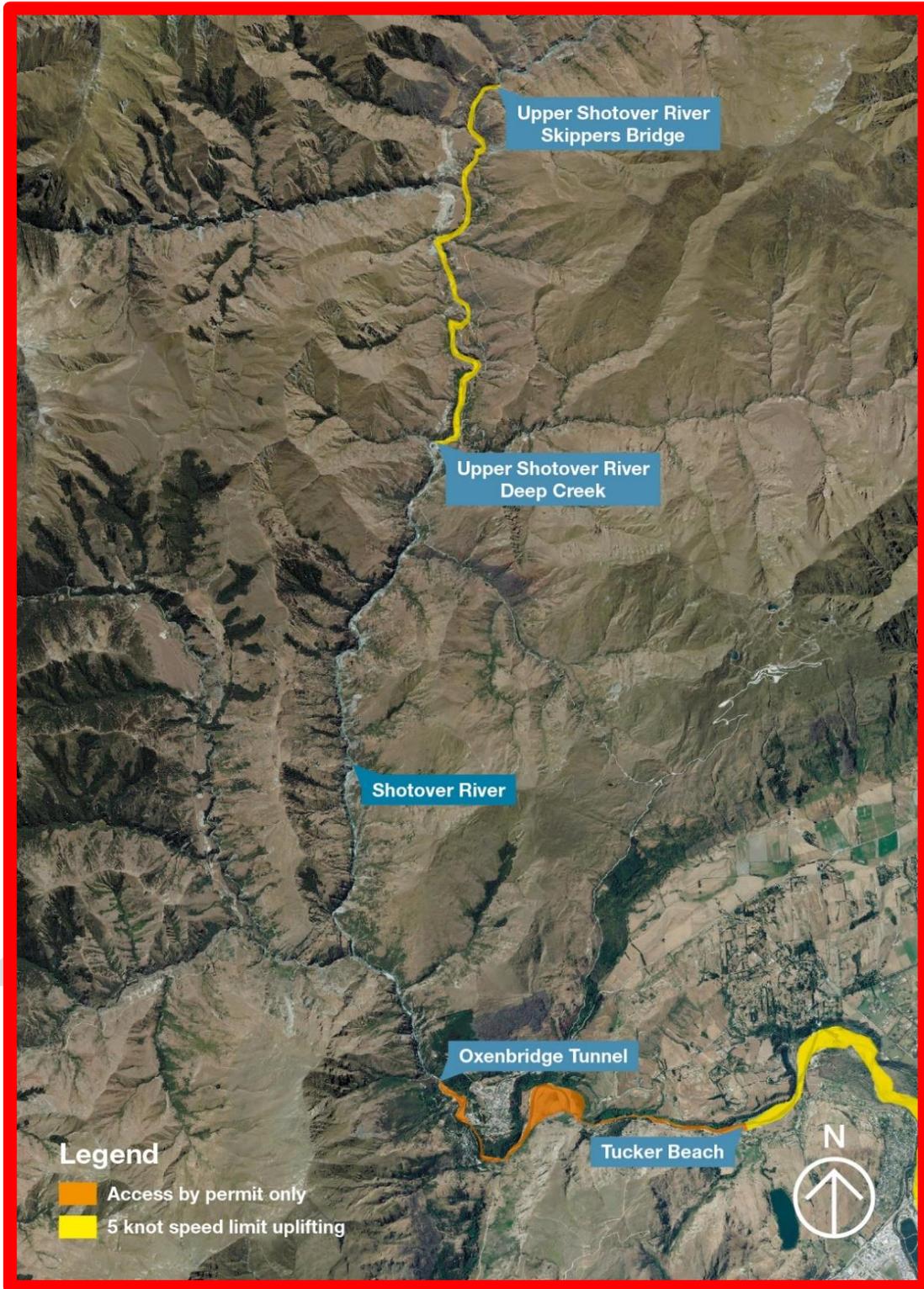




Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2021 2015	Clause 397 1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lanes: Frankton beach, Willow Place West Side, Loop Road, Frankton Arm North Side, Kelvin Grove, Sunshine Bay.	Schedule 2, Table 2
Kawarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kawarau River or Shotover River	Clause 3840 1(b)-(c)

Map 5 – Upper Shotover





Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2021 2025	Clause 39 7.1
Speed upliftings: Upper Shotover River, Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 39 7.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause 38 40.1(c)

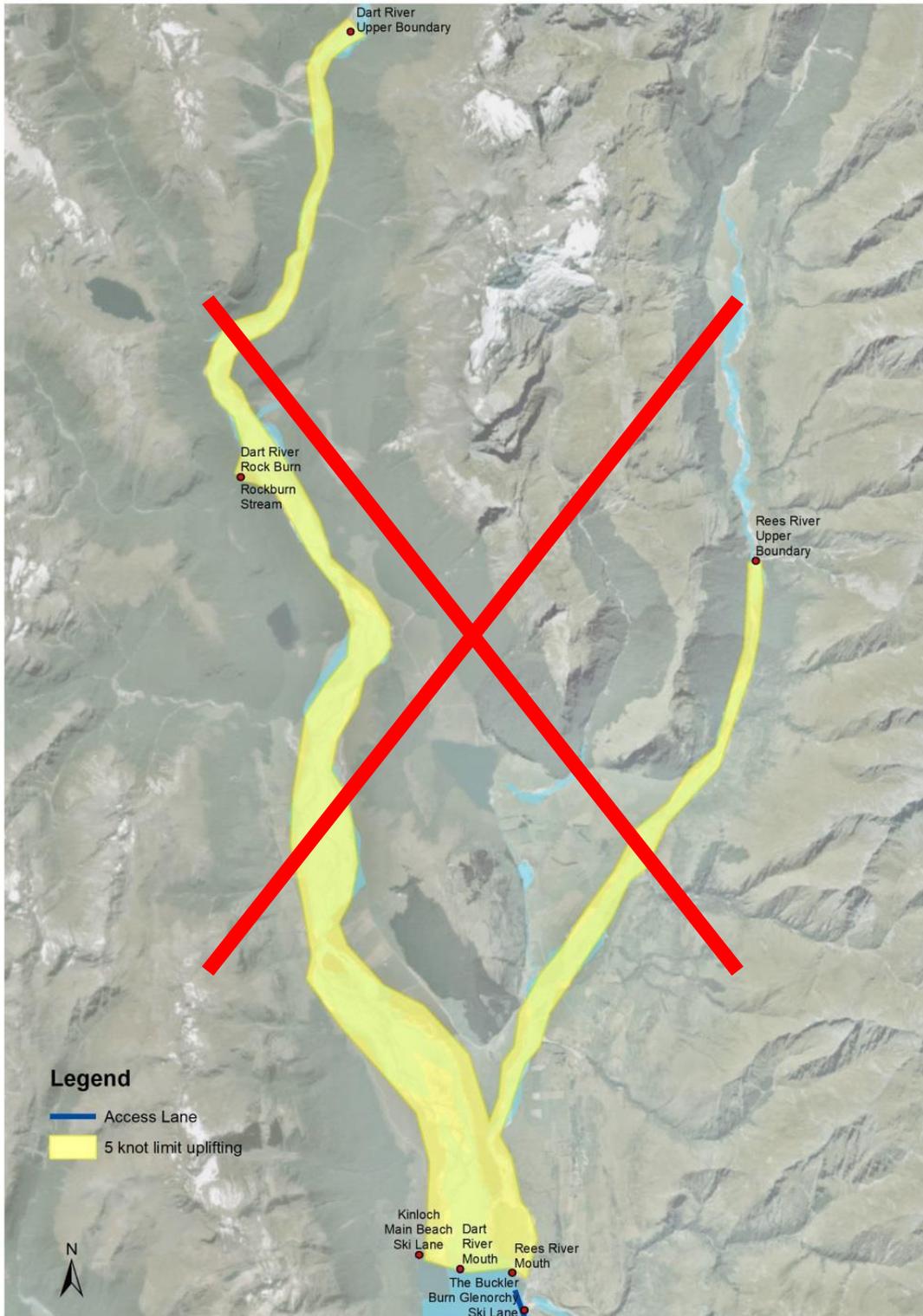
Map 6 – Kawarau River





Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015 2021	Clause 37 9.1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Any commercial vessel using the Lower Shotover River must ensure that any other vessel known to be using the same area is aware of the movements and location of the commercial vessel at all times	Clause 37 7.2
Any vessel using the Kowarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause 36 8.2
No power-driven vessel may operate on the part of the Kowarau River <u>downstream from the confluence between the Kowarau River and below</u> the Arrow River	Clause 36 8.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kowarau River or Shotover River.	Clause 38 40.1(b) - (c)
<u>Water ski access lane: Frankton Beach</u>	Schedule 2 2, Table 2 2

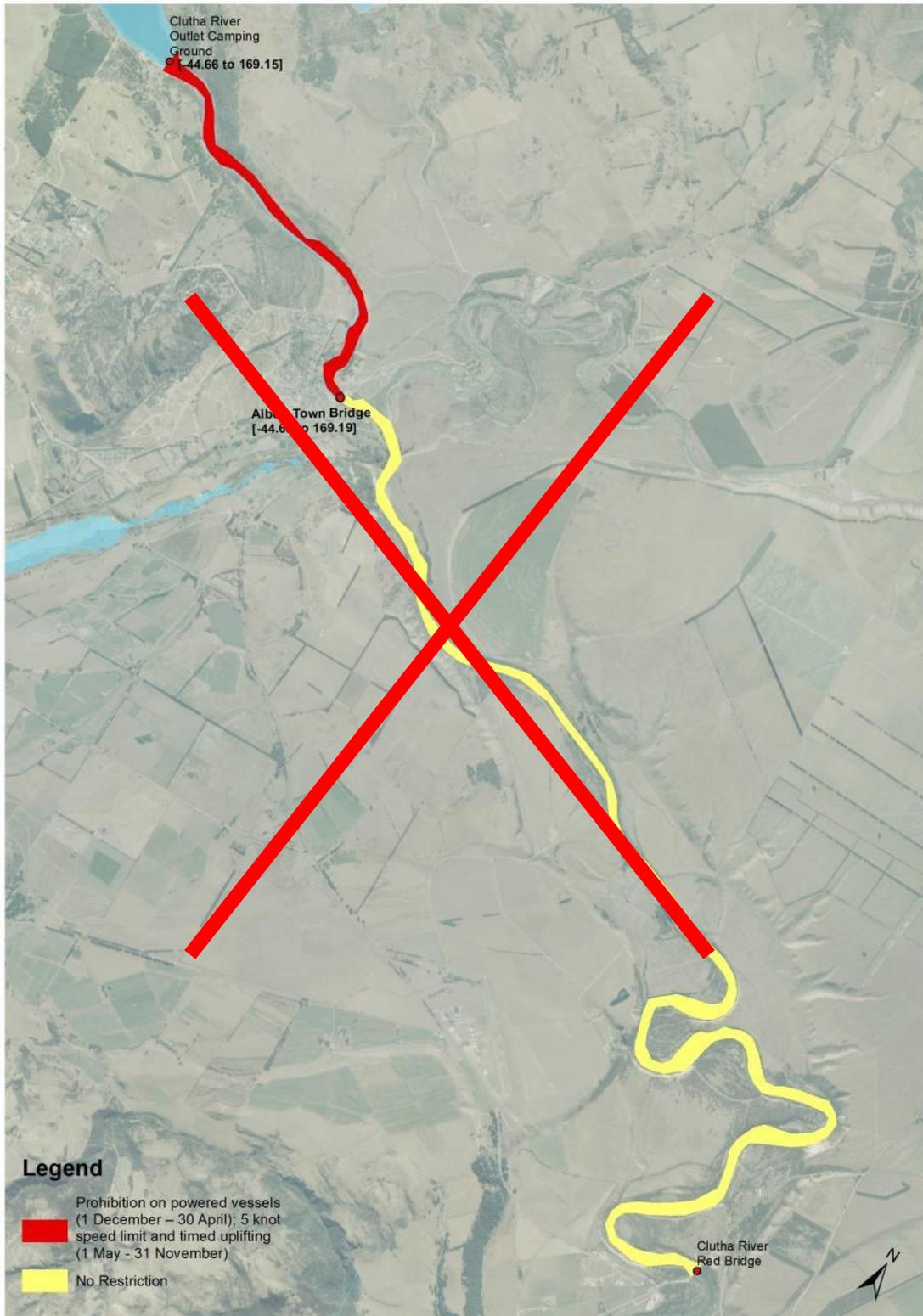
Map 7 – Dart & Rees River

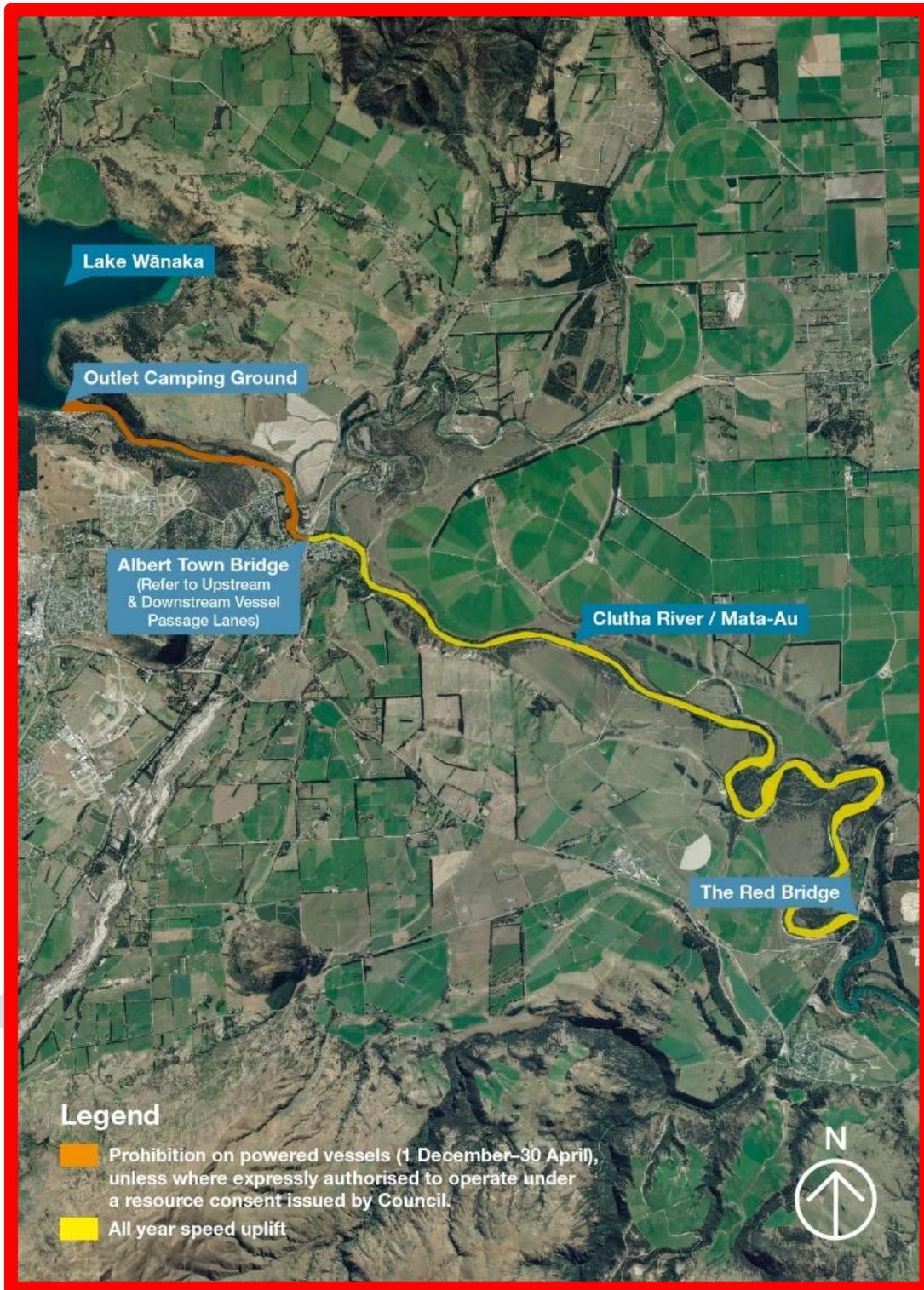




Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed upliftings: Dart River (all year), Rock Burn Stream (all year), Rees River (30 October to 1 May)	Schedule 2, Table 1
Water ski access lanes: Kinloch Main Beach , Buckler Burn Glenorchy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

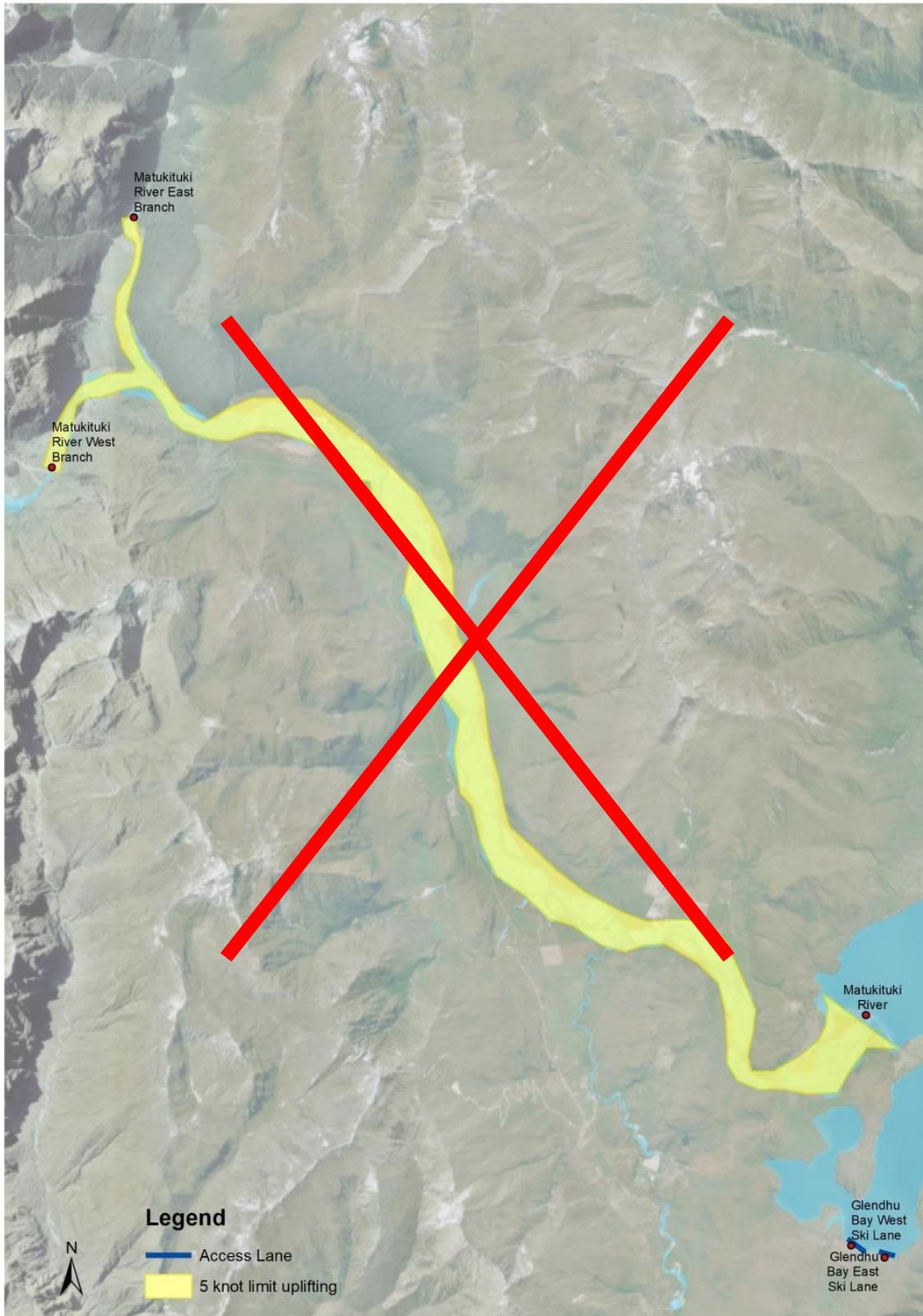
Map 8 – Clutha River / [Mata-Au](#)





Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of power-driven vessels (subject to specified exceptions) from the Lake Wānaka Outlet to Albert Town Bridge between 1 December and 30 April.	Clause 375.42(a)
5 knot speed limit applies from the Lake Wānaka Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause 375.42(cb) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1
<u>Between 1 December and 30 April a speed uplifting shall apply to a person operating a power-driven vessel in this area, where expressly authorised to operate under a resource consent issued by Council.</u>	<u>Clause 37.2(b)</u>

Map 9 – Matukituki River





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

Map 10 – Hunter River





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

Map 11 – Makarora & Wilkin River





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

Map 12 – ~~Wānaka~~ ~~Wanaka~~ Ski Lanes





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

Map 13 – Hāwea Ski Lane



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Water ski access lane: Lake Hāwea ski lane	Schedule 2, Table 2

Map 14 – Albert Town Bridge power-driven vessel passage lanes



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No person may navigate a power-driven vessel under the Albert Town Bridge except through the identified downstream passage lane (the third arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au) and upstream passage lane (the fourth arch of the Albert Town Bridge from the true right of the bank of the Clutha River / Mata-Au).	Clause 37.1-

Schedule 3 – Length Overall of a Vessel

1 Length overall of a vessel

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

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

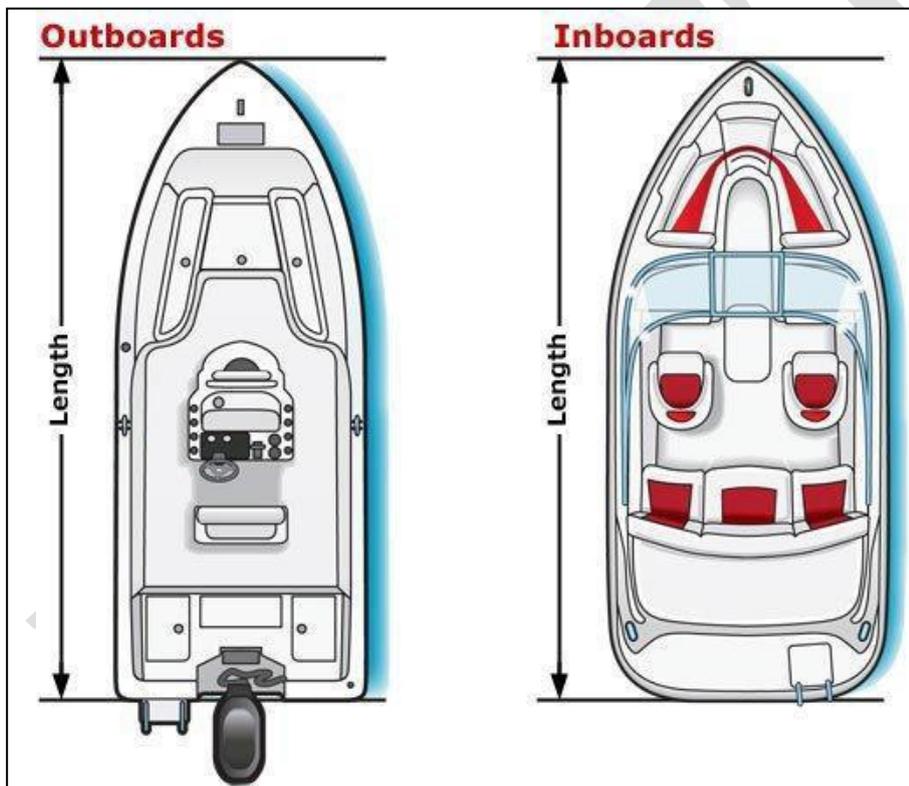
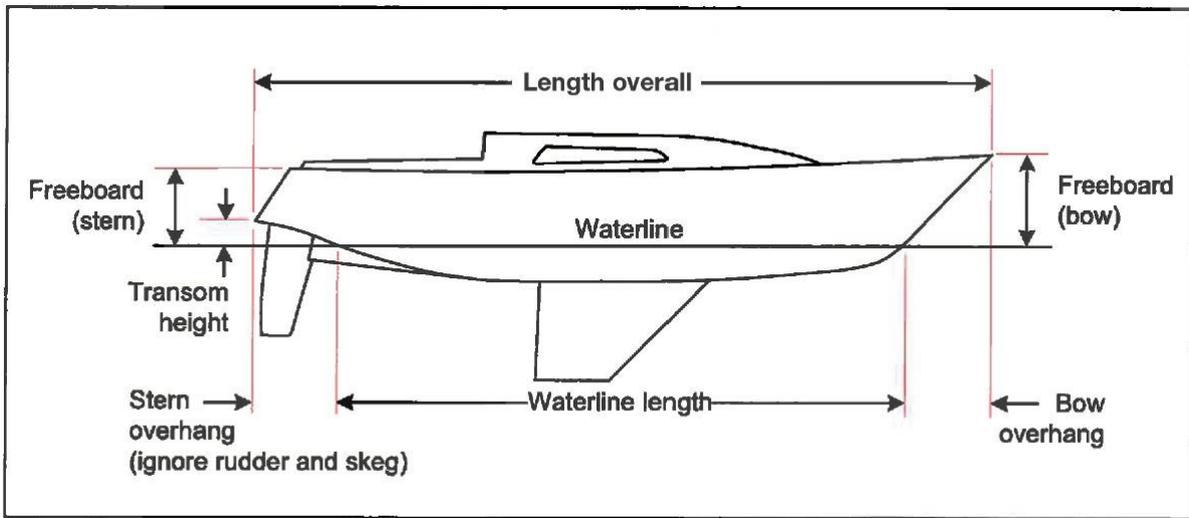


Figure 2 – guide to measuring the length overall of a yacht



DRAFT