



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

Queenstown Lakes District Council

Date of making: TBC
Commencement: 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.

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

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Part 1 – Preliminary

1 Title and Commencement

1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw ~~2025~~, ~~Te Ture ā-Rohe mō te Haumarū Whakatere 2025~~.”

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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;

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~~(j) prescribe offences and penalties for contravention or permitting a contravention of the bylaw:~~

~~(k) require the marking and identification of vessels, and~~

~~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. The bylaw 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.

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

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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 52.

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, 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

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(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~~ 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~~ SD (known as Waterfall Creek).

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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 ~~v~~
~~v~~ 406 in NZ Standard 5823:2005; or
- (b) a national or international standard that the Director is satisfied substantially complies with type ~~406~~ in NZ Standard 5823:2005.

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Explanatory note: for the purposes of this bylaw the term "lifejacket" has the same meaning as a "personal flotation device" under ~~the Maritime Rule 91~~.

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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.

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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:

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

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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.

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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 ~~46~~ of this bylaw.

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

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

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

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

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- (a) has a fully enclosed hull; and

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- (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 vessel means any vessel ~~propelled by machinery.~~

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Deleted: Proper speed means speed through water....

Public notice or publicly notified means

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~~a) In relation to Clause 33.4 (Temporary events), a notice published on the Council website; and~~

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~~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.~~

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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.

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

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Recreational vessel means a vessel that is:

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- (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.

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

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Speed means:

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

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(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.~~

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

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(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.

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

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

Deleted: 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.¶

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;

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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.

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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-driven 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 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 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 91](#).

9 Speed of vessels²

9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a 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;

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¹ Rule 91.5.

² Rule 91.6.

~~(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 ~~Maritime Rule 91~~

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 ~~Maritime Rule 91~~;
- (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).

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9.4 No person may propel or navigate a power-driven vessel at a 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.

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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 speed exceeding 5 knots in any circumstances specified in clause 9.1.

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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.

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- 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 ~~41.3~~ of this bylaw.

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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.

16.2 No person may obstruct the use of a jetty, wharf, ramp or launch

⁵ Rule 91.14.

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; ~~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;~~
- (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

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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

20 Carriage of lifejackets⁶

20.1 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.

21 Wearing of lifejackets

21.1 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.

21.2 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.

21.3 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.

21.4 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

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⁶ Rule 91.4(1)

properly secured lifejacket of an appropriate size that securely fits each person.

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22 Requirement to wear lifejackets during dangerous situations⁷

- 22.1 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.

23 Requirement to wear lifejackets if being towed⁸

- 23.1 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.

24 Exceptions to requirements to carry or wear lifejackets⁹

- 24.1 Clauses ~~20~~, ~~21~~, and ~~22~~ do not apply to:

- (a) any surfboard, sailboard, paddleboard, windsurfer, 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 ~~23~~;

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- 24.2 Clauses ~~20~~, ~~21~~, and ~~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 carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.

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⁷ Rule 91.4(6).

⁸ Rule 91.4(7).

⁹ Rule 91.4.

24.3 Clause ~~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.

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Part 4 – Specific water-based activities

25 Water skiing or towing of any person – requirement for a lookout¹⁰

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.

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.

26 Water skiing or towing of any person – restriction between sunset and sunrise¹¹

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.

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

27 Parasailing

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](#).

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

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Explanatory note: Applicable [Health and safety guidelines for Commercial Parasailing operations are found on the Maritime New](#)

¹⁰ Rule 91.8.

¹¹ Rule 91.9.

[Zealand website.](#)

28 Whitewater rafting

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.](#)

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29 Jet boating

29.1 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.

30 Swimming or diving around wharves or jetties

- 30.1 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.

31 Hot works

- 31.1 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.
- 31.2 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.

Deleted: <#>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).¶

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.

32 Dangerous Goods

- 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

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(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.

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33 Temporary events

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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:

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(a) Notify the Harbourmaster in every case; and

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(b) Apply for and obtain approval from the Harbourmaster if the activity meets one or more of the following criteria:

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i. The activity is likely to affect normal operation of another vessel(s) or any other user(s) of the water; or

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ii. The activity requires a temporary suspension of any clause of this Bylaw; or

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iii. The activity requires an area to be temporarily reserved for a specific purpose; or

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iv. The activity requires the temporary suspension of a reserved area or access lane; or

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

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

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(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

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(b) Refuse the application.

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33.3 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.

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33.4 No approval under clause 33.3 has effect unless 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.

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33.5 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.

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33.6 The Council may prescribe any fees associated with ~~Temporary~~ events in accordance with clause ~~52~~.

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Part 5 – Rules relating to specific locations

34 Rivers¹²

34.1 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.

35 Lakes

35.1 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.

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36 Queenstown Bay

36.1 The 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.

37 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;~~

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

¹² Rule 91.17.

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

(i) ~~a resource consent issued by the Council;~~

(ii) ~~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.

(iii) ~~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.~~

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

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

38 Kawarau River

38.1 ~~No person may rest or stop a vessel in~~ the areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam.

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.

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- 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.

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

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39 Shotover River

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

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- 39.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E19) of the movements and location of the commercial vessel at all times.

40 Prohibited areas

- 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:

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- (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.

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

41 Requirement to report to the Harbourmaster in the event of ~~accident, mishap or incident~~

- 41.1 A person in charge of a vessel that has been involved in an ~~accident, incident or mishap~~;

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¶ a vessel has been sunk or grounded or become stranded in any waterway;¶

¶ by reason of accident, fire, defect or otherwise the vessel cannot be safely operated; or¶

¶ 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.

- 41.2 A report required by clause ~~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~~ of this bylaw.
- 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.

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Part 7 – Access Lanes and Reserved Areas

42 Access Lanes

- 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.
- 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.
- 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.

43 Conduct in Access Lane¹³

- 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.
- 43.2 No person may swim in any access lane except in circumstances

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¶ 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.¶

¹³ Rule 91.10

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- which relate to the person's lawful use of the access lane.
- 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.
- 43.4 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.
- 43.5 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.
- 44 Reserved Areas¹⁴**
- 44.1 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).
- 44.2 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.
- 44.3 The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.
- 44.4 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.
- 44.5 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.
- 44.6 No person may obstruct another person while the other person is

¹⁴ Rule 91.12.

using a reserved area for the purpose for which it is reserved.

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Part 8 – Structures and Moorings

45 Permission to use or occupy structures or the foreshore

- 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 45.3 of this bylaw.
- 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 45.3 or clause 45.4 of this bylaw.
- 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.
- 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.

46 Mooring permits

- 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.
- 46.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 51.
- 46.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 52.
- 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.
- 46.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.

47 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings

- 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.
- 47.2 If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The

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Commercial vessels to be licensed

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.

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.

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.

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

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

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.

Requirement as to survey

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.

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- mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.
- 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.
- 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.
- 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.

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Part ~~9~~ - Administration provisions

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48 Powers of Harbourmaster

- 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.

49 Impersonation of Harbourmaster

- 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.

50 Speed Upliftings¹⁵

- 50.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.
- 50.2 An application under clause ~~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;

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¹⁵ Rule 91.20.

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

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~~50.3~~ The Council may grant an application in accordance with clause ~~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.

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

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51 Administrative requirements

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:

- (a) any forms to be required by Council for the administration of this bylaw.
- (b) any guidelines applicable to issuing a mooring permit, 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.

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52 Fees and charges

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

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

53 Exemptions

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.

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, ~~21, 30,~~

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- and Part 5 of this bylaw.
- 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 ~~20 and 22~~ provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 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 ~~navigation safety~~.
- 53.5 The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe ~~navigation safety~~ has, or might be, adversely affected.
- 53.6 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~~ or
 - (d) if it would authorise something that is or would be contrary to any other enactment, regulations or a maritime rule.
- 53.7 The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause ~~52~~.

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Part ~~10~~ – Enforcement

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54 General enforcement powers of the Harbourmaster

- 54.1 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.
- 54.2 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.
- 54.3 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.
- 54.4 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.

55 Non-compliance with conditions of a permit

- 55.1 Where a holder of any permit issued under this bylaw does not comply with the terms and conditions of the permit, the Council or

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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.

55.2 There will be no refund of fees if any permit is cancelled.

56 Offences

56.1 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.

57 Penalties

57.1 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.

58 Exceptions

58.1 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 11 – Revocation and savings

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59 Revocation

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

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60 Savings

60.1 Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~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.

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

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60.3 Directions of the Harbourmaster issued under ~~the Queenstown Lakes District Council Navigation Safety Bylaw 2018~~ 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.

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60.4 Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw ~~2018~~ continues in force but:

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(a) expires on the date specified; or

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(b) if no expiry date is specified, expires ~~TBC [same period as current bylaw - 15 months 8 days from date of making]~~; and

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(c) can be renewed only by application made and determined under this bylaw.

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

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The Queenstown Lakes District Council Navigation Safety Bylaw ~~2018~~ 2025 Te Ture ā-Rohe mō te Haumarū 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 ~~TBC~~.

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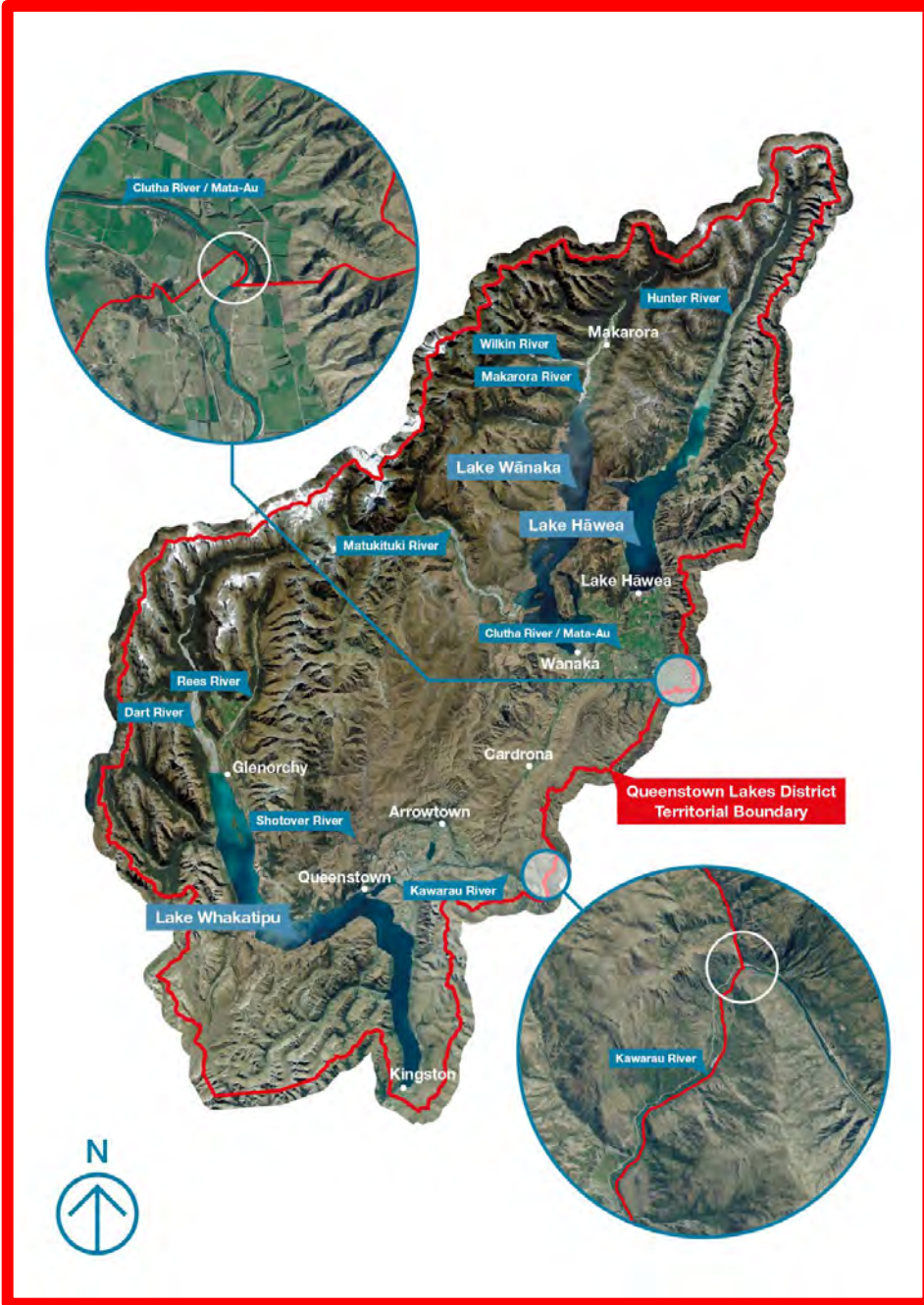
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Schedule 1 – Map of Queenstown Lakes District



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Schedule 2 – Speed upliftings and access lanes

1 Upliftings for Lakes and Rivers

- (i) 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 knot 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
			Upper Boundary	44 34 12 N, 168 20 60 E
Rock Burn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	44 40 12 N, 168 18 36 E
Rees River	From Lake Whakatipu to Muddy Creek	30 October to 1 May	River Mouth	44 51 00 N, 168 22 48 E
			Upper Boundary	44 41 52 N, 168 27 54 E
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	44 53 35 N, 168 40 27 E
			Skippers Bridge	44 50 39 N, 168 41 13 E
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	45 0 59 N, 168 46 30 E
			Oxenbridge Tunnel	44 58 51 N, 168 39 52 E
Kawarau River	From Lake Whakatipu to the	All Year	Lake Whakatipu	45 01 40 N, 168 43 54 E

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Makarora River	Arrow River confluence, excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place. From Lake <u>Wānaka</u> upstream to the confluence of the Young River.	All Year	Arrow River confluence	<u>45 0 28 N, 168 52 53 E</u>
			River Mouth	<u>44 19 12 N, 168 10 12 E</u>
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	Young River confluence	<u>44 12 01 N, 169 14 12 E</u>
			River Mouth	<u>44 16 9 N, 169 10 53 E</u>
Matukituki River	From Lake <u>Wānaka</u> 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	Kerin Forks	<u>44 14 15 N, 169 01 53 E</u>
			River Mouth	<u>44 37 12 N, 169 01 08 E</u>
			East Branch	<u>44 26 58 N, 168 48 54 E</u>
Clutha River / <u>Mata-Au</u>	From Lake <u>Wānaka</u> outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	West Branch	<u>44 30 0 N, 168 46 53 E</u>
			Outlet camping ground	<u>44 39 45 N, 169 08 55 E</u>
			Albert Town Bridge	<u>44 40 51 N, 169 11 26 E</u>

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Hunter River	From the Albert Town Bridge to the Red Bridge.	All Year	Albert Town Bridge	-44 40 51 N, 169 11 26 E
			Red Bridge	-44 43 51 N, 169 16 54 E
	From Lake Hāwea to Ferguson Creek		River Mouth	-44 18 59 N, 169 25 58 E
			Ferguson Creek	44 06 49 N, 169 33 58 E

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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
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Kelvin Grove	-45 02 33 N 168 40 51 E
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▼	▼
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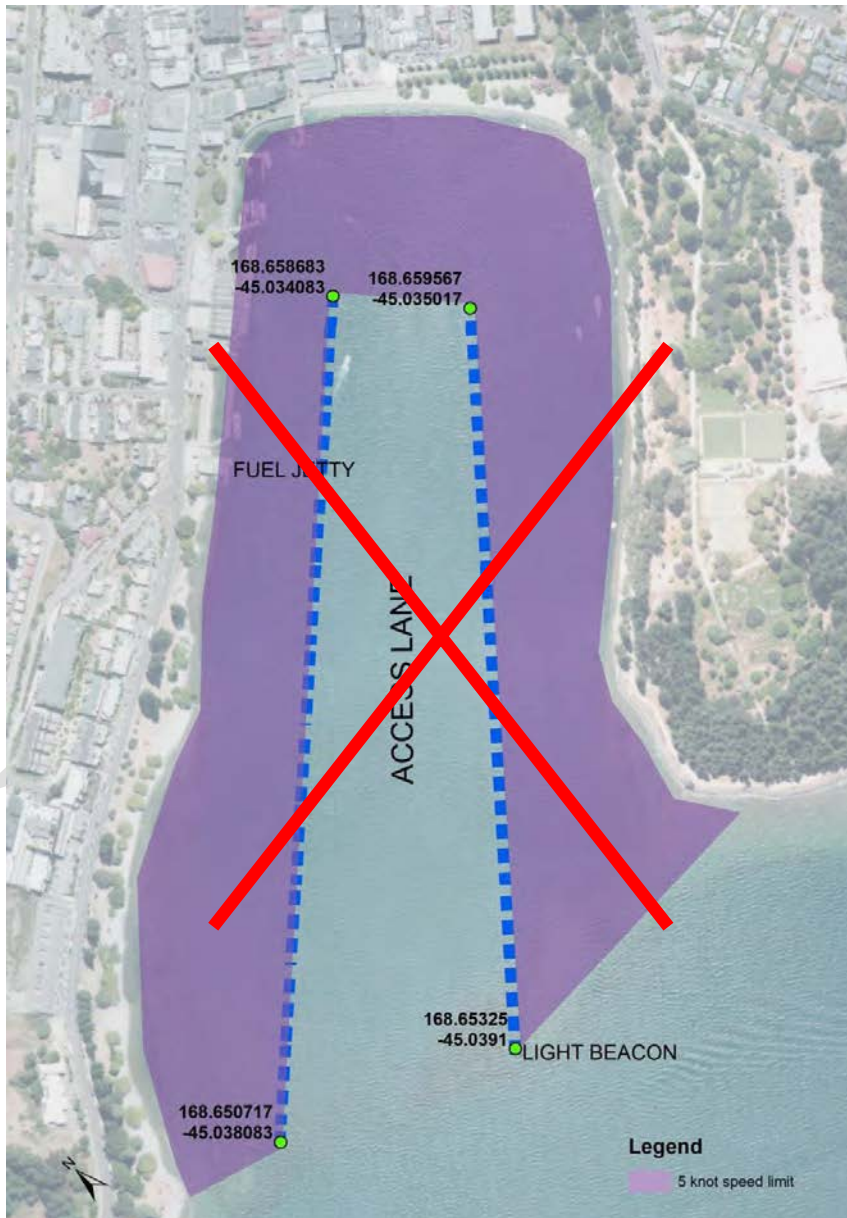
Kingston Main Beach	45 19 51 N 168 43 11 E
Bobs Cove	45 04 22 N 168 30 41 E
Wilson's Bay	45 03 42 N 168 33 53 E
Sunshine Bay	45 02 54 N 168 37 32 E
Water ski access lanes – Lake Wānaka	
Dublin Bay	44 38 56 N 169 10 9 E
Glendhu Bay - West ski lane	44 40 14 N 169 0 49 E
Glendhu Bay - East ski lane	44 40 23 N 169 01 19 E
Water ski access lanes – Lake Hāwea	
Lake Hāwea Ski Lane	44 36 23 N 169 16 03 E
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 (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).

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Map 1 – Queenstown Bay



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Access lane, reserved area, speed limit, or prohibition	Refer to clause / schedule
Access lane	Schedule 2, Table 2
5 knot limit within 50m of boundary of access lane	Clause 36 1
No waterskiing, aquaplaning or towing of persons inside Queenstown Bay	Clause 40 1(a)

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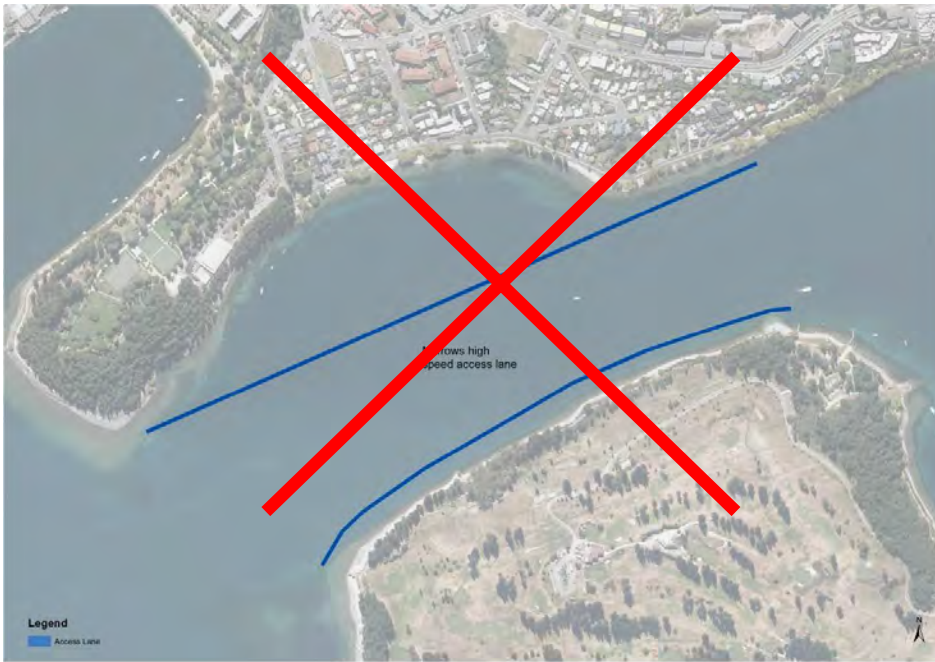
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Map 2 – The Narrows, Queenstown



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

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Map 3 - Kawarau Dam



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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 38 .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 38 .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 38 .3(b)

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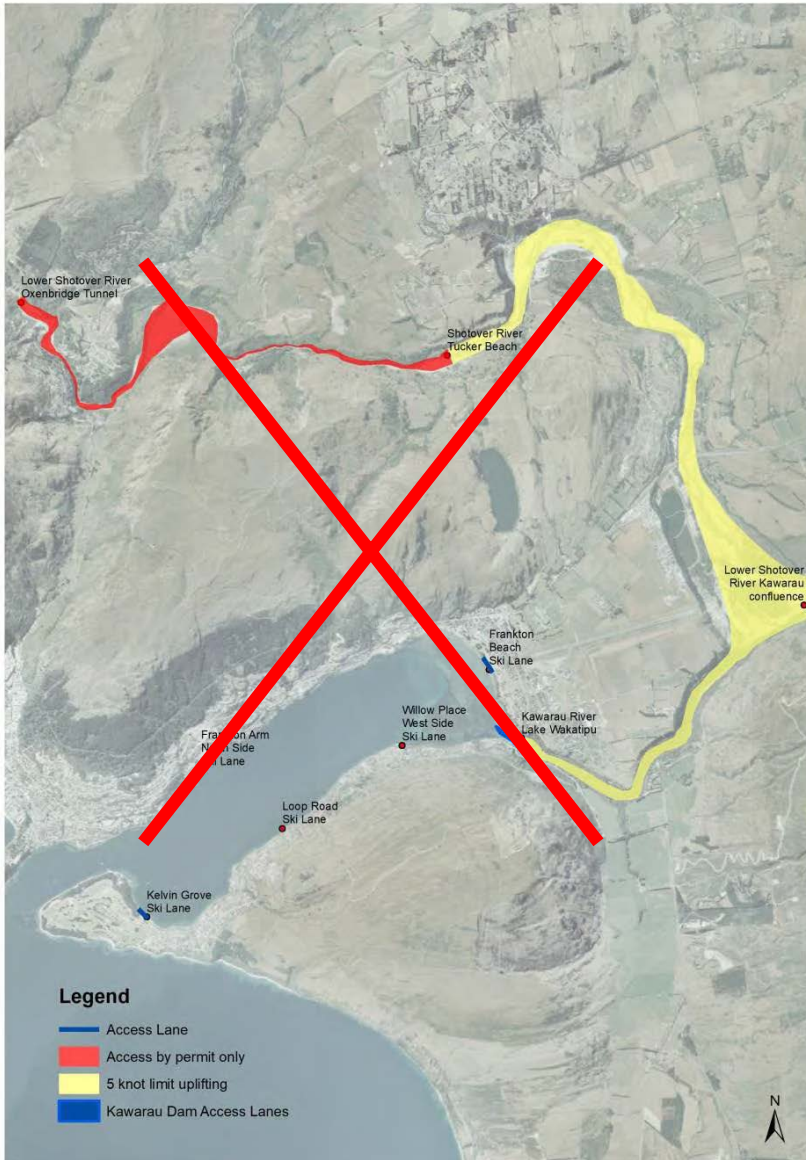
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Map 4 - Queenstown, Sunshine Bay Frankton Arm, Lower Shotover & Kawarau River



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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 <u>2021</u> .	Clause <u>39</u> .1
Speed uplifting for Lower Shotover River	Schedule 2, Table 1
Water ski access lane; <u>Kelvin Grove, Sunshine Bay.</u>	Schedule 2, Table 2
Kowarau Dam access lanes (refer Map 3)	Schedule 2, Table 2
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kowarau River or Shotover River	Clause <u>40.1(b)-(c)</u>

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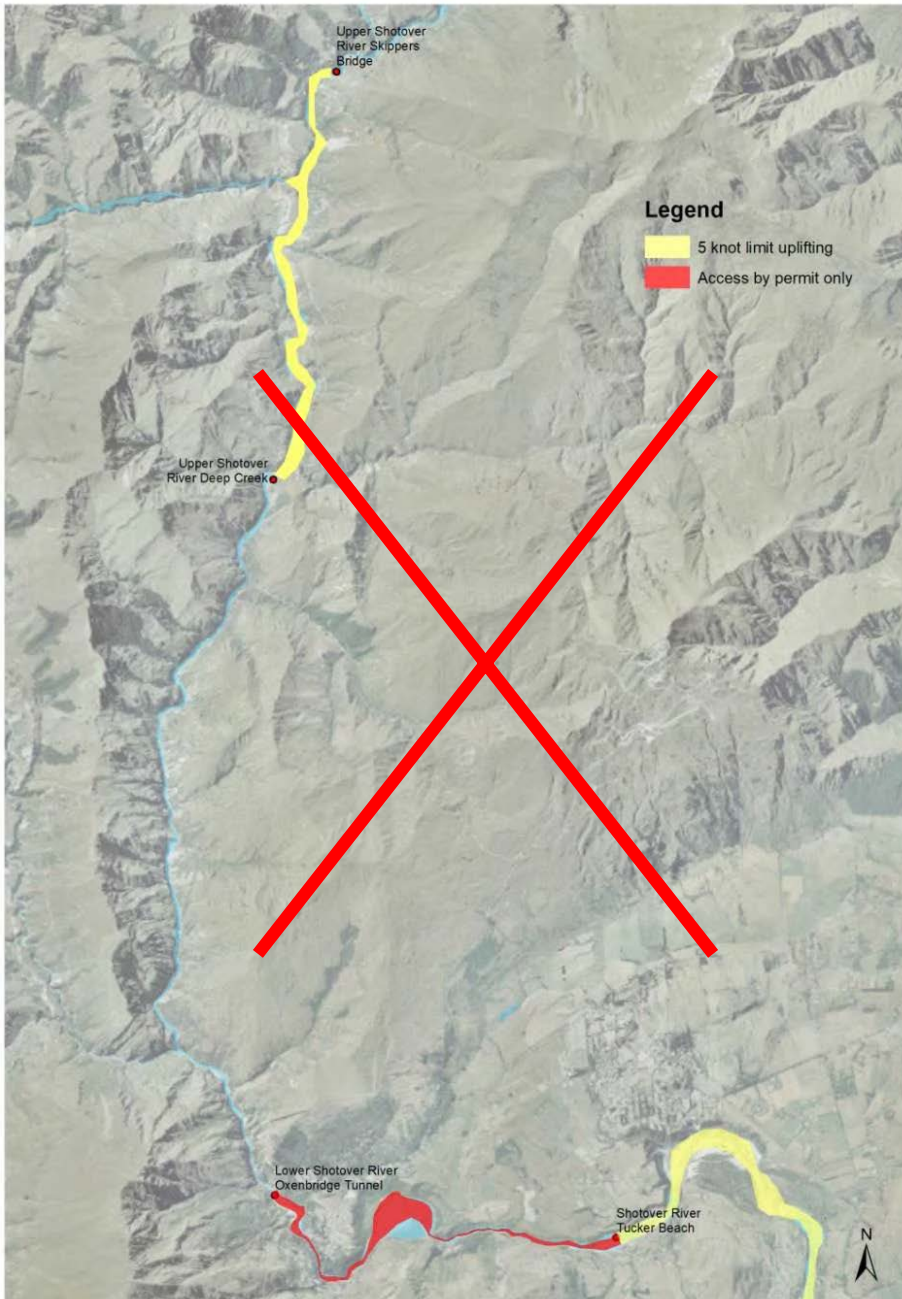
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Map 5 - Upper Shotover



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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 <u>2021</u>	Clause <u>30.1</u>
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 <u>30.2</u>
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause <u>40.1(c)</u>

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Map 6 – Kawarau River



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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	Clause 30.1
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 39.2
Any vessel using the Kawarau River must give way to all vessels from the Shotover River and exercise extreme care near this junction	Clause 38.2
No power-driven vessel may operate on the part of the Kawarau River downstream from the confluence between the Kawarau River and the Arrow River	Clause 38.4
No waterskiing, aquaplaning or towing of persons on the outlet of Lake Whakatipu, Kawarau River or Shotover River.	Clause 40.1(b) - (c)

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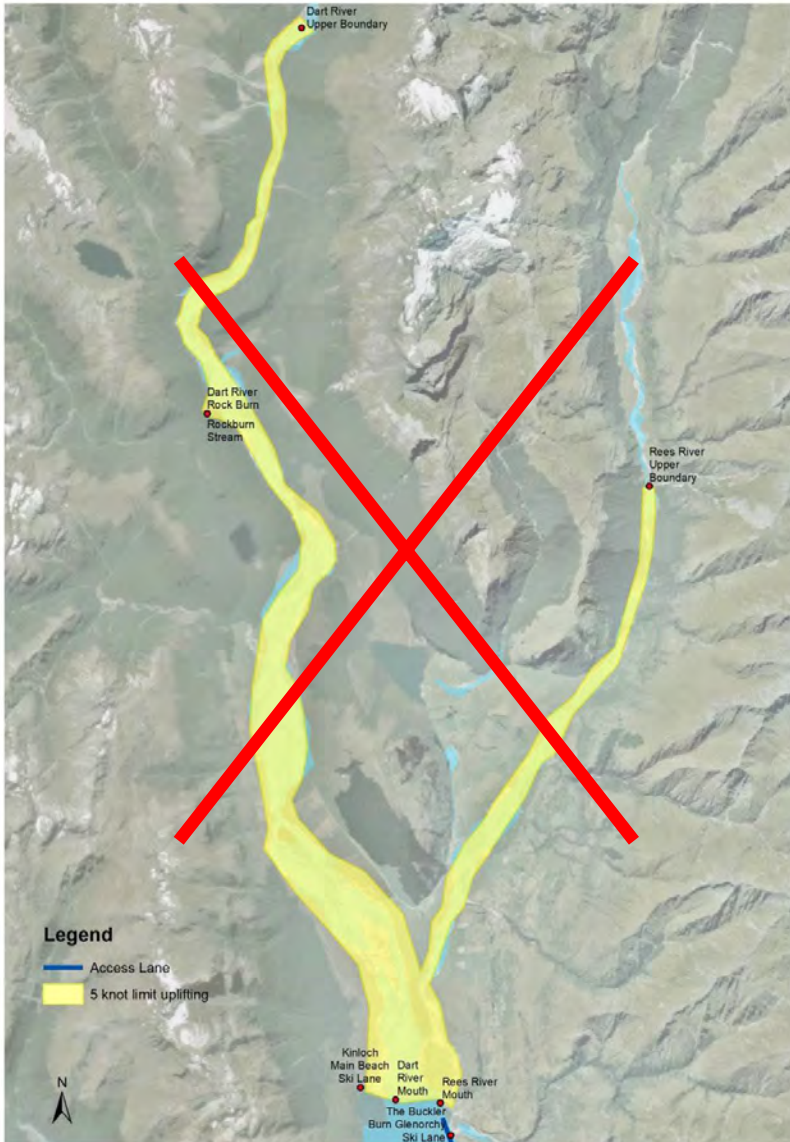
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Map 7 – Dart & Rees River



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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: Buckler Burn Glenorchy	Schedule 2, Table 2

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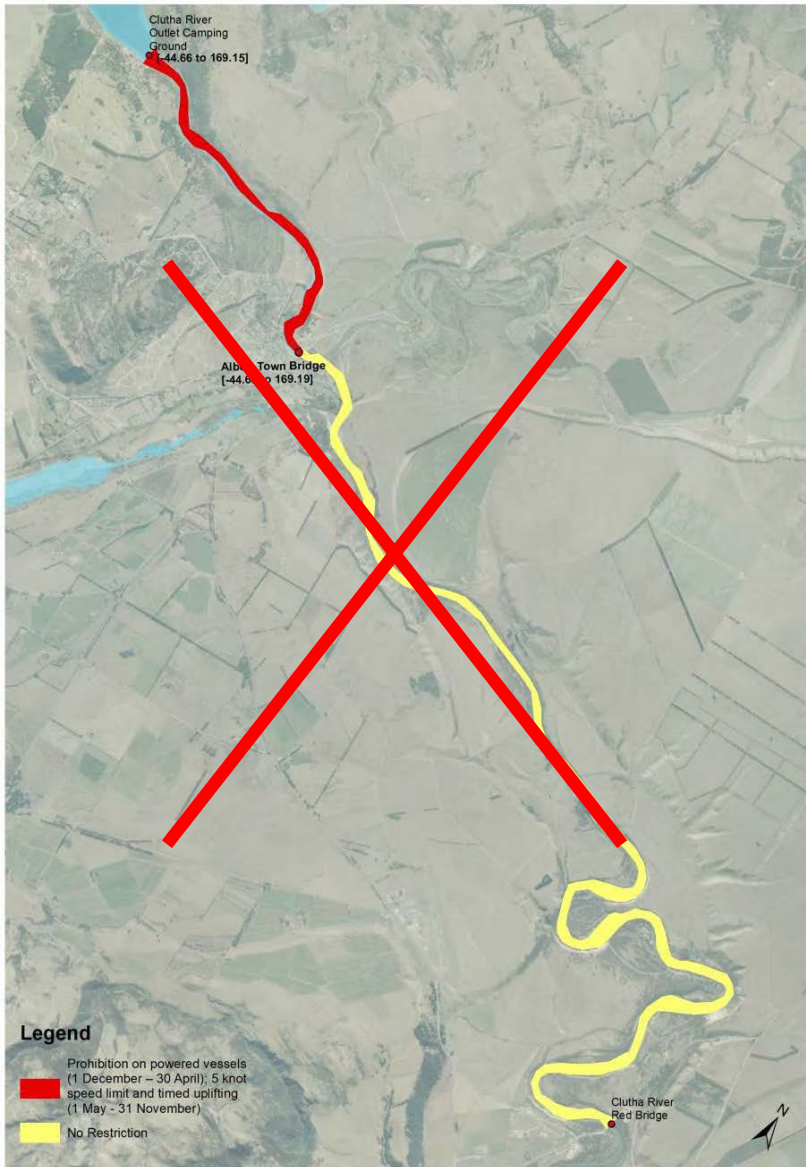
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Map 8 – Clutha River / Mata-Au

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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 <u>Wānaka</u> Outlet to Albert Town Bridge between 1 December and 30 April.	Clause <u>37.2(a)</u>
5 knot speed limit applies from the Lake <u>Wānaka</u> Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause <u>37.2(c)</u>
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>	Clause <u>37.2(b)</u>

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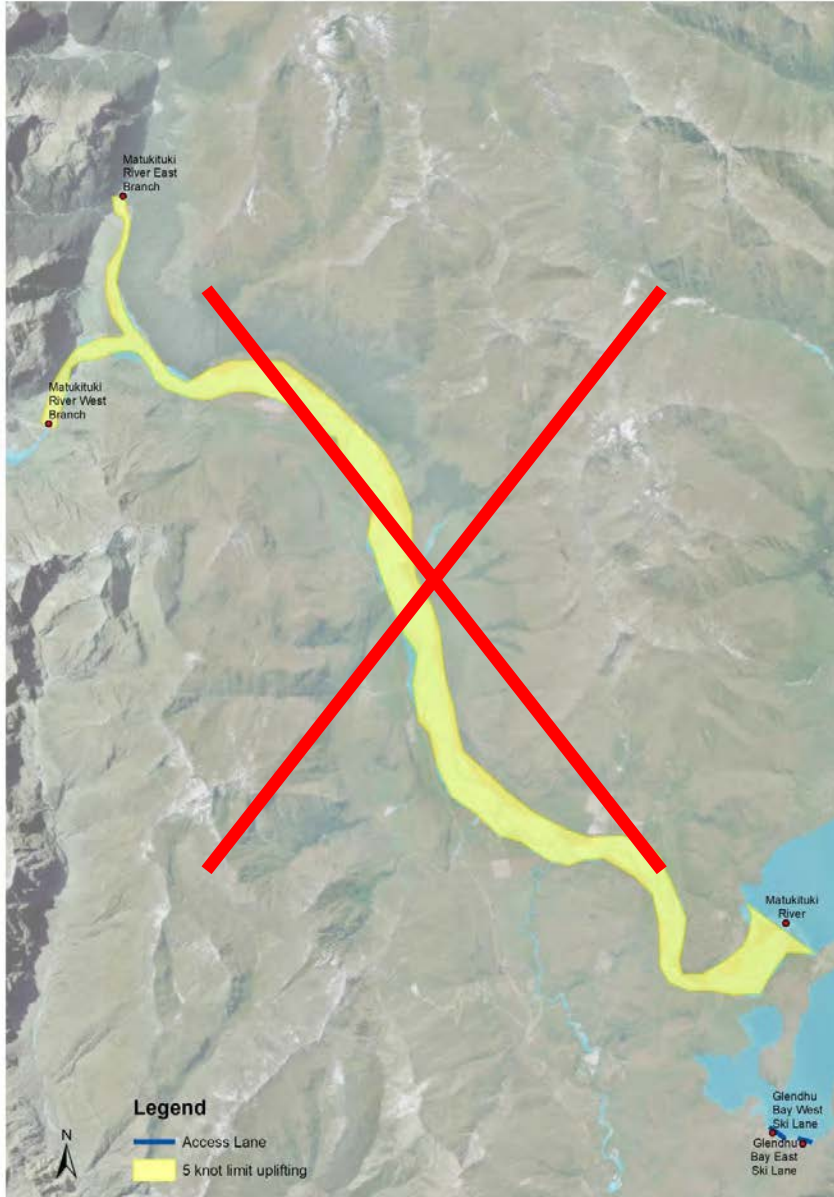
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Map 9 – Matukituki River



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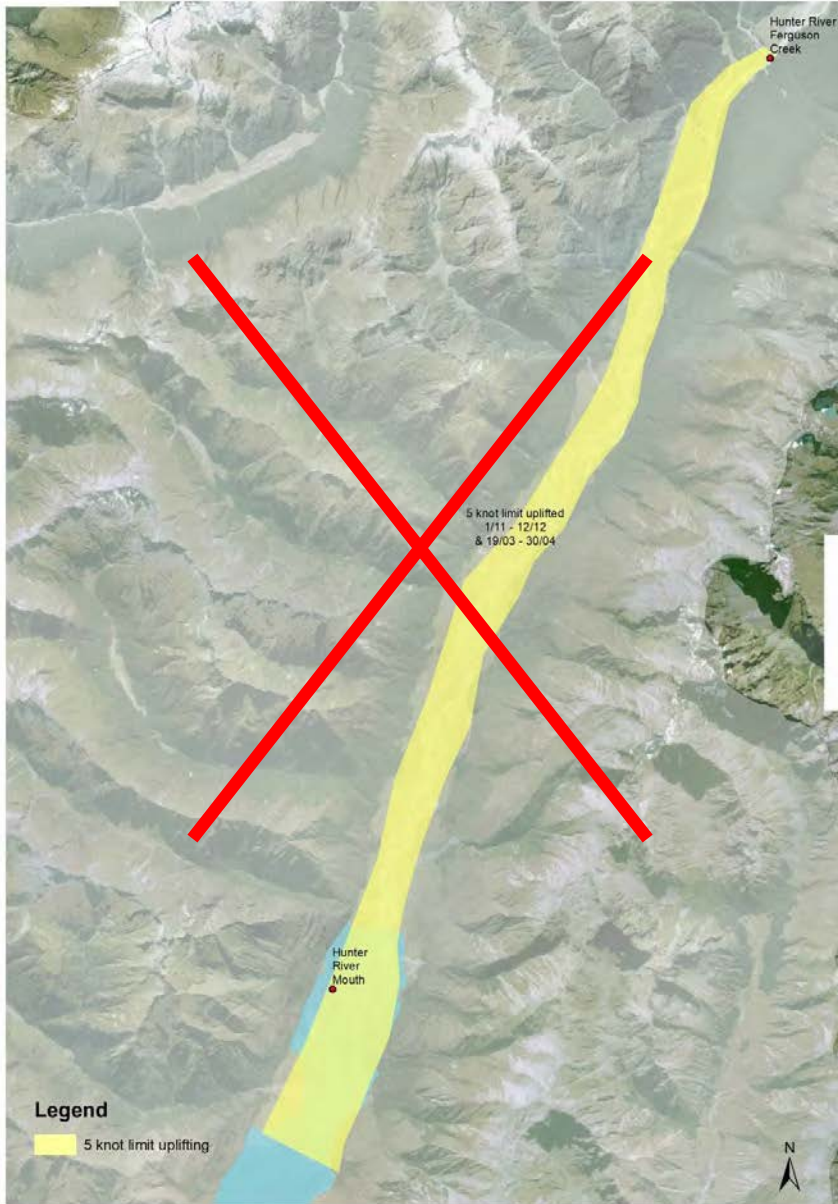


Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Speed Uplifting for Matukituki River	Schedule 2, Table 1
Water ski access lane: Glendhu Bay West, Glendhu Bay East	Schedule 2, Table 2

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Map 10 – Hunter River



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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

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Map 11 – Makarora & Wilkin River



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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

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Map 12 – Wānaka Ski Lanes

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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, Dublin Bay	Schedule 2, Table 2

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Deleted: Bay Ely Point,

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Map 13 – Hāwea Ski Lane



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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

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Map 14 – Albert Town Bridge vessel passage lanes



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

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).

Refer to clause / schedule

Clause 37.4

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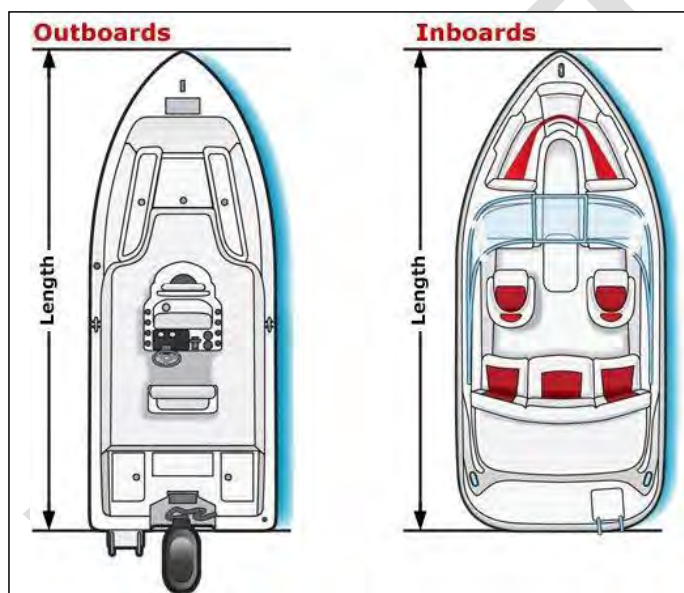
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Schedule 3 – Length Overall of a Vessel

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

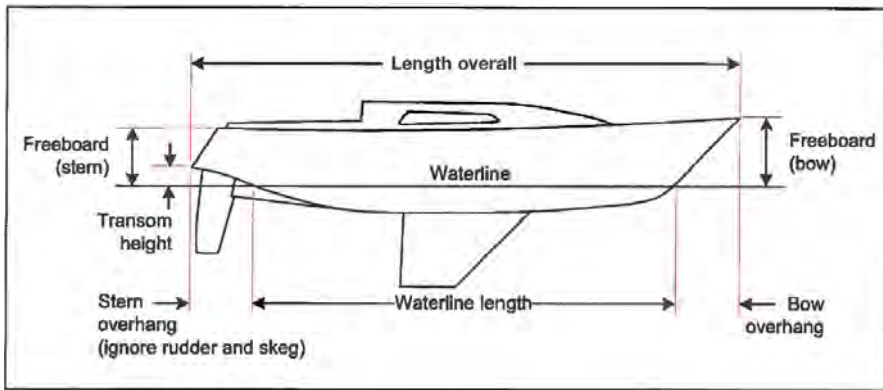
Figure 1 – guide to measuring the length overall of a vessel (other than a yacht)



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



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Attachment B – Ski lanes: Summary of feedback from 2022 ski lane engagement and analysis of known issues, options and recommended options

Part A - Summary of feedback from 2022 ski lane engagement

In 2022, QLDC sought feedback on possible changes to the location and size of existing ski lanes¹. These changes included reducing the width of ski lanes and changing the locations of some ski lanes. Key messages obtained during this feedback are set out below:

- Mixed feedback on whether the proposed amendments would increase safety or reduce it. The majority of feedback received considered that the adjustments would reduce safety and that ski lanes should be retained as they are.
- Eely Point (Wānaka) needs to be monitored as it is a high area of congestion.
- Entry markers need to be at 200 metres and there needs to be a wider entry point.
- Waterfall Creek and Lake Hāwea need to be monitored.
- Increased signage needed to educate users on conduct.
- Enforcement wanted for swimmers using access lane.
- Noise from jet boats raised.
- Consider removal of proposed central buoy.
- Concerns raised around jetski use.
- Consideration should be given to crested grebes in future navigational safety reviews.
- Suggestion that brochures be handed out to ski lane users.
- Requirement for identification for boats needs to be considered and NZ regulatory requirements for boat safety training.

Comments specific to some ski lanes were also received, largely relating to congestion, user conflict, and water conditions (i.e. hazards).

Part B - Analysis of known issues, options and preferred options

¹ <https://letstalk.qldc.govt.nz/waterways-safety-improvements>

Ski Lane	Issues	Options for addressing the issues	Recommend Options
<p>Roys Bay – Main Beach adjacent to Pembroke Park</p>	<p>This ski lane is located within a high use area with a combination of passive and non-passive users.</p> <p>Harbourmasters have observed and received feedback from commercial and recreational users expressing high concern for the safety of various users, particularly due to the increase of swimmers and non-powered recreational users along the Ardmore Street waterfront in which the ski lane is situated. There are particular concerns during the peak summer holiday period.</p> <p>Conflict between passive and non-passive users has increased since the Wānaka Lakefront Development Plan improvements were undertaken and resulted in further carparks across the stretch of the Roys Bay lakefront adjacent to the ski lane.</p> <p>Throughout the last summer period (22/23), a Harbourmaster or waterways officer was stationed at Roys Bay and observed an influx of the community and tourists actively accessing the lakefront for swimming. In many cases people parked their vehicle in the new spaces provided and walked straight down to the waters edge. As the Roys Bay ski lane is situated directly in front of these new parks, there were swimmers constantly entering the water within the ski lane throughout this period creating a navigation safety risk.</p>	<p>1. Establish temporary closure within bylaw of Roys Bay ski lane over the peak summer period.</p> <p><u>OR</u></p> <p>2. Remove ski lane from bylaw.</p>	<p>2. Remove ski lane from bylaw.</p> <p>This option is preferred as the ski lane receives high use (passive and non-passive) outside of the closure time during warmer spouts of weather. Maintaining the current ski lane would not address the conflict identified outside of a temporary closure.</p>

<p>Glendhu Bay - East</p>	<p>This ski lane is located within a high use area. While the lakefront is wide, currently a large proportion is designated as a ski lane.</p> <p>This ski lane is located adjacent to Hampshire Holiday Parks (formerly Glendhu Bay Motor Camp), and many campers historically access the lake from the camp. It is a popular campsite over summer and attracts many recreational waterway users. Observations from the Harbourmaster describe a high conflict area where there are powered vessels on the foreshore, in the lake alongside swimmers, and all within the ski lane. There is also a boat ramp located within the ski lane. This combination creates a navigation safety risk.</p> <p>There is some capacity on either side of the ski lane for passive users, however due to the substantial width of the ski lane, there is a conflict with swimmers and powered vessels entering the area for uses other than its designated purpose creating a navigation safety risk.</p>	<p>1. No change – maintain ski lane as is currently.</p> <p><u>OR</u></p> <p>2. Reduce the width of the ski lane by shifting the western pole to the east by 50 metres.</p>	<p>2. Reduce the width of the ski lane by shifting the western pole east by 50 metres.</p> <p>This option is preferred as Option 1 would not address the conflicts observed.</p> <p>By shifting the western pole, there are a number of benefits:</p> <ul style="list-style-type: none"> - The existing boat ramp would no longer be in the ski lane - A larger area for swimmers to lawfully occupy - Boats are not permitted to beach within a ski lane. Shifting the pole would allow for beaching to be permitted in a larger area along the foreshore. <p>Due to this ski lane being popular for its designated use, Officers do not suggest removal of the ski lane in the interest of preserving its use for the community.</p>
<p>Kelvin Grove</p>	<p>This ski lane is identified as a high conflict ski lane with the presence of multiple users – swimmers, beaching of boats, and designated ski lane use.</p>	<p>1. No change and retain the prohibition of beaching of boats and swimmers within the ski lane.</p>	<p>2. Reduce width of ski lane by shifting the eastern pole 50 metres west.</p>

	<p>It is a popular picnic and recreational user area due to the sheltered nature of this bay and its high accessibility.</p> <p>The ski lane occupies the majority of the lakefront in this area, which results in limited capacity for swimmers and passive users. There are also moored boats in close proximity to the ski lane which poses a navigation risk to users when accessing their moorings, and adds to general congestion of the area. The ski lane is approximately 130 metres in width on the foreshore.</p>	<p><u>OR</u></p> <p>2. Reduce width of ski lane by shifting the eastern pole 50 metres West.</p> <p><u>OR</u></p> <p>3. Remove ski lane</p>	<p>This option is preferred as it will allow more room for swimmers to lawfully use this part of the bay. It will also shift the ski lane away from the congestion of moored vessels to the east.</p> <p>Due to this ski lane being popular for its designated use, Officers do not recommend removing ski lane in the interest of preserving its use for the community.</p> <p>Retaining the ski lane as is would not address the conflict concerns received and observed.</p>
<p>Wilson's Bay</p>	<p>This ski lane is identified as a higher conflict ski lane with the presence of multiple users – swimmers, beaching of boats, and designated ski lane use which creates a navigation safety risk.</p> <p>It is a popular picnic and recreational area due to the sheltered nature of this bay and its accessibility.</p> <p>The ski lane occupies the majority of the lakefront in this area, which results in limited capacity for swimmers and passive users. The ski lane itself has low use for its designated purpose.</p>	<p>1. No change</p> <p><u>OR</u></p> <p>2. Retain ski lane but shift approximately 80 metres West by moving the right pole to the left pole location.</p>	<p>2. Retain ski lane but shift approximately 80 metres west by moving the right pole to the left pole location.</p> <p>This option is preferred as it would keep the lane available for community use while also providing additional area on the beach for passive users.</p>

<p>Roys Bay - Eely Point</p>	<p>This ski lane has been identified as a high conflict area. There are a number of elements contributing to user conflict and a navigation safety risk in this area, including:</p> <ul style="list-style-type: none"> - A launch area located beside the ski lane - Popular swimming spot - Boats beaching along the lakefront in this area <p>There is an informal swim area to the east of the ski lane. The water is too shallow to move the ski lane west.</p>	<p>1. Maintain the ski lane as is, but note there is a conflict resulting in users breaching the bylaw if swimming in the ski lane.</p> <p><u>OR</u></p> <p>2. Remove ski lane</p>	<p>2. Remove ski lane</p> <p>This option is preferred as would most effectively address the conflicts identified and observed by the harbourmaster, and the community feedback received. This would remove the continued non-compliance of swimmers entering the ski lane, and nearby conflict with boats launching into the lake.</p>
<p>Buckler Burn</p>	<p>No issues have been identified with this ski lane.</p> <p>It is located within an area with low swim use and low boating presence due to it being unsheltered and exposed to weather. The ski lane is approximately 300 metres in width on the foreshore.</p>	<p>1. No change</p> <p><u>OR</u></p> <p>2. Remove/alter ski lane</p>	<p>1. No change</p> <p>This option is preferred as there are no notable navigation safety concerns regarding this ski lane.</p>
<p>Kingston Main Beach</p>	<p>No concerns have been received in regard to this ski lane.</p> <p>The lakefront is very wide where the ski lane is situated. This means there is suitable access for passive users outside of the ski lane.</p> <p>Outside of the ski lane there is a playground with a nearby swim pontoon which naturally attracts swimmers outside of the ski lane. The ski lane is not used</p>	<p>1. No change</p> <p><u>OR</u></p> <p>2. Remove/alter ski lane</p>	<p>1. No change</p> <p>This option is preferred as there are no notable navigation safety concerns regarding this ski lane.</p>

	frequently, with minimal use over the peak summer period.		
Bobs Cove	This ski lane has low use and is not easily accessible. There is capacity for people to swim outside of the ski lane. Over the peak summer period, there is minimal use.	1. No change <u>OR</u> 2. Remove/alter ski lane	1. No change This option is preferred as there are no notable navigation safety concerns regarding this ski lane.
Sunshine Bay	This ski lane is not currently contained within the bylaw, however it has been physically established through demarcation of ski lane poles and buoys. There is low use of this ski lane. The location of the ski lane is currently exposed to adverse weather conditions resulting in rough water. There is a boat ramp in this location, and a jetty that is frequently used by swimmers and other passive users. Officers understand there is interest the Sunshine Bay community to retain a ski lane within this bay.	1. Establish ski lane within the bylaw and retain physical location <u>OR</u> 2. Establish ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area.	2. Establish the ski lane within the bylaw and shift the ski lane poles 50 metres east away from the boat ramp and swimming area. This option is preferred as it would address the existing conflict between users by increasing the distance of the ski lane to the boat ramp and general swimming area. This option would formally identify the ski lane, ensuring all relevant clauses of the bylaw apply to its use, thereby ensuring navigation safety can be achieved. It's anticipated that the recommended location will be more sheltered.

			There is support from the Sunshine Bay community to retain the ski lane.
Dublin Bay	Dublin Bay ski lane is not currently physically demarcated. It is ideally located on account of its wide beach and high level of accessibility for vehicles and boats. There is reportedly low passive use of the area.	1. Retain ski lane with no changes and physically identified it with buoys and beach polls <u>OR</u> 2. Remove/alter ski lane	1. Retain ski lane with no changes This option is preferred due to the suitable characteristics associated with the ski lane and low level of user conflict. This option would physically identify the ski lane improving its safe use and ensuring appropriate application of the bylaw's provisions.
Glendhu Bay – West	This ski lane has low use. There is also capacity for passive users along this lakefront. There is the Rotary Boat ramp in close proximity.	1. Retain ski lane with no changes <u>OR</u> 2. Remove/alter ski lane	1. Retain ski lane with no changes This option is preferred due to its characteristics facilitating a shared and safe use area. There are no notable navigation safety concerns regarding this ski lane..
Lake Hāwea	The Lake Hawea lakefront adjacent to the ski lane is very wide. There is capacity for all types of users along this stretch of the lakefront. There is low level use, and the local community are the predominant users.	1. Retain ski lane with no changes <u>OR</u>	1. Retain ski lane with no changes This option is preferred due to its characteristics facilitating a shared and safe use area. There are no

		2. Remove/alter ski lane	notable navigation safety concerns regarding this ski lane..
Kinloch Main Beach	Due to gravel movement resulting from the Dart River, the beach is no longer usable.	1. Remove ski lane <u>OR</u> 2. Retain ski lane	1. Remove ski lane This option is preferred as the ski lane can no longer be used or accesses in a safe manner. There would be no benefit to retain the ski lane.
Frankton Beach	This ski lane is underutilised as the water is too shallow for vessels to safely access the shoreline.	1. Remove ski lane <u>OR</u> 2. Retain ski lane	1. Remove ski lane This option is preferred as this is not a suitable or safe location for a ski lane due to the water depth.
Willow Place West Side	This ski lane is not currently demarcated by ski lane poles on the shore or buoys. This ski lane is not frequently used. There are many vessels moored in close proximity to this ski lane. It is difficult to access.	1. Remove ski lane <u>OR</u> 2. Retain ski lane	1. Remove ski lane This option is preferred due to the low level of use it receives and nearby conflicts with moored vessels which can create a navigation safety risk.
Loop Road	This ski lane is not currently demarcated by ski lane poles on the shore or buoys. This ski lane is not frequently used. There are many vessels moored in close proximity to this ski lane.	1. Remove ski lane <u>OR</u> 2. Retain ski lane	1. Remove ski lane This option is preferred due to the low levels of use it receives and nearby conflicts with moored

	It is difficult to access.		vessels which can create a navigation safety risk.
Frankton Arm North Side	<p>This ski lane is not currently demarcated by ski lane poles on the foreshore or buoys. This ski lane is not frequently used.</p> <p>It is difficult to access.</p> <p>This area is in close proximity to a swim club.</p> <p>This area is unsheltered and prone to adverse weather conditions that are not suitable for its designated use.</p>	<p>1. Remove ski lane</p> <p><u>OR</u></p> <p>2. Retain ski lane</p>	<p>1. Remove ski lane</p> <p>This option is preferred due to the low level of use it receives, adverse weather conditions and potential user conflicts that can create a navigation safety risk.</p>
Roys Bay - Waterfall Creek	<p>This ski lane is not currently demarcated by ski lane poles on the foreshore or buoys.</p> <p>The location of the ski lane as indicated in the bylaw is 400 metres from Ruby Island. If vessels are using the ski lane for its designated purpose, when exiting the ski lane, they will likely come into conflict with a vessels travelling between Ruby Island and the ski lane. Compliance with the 5 knot within 200 metres of the shore requirement also affects vessels leaving the ski lane and their ability to comply with the bylaw.</p>	<p>1. Retain ski lane</p> <p><u>OR</u></p> <p>2. Remove ski lane</p>	<p>2. Remove ski lane</p> <p>This option is preferred due to the ski lane's inappropriate location as well as the user conflicts and associated navigation safety risks identified.</p>

Inland Water Hazard and Risk Assessment Albert Town Bridge June 2024



Prepared by Josh Carmine, Aquatic Research Educator
& Dr Teresa Stanley, Research and Impact Manager

Suggested Reference:

Carmine, J. & Stanley, T. (2024). *Albert Town Bridge Inland Water Hazard and Risk Assessment*. Report prepared for Queenstown Lakes District Council.

Executive Summary

Albert Town Bridge is a small, one-way bridge located approximately five kilometres from central Wanaka. It serves as an essential transport route for members of the public travelling to Lake Hāwea. The bridge also attracts locals and visitors who jump from the bridge. Additionally, visitors can explore the site surroundings using the walking track underneath the bridge on the limestone trail. There is a large campground on the northern side of the bridge, where campers frequently jump, swim, and engage in other recreational activities in the surrounding aquatic environment. On the southeast side of the bridge, several trees serve as makeshift jumping platforms with improvised ropes. This site is referred to the "jumping tree" or "tree jumping location" throughout this report. The northeast side of the bridge is a boat ramp where members of the public may launch for a \$5 fee. No powered vessels are allowed between 1 December and 30 April from the Lake Wānaka Outlet to Albert Town Bridge. A five-knot speed limit also applies between 1 May and 30 November, except when there is a speed uplifting between 10.00am and 6.00pm from the Lake Wānaka Outlet to Albert Town Bridge.

To enhance the safety of the Albert Town Bridge and its surrounding areas, a series of targeted measures are recommended based on a comprehensive risk and hazard assessment. These recommendations aim to address various risks and hazards associated with different user groups, ensuring a safer environment for all members of the public.

This report includes an analysis of the hazards identified by the assessor and the main concern of vessel thoroughfare at Albert Town Bridge from Queenstown Lakes District Council. User numbers and times/dates are also considered based on ActiveXChange and an independent data consultant was also engaged. It also includes incident and participation data that were available from Queenstown Lakes District Council. Drowning Prevention Auckland/Aotearoa provides several recommendations to mitigate hazards outlined in this report. These recommendations involve the installation of compliant signage that meets the New Zealand Standard *AS/NZS 2416.1:2010*, which specifies the requirements for water safety signs and beach safety flags in workplaces and public areas, including car parks and access points. Examples of the recommended signage can be found at the end of this report.

Currently, there is no aquatic safety signage located at Albert Town Bridge. Signage is recommended and all new signage should comply with the New Zealand Standard *AS/NZS 2416.1:2010*. The existing signage on site relates to river use and jet boating, but it is extensive to the point of reducing its effectiveness in conveying the intended information as noted in a study

by Portella (2016). Therefore, it is recommended that a restructuring, redesign, and consolidation of the existing signs be undertaken to improve effectiveness and meet compliance requirements.

In addition to this report, a signage and public rescue equipment (PRE) implementation report can be produced to guide the recommended installation of new, compliant aquatic signage. This report will also provide information on signage design, placement, and the types of PRE measures recommended.

Recommendations:

Jumpers/Manu Users (Extreme Risk, High Priority)

- Recommendation: Promptly install hazard signage, public rescue equipment with instructions for use, and a depth marker to prevent spinal cord injuries. Ensure a minimum safe jumping depth of 2.5 meters, modifying the riverbed if necessary.
- Impact: These actions will provide clear hazard warnings, safe bystander rescue options, and ensure adequate water depth, significantly lowering the risk of severe injuries.

Swimmers (High Risk, Moderate Priority)

- Recommendation: Install hazard signage, public rescue equipment with instructions, and clear downstream vegetation to prevent entanglement.
- Impact: Improves safety by clearly indicating hazards and ensuring bystander rescue equipment is readily available, reducing the risk of drowning and entanglement.

Powered Craft Users (High Risk, Moderate Priority)

- Recommendation: Establish and signpost a designated boat thoroughfare lane under the bridge, separate from the jumping area, to minimize collision risks.
- Impact: Provides a clear and safe passage for powered craft, reducing the likelihood of collisions with bridge jumpers.

Vehicle-Related Risks (Medium Risk, Low Priority)

- Recommendation: Consider installing a council approved permanent jumping platform to prevent the public from scaling slippery barriers and ensure safe access to the water. Coordination with the New Zealand Transport Agency, which plans to upgrade the bridge in three years, could incorporate this platform into the new design. Alternatively, a higher

barrier between the road and the outer railing should be installed to prevent falls into traffic.

- Impact: These measures will significantly reduce the risk of accidents and injuries related to unsafe jumping practices and interactions with traffic.

Track or Bridge Users – Walkers/Cyclists (Medium Risk, Low Priority)

- Recommendation: Install public rescue equipment, such as a throw bag with an angel ring, to facilitate dry-based rescues and prevent the public from performing dangerous wet-based rescues.
- Impact: Enhances the ability to perform safe rescues, reducing the likelihood of drowning or injury.

Non-Powered Craft Users (Medium Risk, Low Priority)

- Recommendation: Remove downstream strainers to prevent entanglement of capsized crafts and install public rescue equipment with instructions.
- Impact: Reduces the risk of drowning and injury from entanglement, enhancing overall water safety.

Kai Gatherers (Medium Risk, Low Priority)

- Recommendation: Install hazard signage and public rescue equipment with instructions to prevent the need for wet-based rescues.
- Impact: Ensures that kai gatherers are aware of potential hazards and have access to safe rescue equipment, enhancing overall safety.

Overall Safety Enhancement Implementing these recommendations will transform the Albert Town Bridge into a safer environment by addressing specific risks for different user groups. These measures will reduce the likelihood of incidents, injuries, and fatalities, providing a safer recreational area for the community and visitors alike.

Signage Recommendations

- a) Albert Town Bridge – Two defined access signs
- b) Albert Town Bridge – One defined access sign with public rescue equipment
- c) Albert Town Bridge – One carpark sign
- d) Albert Town Bridge – Boat thoroughfare signage under the bridge

- e) Albert Town Bridge – Install 5 knot area prior to the bridge
- f) Tree Jumping Site – One defined access sign
- g) Tree Jumping Site – One defined access sign with public rescue equipment

Infrastructure Recommendations

- a) Queenstown Lakes District Council should consider clearing the submerged objects to reduce the likelihood of entanglement risk for members of the public when recreating at the tree jumping location.
- b) Queenstown Lakes District Council should consider clearing strainers that are located downstream from the tree jumping location.
- c) Queenstown Lakes District Council should consider installing a depth gauge at Albert Town Bridge near the preferred jumping location.
- d) Queenstown Lakes District Council should consider formalising a jumping platform/area at Albert Town Bridge.

Through the implementation of these measures, a safer aquatic environment will be established for individuals engaging in all recreational activities in open water settings, thereby promoting safer behaviour to reduce the likelihood of incidents.

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1. Introduction

Queenstown Lakes District Council engaged Drowning Prevention Auckland/Aotearoa following the distribution of the Inland Water Hazard Assessment brochure to Council Chief Executives. The initial engagement revolved around a scope of work that included discussions about a risk assessment at the site in conjunction with an Inland Water Hazard Assessment. The aim of this report is to inform Queenstown Lakes District Council of the hazards and risks associated with the Albert Town Bridge. The scope of the hazard assessment extends to proposing recommendations to reduce risk for users at the Albert Town Bridge site. Recommendations include infrastructure changes, installation of water safety signage, and the installation of public rescue equipment (PRE) at the site. Our collaborative effort seeks to identify hazards, enhance safety measures, and mitigate risks for visitors in these aquatic areas.

Drowning Prevention Auckland now works across Aotearoa New Zealand under our sister organisation, Drowning Prevention Aotearoa. Since 1994, the team have been serving Tāmaki Makaurau Auckland as the lead agency for drowning prevention education, research, and advocacy, providing life-long learning initiatives. Drowning Prevention Aotearoa offers these services to other areas of the country.

The client should consider these recommendations to inform the public about the hazards present and take appropriate actions to minimise them. Drowning Prevention Auckland/Aotearoa has compiled this report in good faith, exercising all due care and attention. Drowning Prevention Auckland/Aotearoa will not be held liable for the implementation or lack thereof of these recommendations.



Figure 1 Kayakers Passing Under Albert Town Bridge

2. Methodology

Josh Carmine, Aquatic Research Educator from Drowning Prevention Auckland/Aotearoa visited Albert Town Bridge on 15 May 2024. He was accompanied by the Queenstown Lakes District Council Harbourmaster, Ricky Campbell, who provided context, anecdotes, and history throughout the site assessment process.

Prior to the site visit a comprehensive desk audit was completed of the site to identify site use, popular locations of recreation at the site and the estimated user visitor numbers to the site. The assessor split the site into two main points of interest that are referred to in this report as Albert Town Bridge and the tree jumping site.

During the assessment, site users provided anecdotal information to the assessor that provided valuable insights. These are documented within this report.

ActiveXChange data was also used to add context to the assessment. This data is sourced from over 600 million monthly users worldwide to show relative footfall and vehicle movement nationwide by the hour, day, and month using GPS cell phone data within a 100 x100 metre grid called a quadkey. This data can be used to identify user numbers and times of day that the site is being used. This information was used to provide context for the site-specific hazard assessment. Additionally, Queenstown Lakes District Council provided some usage data to enable a crude assessment of risk at the site.

The goal of this assessment is to provide recommendations that enable the Queenstown Lakes District Council to make informed decisions about implement actions to enhance safety in, on and around the aquatic environments at Albert Town Bridge.

3. Limitations

Water depth has been estimated at Albert Town Bridge, not accurately measured. More accurate data may affect recommendations.

There are limitations related to the ActiveXChange data and the participation data provided by Queenstown Lakes District Council. ActiveXChange movement data is aggregated from over 45,000 apps however in certain contexts the targeted population may not be typical users of these apps, take their phone with them, or have it turned off. Sites that are in a valley or next to sharp inclines in the topography (over 15 degrees) may block signal. Where there are very small numbers on an hourly basis (across the month) the activity index may show as zero for privacy and personal safety reasons so as not to create risk for individuals.

The participation data, while useful, is not complete in the sense that we don't know percentages of people in the area compared to those in the water, exact numbers and times of jumpers from the bridge and tree, and whether most people are locals or visiting holiday-makers. In other inland aquatic environments, (Stanley et al., 2023) a 1:2 ratio of in-water to out-of-water site users has been determined in summer months. This can be used to generally estimate in-water numbers during warmer summer months. It is important to note that accurate user data at this site is needed to provide an accurate estimate of site use due to car and walking thoroughfare.

This report is based on participation data supplied by the Queenstown Lakes District Council. The report's precision and comprehensiveness could be significantly enhanced with additional data analysis, particularly in the areas of boating participation, bridge jumping incidents over time, site user demographics, and the perceptions and competencies of site users.

Finally, although this report has been based on the ISO and Standards Australia and New Zealand Risk management – Principles guidelines 31000:2009 and Water safety signs and beach safety flags, 2416.1:2010, it has not been peer reviewed.

4. Drowning Statistics and Incident History

Water Safety New Zealand Drownbase™ shows that for the 10 years 2013 – 2022, there were 817 people fatally drowned in New Zealand. One-fifth of these were in rivers (20%, n = 164), and of these river fatalities, 15 occurred in Otago. Most were male (87%, n = 13), most were NZ European (67%, n = 10), and all were over the age of 15 years (15-19, n = 2; 20-24, n = 3; 30-34, n = 4; 40-44, n = 2; 60+, n = 4).

The activities being undertaken were wide-ranging. There were three fatalities each from falls and non-powered craft (kayaking/rafting), two each from kai gathering (net fishing/angling) and powered craft (jetboat/boat over 4m), and one each from swimming, river crossing, swept away, board riding, and unknown.

There is no non-fatal drowning data included in this report.

Incident History

There are no reports of past incidents resulting in injury. There are, however, numerous reports of near misses at the bridge.

The Harbourmaster has received reports from DOC staff working near the Albert Town Bridge during the summer, expressing concerns about the high number of people jumping off the bridge while commercial jet boats travel underneath. These observations highlight a perceived risk due to the speed of the vessels and the volume of individuals jumping into the water.

Additionally, 10-12 people approached the Harbourmaster over the busy summer period who all had concerns around the same two issues. The first was that jumpers were jumping off the whole width of the bridge, including the camping ground end of the bridge where boats would be approaching from behind and possibly unnoticed by the jumpers. The boats approaching are on the legal side of the river that boats should be sticking to when heading back up into the lake. The second issue is that a lot of young people aged 8-15-year were in groups jumping off the bridge. They were distracted by others in the group and not even checking if a boat was approaching from behind before jumping.

Requests lodged in the QLDC system include:

2023 – 3 requests lodged in system

2019 – 1 request lodged in the system

These complaints were raised by members of the public and related to concerns of people jumping off Albert Town Bridge with powered vessels and swimmers' underneath.

Observations which could be considered a potential issue of conflict would be between jumpers and commercial operator powered vessels travelling upstream from behind the jumpers, in a lot of instances, jumpers were observed not looking behind them to check if anything was coming up stream before jumping. When river levels are low boats are forced to the southern side of the river due to this being the only deep channel under the bridge.

5. Hazards

Albert Town Bridge and the jumping tree present hazards that are deemed moderate to high risk.

Note that all hazards identified may be exacerbated at times of high flow and flooding.

Deep water/ Sudden drop off

Albert Town Bridge and the jumping tree both possess an unknown depth which may be further obscured by glare, murky and turbulent water. Swimmers with lower levels of water competence may be caught unaware as the water depth at these locations may not be immediately obvious, particularly for unsupervised small children. It was observed that much of the riverbank in the immediate area possesses a sudden, steep drop off. This is particularly prominent at the tree jumping location. If the sudden depth were to come as a surprise to water-users, this may cause panic and result in swimmers becoming distressed.

Reduced buoyancy

Freshwater is less dense than salt water, therefore personal buoyancy is reduced in freshwater when compared to salt water. This will make it more difficult for people to float and tread water. Swimmers may not be aware of this when entering the deeper parts of the river and become distressed.

Cold water

When the water temperature is below 16°C, cold water shock response and hypothermia may occur, and become a causal factor of drowning. This can lead to rapid skin cooling which initiates an immediate gasp response, the inability to breath-hold, and hyperventilation. The gasp response may cause drowning if the head is submersed during the initial entry into cold water.

The site was assessed to be 9°C however, this temperature may drop over winter and shoulder months.

Submerged objects

Submerged rocks and other objects present a hazard to members of the public diving and jumping into the water. Abrasions, bruising, broken bones, or more serious injuries, such as head or spinal injuries, or death may result.

Slippery surface/ rocks/ shoreline

Slippery surfaces/ rocks/ shoreline are an issue at this site. Walking along the riverbank, climbing the bridge railing and climbing the jumping tree may prove hazardous due to the slippery surfaces, rocks/ shoreline and may result in abrasions, bruising and broken bones from slips, trips, and falls. It was noted that there was also a high risk of slipping and falling from the railing of the bridge into oncoming traffic at the Albert Town Bridge site.

Murky water

At times the river may have reduced visibility due to rainfall or other factors. This makes it difficult to spot objects under the surface of the water. It is also difficult to judge the depth of water and may catch the public unaware.

Strainers/ Entanglement risks

Higher levels of water or decaying trees can dislodge logs, fallen branches, rocks, and other objects creating strainers which may cause members of the public to become entangled in these hazards. Whether the person is fully or partially submerged in the water, it can be difficult to escape and may result in injury and/or drowning. It was noted that the strainers were very prominent and abundant posing a high-risk downstream area from the tree jumping site.

Sweepers

Tree growth in multiple locations at the tree jumping site creating overhanging sweepers. The branches/trunks of sweepers form obstructions that are hazardous for recreational users paddling craft, river drifting or boating on the river. These are particularly prominent at the tree jumping site.

Aerated water

Water becomes aerated as it travels and rushes around fixed objects or over shallow underwater terrain. This results in the water becoming less dense and therefore less buoyant. This means it is harder to stay afloat in the areas of aerated water. There will also be a passive undertow which will cause the aerated water to revolve towards the riverbed and bring swimmers under the surface of the water with it. This may catch swimmers unaware and pose a drowning risk in areas of high aeration. The risk of the aerated water increases behind the fixed bridge pylons.

Fast moving water

The Clutha River has fast flowing water. During rainfall events there is an increased water volume travelling downstream results in increased water velocity and an increase in the strength of currents. During river flooding events, individuals who enter the water are at elevated risk of being swept away, injury, or drowning. The water level may rise rapidly, due to the steep nature of the surrounding catchment, and users may be caught unaware. The Clutha River has a large range of flow rate. The flow rate over summer period is 197 m³/s on average and 350 m³/s in winter (Flow Rate Aotearoa n.d.).

Vessel thoroughfare

Powered vessels are able to use the Clutha River for recreational and commercial purposes. There is a ban on all powered vessels without permit from 1 December to 30 April from the Lake Wanaka Outlet to Albert Town Bridge. A 5-knot speed limit applies between 1 May and 30 November except where there is a speed uplifting between 10am and 6pm from the Lake Wanaka Outlet to Albert Town Bridge. Jet boats may pose significant hazards to other river users, including swimmers, non-powered craft, and other powered vessels. Swimmers, due to their low visibility, are particularly vulnerable to collisions and severe injuries. Non-powered craft including canoes and kayaks, face risks of capsizing or collision due to their slower speeds and limited manoeuvrability.

6. Hazard Assessment

6.1 Albert Town Bridge

Site name: Albert Town Bridge – Clutha River		Date assessed: 15 May 2024
Site type: River	Site area: Wicklow Terrace, Albert Town	Access location: 44°40'52"S 169°11'25"E
<p>Brief Description:</p> <p>The Albert Town Bridge is built over the Clutha River on the eastern side of Wanaka. There is a large, popular campground on the northwest side of the bridge and a walking trail on the southern side. Additionally, a boat ramp is located on the northeastern side. Parking is limited on the southern side, but the northeastern side features a large parking area accommodating approximately 50 or more cars. Accessible parking is available on the northern side of the bridge, providing additional spaces.</p> <p>The river was observed to be relatively shallow on the northern side, becoming progressively deeper towards the southern end of the bridge. The southern end of the bridge was observed to be the popular jumping spot. This can be seen in Figure 7 as the assessor witnessed members of the public jumping from the bridge. Skateboard grip tape has been installed on the bridge railing to improve grip and identify a preferable jumping location; this can be observed in Figure 8. The water below the jumping site appeared to be approximately 4 metres deep, though this was not definitively measured.</p> <p>A lack of easy access and egress was noted; during the assessment several site users were observed walking on the outside of the bridge railing on the telecommunications pipe, posing significant electrocution and infrastructure integrity hazard.</p> <p>Egress following bridge jumping involves a 20-metre float to the southern bank through a break in the trees. Missing this egress point could lead to difficulties, as there are many strainers downstream and challenging access points, making river exit strenuous and potentially dangerous for members of the public.</p> <p>The main hazards present at this site are the collision risk with vessels, fast-flowing water, deep water, cold water, submerged objects, entanglement risk in vegetation and structure, and lack of supervision which may result in harm.</p>		

<p>Water quality testing:</p> <p>Excellent - For at least half the time, the estimated risk is <1 in 1000 (0.1% risk). The predicted average infection risk is 1%* (LAWA, n.d.).</p>	<p>Water temperature:</p> <p>9 degrees Celsius</p>	<p>Rainfall catchment:</p> <p>Extremely Large – Largest catchment area of 21,022 km² and flow volume of 575 m³/s in New Zealand (LAWA, n.d.)</p>
<p>Site use: Walking, Cycling, Camping, Boat Launching/Retrieval, Swimming, Fishing, Kayaking, Jumping/Bombing, and Sightseeing.</p>		
<p>Signage:</p> <p>On the northern side of the site lies numerous signs that provide the site users with a quantity of information relating to no camping beyond this point, no soap or detergent in the river, no bathing or dishes in the river, jet boating information, Albert Town Recreation Reserve information, no powered vessel timeframe information, Clutha River fishing information.</p> <p>All signage can be seen as Figures 2 – 6.</p> <p>It was noted that there were no signs pertaining to aquatic safety for swimmers who use the site.</p>		
<p>Public rescue equipment on site: No PRE on site</p>		
<p>Hazards present:</p> <ul style="list-style-type: none"> • Deep water • Shallow water • Submerged objects • Sudden drop off • Entanglement risk in vegetation/structure 	<ul style="list-style-type: none"> • Maritime traffic • Reduced buoyancy in freshwater • Slippery surfaces, rocks and shoreline • Cold water • Fast flowing current • No lifeguard supervision 	
<p>Additional comments:</p> <p>The assessor conducted several informal interviews with members of the public which provided the following anecdotes:</p> <ul style="list-style-type: none"> • 'If the bridge was closed for jumping, we would still find a way to do it anyway.' • 'We always come here even in winter as this is part of our kayaking circuit, we jump all year round.' 		

- 'Kids come from all over the country to stay at this campground and jump, it's like a rite of passage.'
- 'We would love an actual jumping spot, I saw a kid here last year slip, fall back and hit his head on the railing barrier before the road.'
- 'Everyone does it in the safe spot, someone put grip tape there to help people know when to jump.'
- 'We have informal bombing competitions here over summer.'
- 'We only jump when boats aren't around; you can hear them coming pretty easily.'



Figure 2 Jet Boat Signage

Albert Town Recreation Reserve

Boating restrictions

- Children ten years and under must wear a life jacket
- All vessels must have sufficient life jackets on board
- Life jackets must be worn on all vessels, six metres and under
- Life jackets must be worn on board any vessel, in rough or adverse conditions
- Boating whilst under the influence of alcohol or drugs is prohibited

Boating safety tips

- Check the weather forecast before leaving
- Take two means of communication
- Tell someone your intentions including return time
- The radio channels are Marine 66 for Lake Wanaka and Marine 67 for Lake Hāwea
- Call 111 in an emergency
- Call *500 for non-emergency Coastguard rescue

Boat ramp fees

- Please deposit fees in the honesty box
- Your fees are used for improvement of boating facilities and boating safety

Contacts

- Harbourmasters: 03 441 0499
- Otago Regional Council Pollution Hotline: 0800 800 033
- Fish and Game New Zealand: 03 477 9076
- Queenstown Lakes District Council: 03 443 0024

Fishing Restrictions

- For all of your specific fishing restrictions please visit fishandgame.org.nz or call 03 477 9076

Prevent the spread of harmful aquatic weed species

- The invasive aquatic pests Lagarosiphon, Didymo and Lake Snow may threaten the future of our lakes and rivers
- Weeds and algae are very fast growing and easily spread by boats, anglers and sports equipment. Always **CHECK, CLEAN or DRY** your gear and footwear between waterways. Remember, if it's wet it's a threat
- For further information or to report concerns about waterweeds contact the Otago Regional Council at 0800 474 082 or visit www.biosecurity.govt.nz



YOU ARE HERE




For further information contact Queenstown Lakes District Council on 03 443 0024

Figure 3 Albert Town Recreation Reserve Signage



Figure 4 Clutha River Signage



Figure 5 Campground Signage



Figure 6 Jet Boat Signage Continued



Figure 7 Bridge Jumpers



Figure 8 Grip Tape Installed on Preferred Jumping Zone



Figure 9 Exemplary Bridge Signage Concept – Green Sign (Boat Thoroughfare Only), Red Sign (Swimmers Only)

6.2 Albert Town Bridge- Tree Jumping Site

Site name: Albert Town Bridge – Clutha River		Date assessed: 03.11.2023
Site type: River	Site area: Wicklow Terrace, Albert Town	Access location: 44°40'53"S 169°11'26"E
<p>Brief Description:</p> <p>This site is situated approximately 20 metres downstream from the main jumping point on the Albert Town Bridge. There is no parking directly at this site, but users appear to walk and may park on the roadside on the south of the bridge or on the north of the bridge in either the campground or in the boat ramp park, cross the bridge and access this site.</p> <p>The jumping tree site possesses a moderate sized bank under shady trees with an apparent storm water drain running through the middle of the area with worn grass indicating a high traffic area where members of the public may choose to recreate. This area poses several access points to the riverbank that have been worn through the trees on the bank.</p> <p>There is a moderate sized tree with four observed swinging ropes from several trees as seen in Figure 10 that members of the public were witnessed to be jumping from. There are also numerous wooden steps and structures nailed into the tree to encourage access to jumping platforms that were installed at estimated heights of two and four metres above the rivers surface. The assessor noted the questionable structural integrity of the wooden structures and rope swings.</p> <p>Beneath the jumping platforms and ropes lies a shingle riverbed with a sudden drop off and partially submerged vegetation in a close proximity downstream from the entry points. Both of these hazards would likely catch members of the public unaware as they recreate at this spot. When the bank becomes wet, egress from the site may also pose a challenge to members of the public due to the steep incline of the bank and the sudden drop off.</p> <p>The main hazards present at this site are the fast flowing current, cold water, sudden drop offs, entanglement risk in vegetation, and lack of supervision which may result in harm.</p>		
Water quality testing: Excellent - For at least half the time, the estimated risk is <1 in 1000	Water temperature: 9 degrees Celsius	Rainfall catchment: Extremely Large – Largest catchment area of 21,022 km ² and

(0.1% risk). The predicted average infection risk is 1%*. (LAWA, n.d.)		flow volume of 575 m ³ /s in New Zealand (LAWA, n.d.)
Site use: Swimming, Jumping/Bombing.		
<p>Signage: The site has no signage.</p> <p>All aquatic signage at this location should be compliant with the New Zealand AS/NZS 2416.1:2010 Water safety signs and beach safety flags - <i>Specifications for water safety signs used in workplaces and public areas.</i></p>		
Public rescue equipment on site: No PRE on site		
<p>Hazards present:</p> <ul style="list-style-type: none"> • Deep water • Shallow water • Submerged objects • Sudden drop off • Entanglement risk in vegetation/structure 	<ul style="list-style-type: none"> • Reduced buoyancy in freshwater • Slippery surfaces, rocks and shoreline • Cold water • Fast flowing current • No lifeguard supervision 	
<p>Additional comments:</p> <p>The assessor had an informal interview with site users who were actively recreating at this site. The youth who were interviewed provided anecdotal evidence that indicated the following:</p> <ul style="list-style-type: none"> • 'Boats are easy to hear but people just assume they will use the middle bit of the river.' • 'People could very easily drift down into the trees and find it pretty hard to get out but most people are good swimmers who jump.' • We are part of an outdoor education course at university that teach us how to stay safe, we often share this knowledge because lots of local kids don't have a good understanding of water safety.' 		



Figure 10 Tree Jumping Platforms and Ropes



Figure 11 Downstream Vegetation

7. ActiveXChange and Independent Data Consultant Information

ActiveXChange data is sourced from over 600 million monthly users worldwide to show relative footfall and vehicle movement nationwide by the hour, day, and month using GPS cell phone data within a 100 x100 metre grid called a quadkey. This data can be used to identify user numbers and times of day that the site is being used. Unfortunately, due to the quadkey pattern that is not able to be changed, data for both the bridge and jumping spot have been combined. Observations are recommended to identify actual user numbers at both Albert Town Bridge and the tree jumping locations. The data sourced through the consultancy includes the same data sources used from ActiveXChange however, the ability to further refine the data with additional area limitations and normalisations is able to be included.

The data from the independent consultancy indicated that 71,266 persons visited Albert Town Bridge from October 2021 to January 2024. Using data filters, road and cyclist traffic was able to be removed by creating a geofence and removing cell phone pings moving over five kilometres per hour, this also removed cyclists from this data. On average we were able to determine that on average there is 2,640 persons per month using the Albert Town Bridge. It was also identified that of those 71,266 persons visiting the site, 43,465 did not visit or park in the campground. This indicates that on average, approximately 1,610 visitors per month visit this site from outside of the campground to recreate in this area.

This data can be used to assist with the recommendations and justification for recommendations within this report as user numbers are identified for each site. Please note that there may be some limitations with the data as mentioned within the limitations statement at the beginning of the report. ActiveXChange data should only be used as an approximate user figure and should be used in addition with an observation and behaviour study to validate these findings. Detailed bar graph representations are available in the appendices of this document, facilitating a comprehensive interpretation of the data. These visual aids may further enhance understanding and analysis of the data provided.

Note that not all users identified within the movement data are swimming at the sites. Observational analysis of one other inland water sites has shown that one-half of all visitors enter the water (Stanley et al., 2023). It is not known what the ratio would be at this site without site-specific observations. It is also important to note that some users may not have brought their phone to the site which will mean that these numbers haven't been included in the datasets.

7.1 ActiveXChange Data – Albert Town Bridge and Jumping Tree

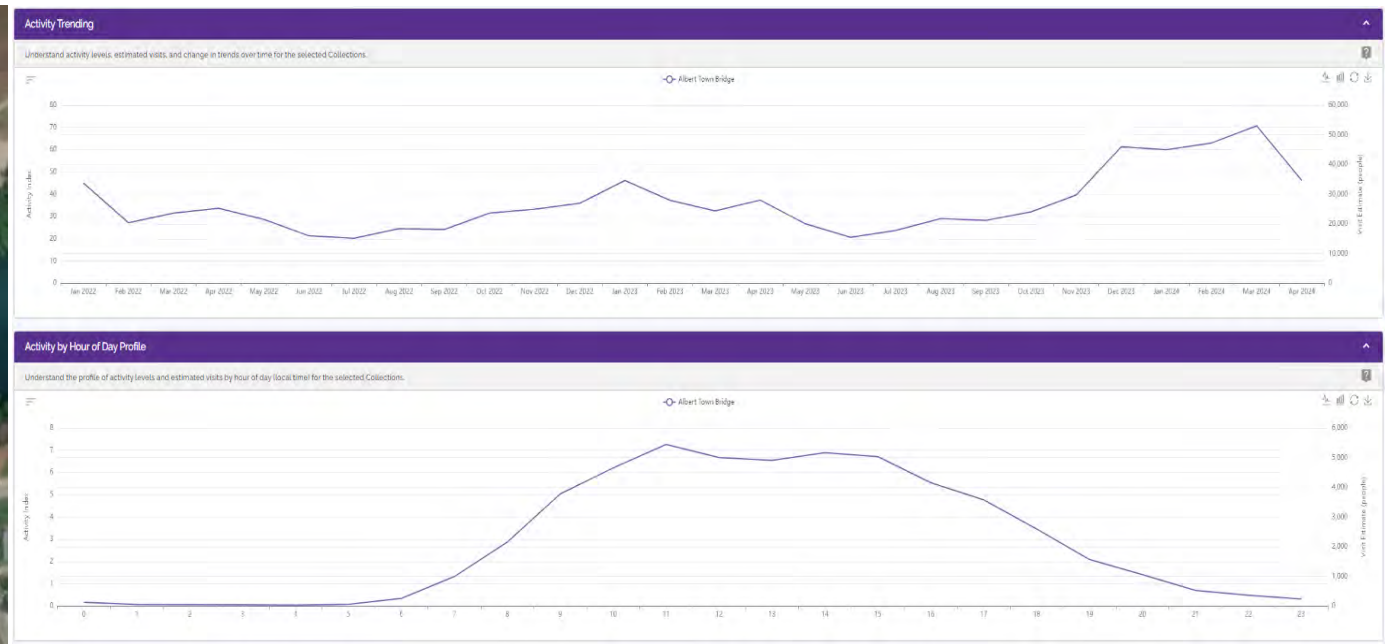


Figure 12 Albert Town Bridge and Tree Jumping Quadkey

Figure 13 Albert Town Bridge and Tree Jumping User Data

Using ActiveXChange data, a more accurate visitor use of the site can be determined by analysing the figures above. Albert Town Bridge and Jumping Tree has several large peaks of use over the summer months ranging between 36,000 people in January 2022, 37,000 people in January 2023 and 56,000 people in January 2024. Notably the site is often used between 11am-3pm.

7.2 Independent Consultant Data – Albert Town Bridge Filtered User Data (Road Traffic Removed)

Average Daily Visits by Day of the Week and Month

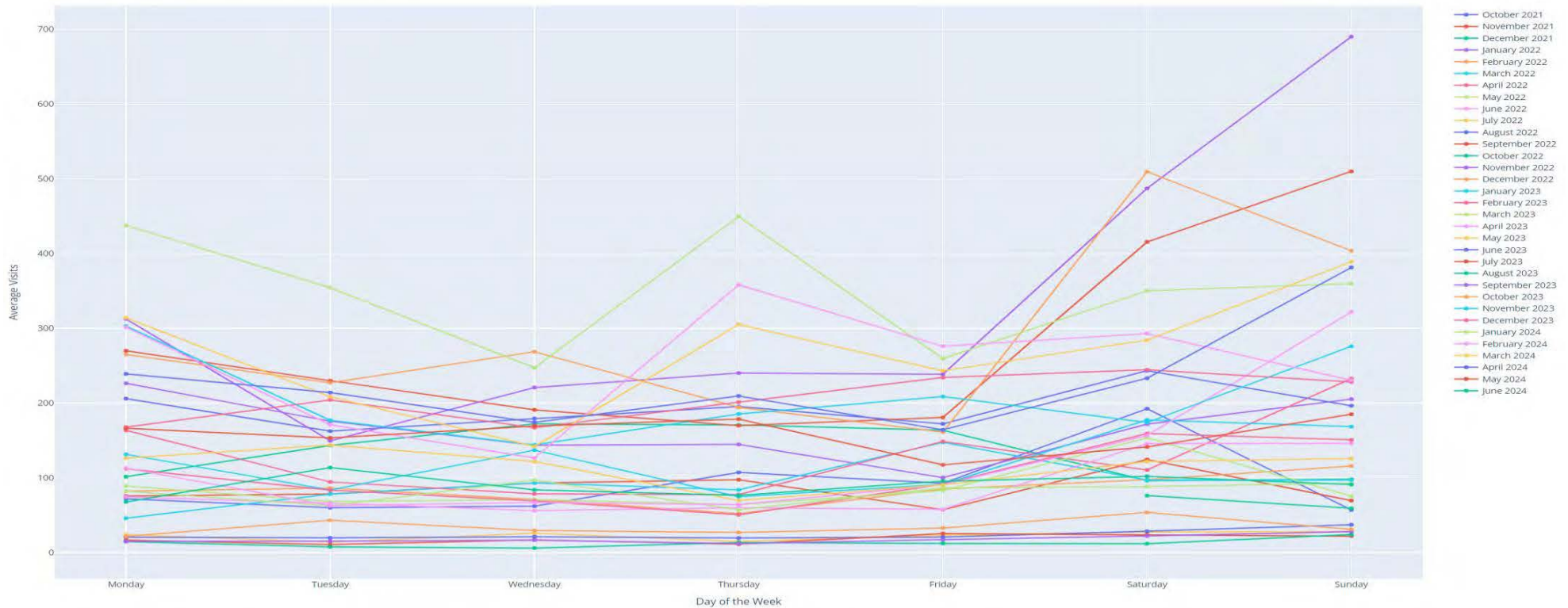


Figure 14 Albert Town Bridge Filtered User Data – Days of Week Use

Road traffic and anyone moving over five kilometres per hour (to remove cyclists) has been removed from this data to enable accurate identification of the most popular days of use at the site from October 2021 – June 2024. Data shows that Sunday is the most popular time to visit this site. This data is captured using refined and filtered ActiveXChange datasets.

7.3 Independent Consultant Data – Albert Town Bridge Filtered User Data Area (Road Traffic Removed)



Figure 15 Albert Town Bridge Filtered Data Area

7.4 Independent Consultant Data – Jumping Tree Filtered User Data

Average Daily Visits by Day of the Week and Month

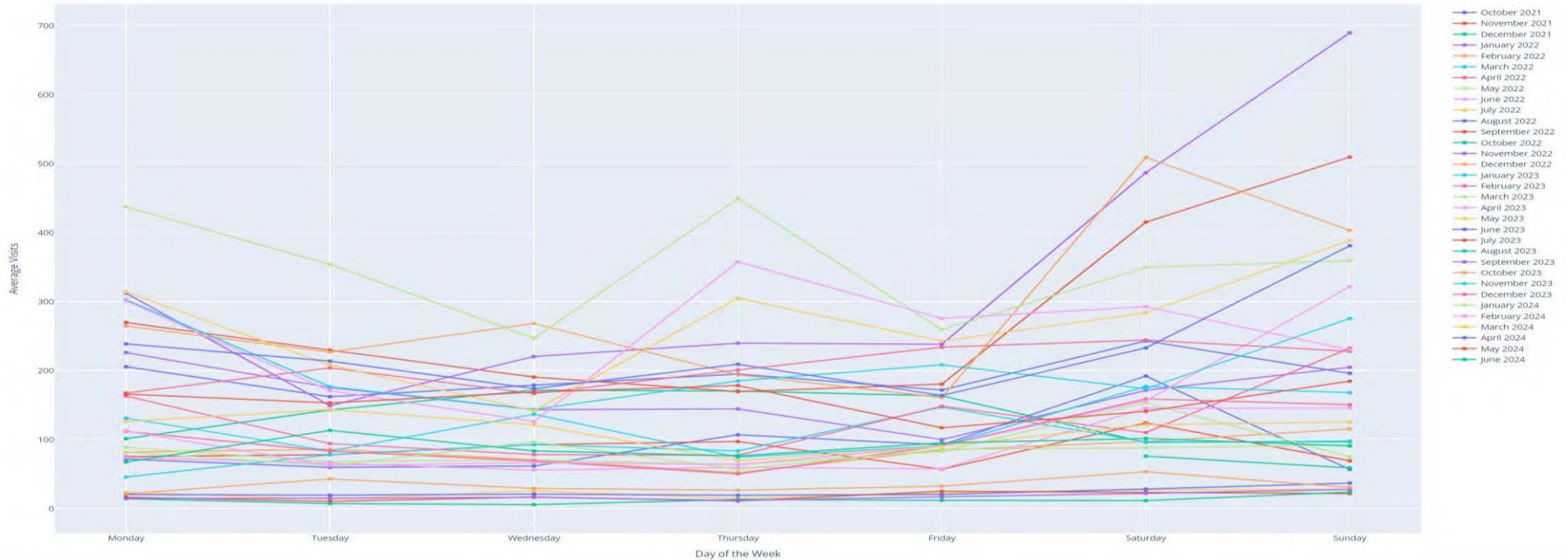


Figure 16 Jumping Tree Filtered User Data – Days of Week Use

The trail data has been removed from this dataset to enable accurate identification of the most popular day to visit this site from October 2021 – June 2024. Data shows the most popular day to visit this site is on a Sunday. This data is captured using refined and filtered ActiveXChange datasets.

7.5 Independent Consultant Data – Jumping Tree Filtered User Data Area



Figure 17 Jumping Tree Filtered Data Area

8. Risk Assessment of Users

Framework

The risk management framework followed here for the Albert Town Bridge site is aligned to the current standard: AS/NZS ISO 31000:2009 (Standards Australia/Standards New Zealand, 2009). The process is displayed in Figure 3-1, and further explained below.

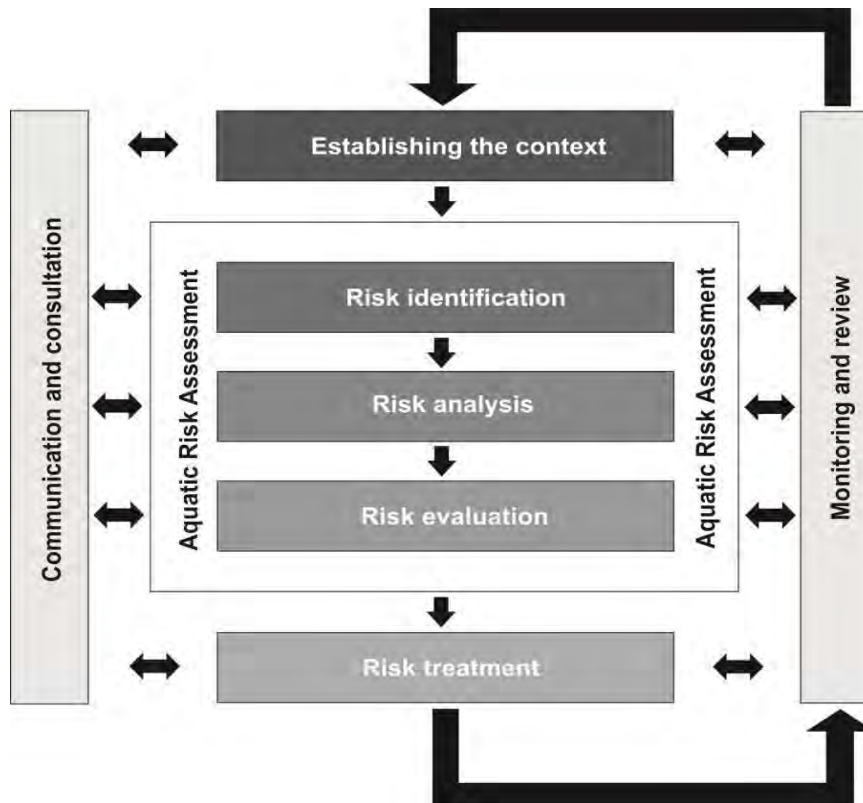


Figure 18 Risk Management Process, adapted from AS/NZS ISO 31000:2009 (Standards Australia/Standards New Zealand, 2009).

Activities and Usage at Albert Town Bridge

The following information on jumping, non-powered craft, and powered craft has been provided by Queenstown Lakes District Council to build the following user profiles. The assessment noted other site users that have been included here as well.

Breakdown: Specify the activities people engage in at the bridge (e.g., walking/jogging, cycling, swimming, jumping off the bridge, using non-powered or powered crafts).

The main purpose of the bridge is for access over the river for vehicles and people. There are a wide range of other site-users in the area as follows:

1. Vehicles

Cross the one-way vehicle lane of the bridge with traffic lights to control traffic flow.

2. Cyclists and walkers

Using the pedestrian walkway on the West side of the bridge.

Note that QLDC does not hold data on the bridge use for vehicles or cyclists.

3. Jumping

This activity can take place throughout the year; however, the main period is between October to March. There is a high peak period over the Christmas and New Year's break period where there is an increase in holiday makers in Wanaka and at the adjacent Albert Town Campground, along with school holidays. During this period there is a large increase in youth in the area.

When busy, the number of people jumping or waiting to jump can be as high as 30 people waiting with, at times, groups of five or more observed jumping at one time. There may be up to 5-10 people in the water at any given time.

Jumping generally occurs on the southern end of the bridge, approximately 10 metres from the shoreline, however Jumping can expand out to the centre of the bridge if water levels are high enough.

Observed jumper's range in age from 8-year-olds through to adults. From observations people attend the site in groups, and at times there is obvious signs of peer pressure within groups.

4. Non - powered craft: (Floaters (drifters) / kayakers / paddleboarders)

Passive water users passing through this area are recorded from 1st December through until the end of February. The records show approximately 7,370 persons on the section of this river between the outlet and Albert Town Bridge. The largest number of non-powered craft users was 376 people down the river in a single day.

Most passive users will enter the river at the outlet and then make their way down the river towards the bridge. Most people simply floating down the river will exit the river just before the bridge on the beach area in front of the campground. The remaining people on kayaks and float devices will normally pass under the bridge and exit the river further down.

5. Powered craft:

From 1st December through to 30th April, powered craft are prohibited on the stretch of river from the Lake outlet through to the Albert Town Bridge under the QLDC Navigation Safety Bylaw. Unfortunately, there are still people breaching this area during the prohibited time period.

This year (2023-2024) we observed five recreational vessels go through the prohibited area at speed, each was identified, and action taken against the owners.

In addition to the above, there are two commercial jetboat operations authorised to conduct their operations on the river all year round including within the prohibited area. Both operations operate out of Lake Wanaka and pass through this area and under the bridge during their operations.

Powered craft are required to always keep right as per Maritime NZ rules, and this can put them in conflict with the jumpers / swimmers also on the southern side or righthand side of the river. The positive with this is that the jetboats approach to the jumping area is on the same side of the bridge so both parties can easily see each other as the jetboats approach the bridge.

Both companies operate 2-5 runs per day at peak periods. Normally the southern side of the bridge when heading down the river and the northern side when heading back up the river towards the lake.

6. Swimmers

The Albert Town Bridge possesses numerous favourable swimming sites including the tree jumping site. There are several banks and shallow gradient entry points where swimmers may

choose to recreate at this area. The campground located on the northern side of the river may be a popular place for members of the public to access the river from.

7. Fishers / Anglers

The Clutha River presents opportunities for fishermen from the 1st of October to the 30th of September each year. It is noted that fishing is prohibited from any boat, canoe, pontoon or flotation device upstream of Albert Town Bridge to the Wanaka Outlet. Drift fishing is permitted below Albert Town Bridge.

9. Risk Levels

Risk exists to all visitor users at varying levels. The above participation and incident data has been used to develop an estimated risk level to each of the Albert Town Bridge area users.

Visitor Type	Consequence	Level of Severity of Consequence (impact)
Vehicle	Crashing while watching jumpers	Moderate
Track or Bridge User – Walker/Cyclist	Unintentional entry - slips, trips or falls into the river Attempt to rescue a drowning person	Moderate
Jumper / Manu	Slips from the bridge railing into the water or oncoming traffic Spinal cord injury Entanglement in structure/vegetation Collision with other jumpers/vessels/craft Cold water shock	High
Non-powered craft (passive) user	Capsize Collision with swimmers/jumpers Entanglement in structure/vegetation	Moderate
Powered craft user	Collision with swimmers/jumpers	High
Swimmers	Entanglement in structure/vegetation Collision with other jumpers/vessels/craft Cold water shock Attempt to rescue a drowning person	High

Table 1 Visitor Risk Level

10. Analysing, Assessing and Minimising Risk

The task of accurately analysing potential personal risk in open water settings is complex. It is made more difficult by the continually changing dynamic nature of the environment. The presence and level of a potential danger changes with factors such as season, weather, water conditions, and human interaction.

When managing risk, risk is often defined in terms of a combination of the consequences of an event, including the changes in circumstances, and the associated likelihood of occurrence. The level of hazards will affect the consequences for an event, while the type of participation will affect the likelihood of that event occurring (ISO). Risk will vary as both hazards and usage varies.

Risk (R) is a function (f) of hazard (H) and usage (U), or $R = f(H \times U)$.

The following table has been developed by the authors to explain the levels of consequence of an event, and the likelihood of it occurring.

Level	Consequence	Examples	Level	Likelihood	Definitions
1	Insignificant	Insignificant injury/illness (no medical treatment required).	1	Very Rare	Only exceptional situations
2	Minor	Minor injury/illness (basic first aid required).	2	Unlikely	Could occur, but unlikely
3	Moderate	Moderate injury/ illness (referral/transport to hospital required).	3	Possible	Could occur some time
4	Major	Serious injury/illness (urgent hospitalisation, extended medical treatment).	4	Likely	Will probably occur
5	Extreme/Catastrophic	Death or total permanent disability.	5	Almost Certain	Is expected to occur

Table 2 Risk Matrix

A risk rating score has been developed by adding the consequence and its likelihood of occurrence. The risk rating provides recommendations on the immediacy of action required to address the risk.

Rating Score:

Consequence + Risk Likelihood	Risk	Action
2 to 4	Low	No immediate action required
5 to 6	Moderate	Medium risk. Further action optional.
6 to 7	High	High risk. Further action recommended.
8 to 10	Extreme	Extreme risk. Further action should be prompt.

Table 3 Risk Assessment Rating Score

Each visitor type to the area has been assessed for the hazard, possible outcome, severity of the outcome and the likelihood of the occurrence happening. The final column in the table below provides an estimated level of risk for each visitor type, and therefore the immediacy of action recommended to address the risk.

Visitor Type	Hazard	Possible Harmful Outcome	Severity of Outcome	Likelihood of Occurrence (Usage)	Estimated Level of Risk
Vehicle	1.Distraction 2.Unintentional obstruction by a jumper	1.Crash 2.Collision with member of the public	3 Moderate injury/ illness (referral/transport to hospital required).	2 Unlikely	5 Medium risk. Further action optional.
Track or Bridge User – Walker/Cyclist	1.Distraction 2.Slip, trip or fall 3.Collision with another member of the public, object or infrastructure	1.Unintentional entry – slips, trips and falls into the river 2.Drowning 3. Drowning while attempting rescue drowning person	3 Moderate injury/ illness (referral/transport to hospital required).	1 Only exceptional situations	4 No immediate action required.
Jumper / Manu	1.Slippery bridge railing 2.Oncoming traffic 3.Vegetation 4. Other jumpers	1.Spinal cord injury from slip or fall 2.Injury from collision 3.Entanglement	5 Death or total permanent disability of public.	4 Likely	9 Extreme risk. Further action should be prompt.

	5. Craft 6. Cold water 7. Moving water	4. Cold water shock 5. Drowning			
Non-powered craft (passive) user	1. Entanglement risk in structure or vegetation 2. Collision with swimmers/jumpers	1. Drowning 2. Cold water shock	5 Moderate injury/ illness (referral/transport to hospital required).	1 Only exceptional situations	6 Medium risk. Further action optional.
Powered craft user	1. Collision with swimmers/jumpers 2. Alteration of course due to swimmers	1. Drowning 2. Injury 3. Grounding	4 Serious injury/illness (urgent hospitalisation, extended medical treatment).	2 Unlikely	6 High risk. Further action recommended.
Swimmers	1. Entanglement in structure/vegetation 2. Collision with other jumpers/vessels/craft 3. Cold water shock 4. Attempt to rescue a drowning person	1. Spinal cord injury from slip or fall 2. Injury from collision 3. Entanglement 4. Cold water shock 5. Drowning	5 Death or total permanent disability of public.	2 Unlikely	7 High risk. Further action recommended.
Kai Gatherer	1. Distraction 2. Slip, trip or fall 3. Collision with another member of the public, object or infrastructure	1. Unintentional entry – slips, trips and falls into the river 2. Drowning 3. Drowning while attempting rescue drowning person	5 Death or total permanent disability of public.	1 Only exceptional situations	6 Medium risk. Further action optional.

Table 4 Risk Assessment Visitor Type Score

Drowning and Drowning Prevention Factors

Six overarching factors could lead to a drowning in aquatic environments, and as such there are six corresponding strategies which can be applied to mitigate the level of risk, and therefore the incidence of drowning and injury (Mulchahy, 2014).

Factors leading to drowning and injury	Strategies designed to address each of these factors
1.Exposure to the hazard	1. Eliminate or isolate the hazard Where the hazard cannot be fully eliminated or isolated, the following additional strategies should be considered
2. Ignorance or misunderstanding of the hazard	2. Increase awareness and understanding
3. Disregard for the hazard	3. Legislate, monitor, and enforce
4. Inability to cope when exposed to the hazard	4. Enable and equip
5. Lack of surveillance and advice when exposed to the hazard	5. Increase supervision and surveillance
6. Inability to affect a rescue prior to succumbing to the hazard	6. Increase efficiency and effectiveness of response

Table 5 Drowning Prevention Factors

Visitor Type Activity	Estimated Level of Risk	Controls How can it be prevented? First try to eliminate the risk. If this is not possible, how can the risk be minimised?	Residual Risk Rating?
Vehicle	5 Medium risk. Further action optional.	A formalised jumping platform should be considered at the site to assist with the safe access into the water. This will remove the need for members of the public to scale a slippery barrier fence to jump from the bridge. By installing a council approved permanent jumping platform the public will be jumping at the most appropriate location with an adequate depth at the bridge. An article by Pattemore (2024) states that the New Zealand Transport Agency is looking to upgrade the bridge in three years. Consideration should be given to consult with them on the design process. If a council approved permanent jumping platform is unable to be provided or included in the designs, consideration should be given to installing a higher barrier between the road and the outer railing of the bridge to reduce the likelihood of members of the public falling backwards onto the road onto incoming traffic.	Low

Track or Bridge User – Walker/Cyclist	6 Medium risk. Further action optional.	Public rescue equipment should be installed at this site to reduce the likelihood of members of the public entering the water to perform a wet-based rescue. This will also assist in the rescue of members of the public who may slip, trip, or fall into the water. A throw bag attached to a life ring should be provided at this site to enable safe, dry based rescue for members of the public.	Low
Jumper / Manu	9 Extreme risk. Further action should be prompt.	Signage should be installed at this site to provide members of the public with an indication of the hazards at this site. Public rescue equipment with instructions on how to use it should also be installed at this site to provide bystanders with a means of assistance in the event of an in-water emergency. A depth marker should be installed at this site. A study by DeVivo & Sekar (1997) identified that 75% of spinal cord injuries caused by swimming occur when no depth marker is present. DeVivo & Sekar (1997) also identified that no warning signs were present in 87% of these spinal cord injuries. Recommendation should be given to identify, and sign post a minimum safe jumping water depth of 2.5 meters deep with an optimal safe jumping water depth of 2.74 metres deep (Barss, 2008; DeVivo & Sekar, 1997). If the optimal depth is not already achieved, Queenstown Lakes District Council should remove a segment of the riverbed below the jump site to enable a safe jumping depth for members of the public to reduce the likelihood of spinal cord injury (Barss, 2008; DeVivo & Sekar, 1997).	Moderate
Non-powered craft (passive) user	6 Medium risk. Further action optional.	The strainers located downstream from the bridge should be removed to reduce the likelihood of capsized craft from entanglement. Public rescue equipment with instructions on how to use it should also be installed at this site to provide bystanders with a means of assistance in the event of an in-water emergency.	Low

Powered craft user	6 High risk. Further action recommended.	A boat throughfare lane should be identified underneath the bridge to provide powered craft users through a defined access point when travelling underneath Albert Town Bridge. This thoroughfare should be separate to the manu/jumping area of the bridge. The middle lane of the Albert Town Bridge should be sign posted as powered craft throughfare to reduce the likelihood of collisions with bridge jumpers.	Moderate
Swimmers	7 High risk. Further action recommended.	Signage should be installed at this site to provide members of the public with an indication of the hazards at this site. Public rescue equipment with instructions for use should be installed at this site to reduce the likelihood of members of the public entering the water to perform a wet based rescue. Vegetation downstream from the jumping tree site should also be cleared to reduce the likelihood of members of the public becoming entangled in the strainers.	Moderate
Kai Gatherer	6 Medium risk. Further action optional.	Signage should be installed at this site to provide members of the public with an indication of the hazards at this site. Public rescue equipment with instructions for use should be installed at this site to reduce the likelihood of members of the public entering the water to perform a wet based rescue.	Low

Table 6 Residual Risk with Controls

11. Recommendations, Signage, and Safety Systems

The purpose of the recommended signage is to inform the public of the hazards associated with the Albert Town Bridge and Jumping Tree to assist in minimising the drowning and water-related injury risks. It is recommended that Queenstown Lakes District Council implement the recommendations of this report to enable compliance of aquatic signage standards in accordance with New Zealand Standard AS/NZS 2416.1:2010.

Drowning Prevention Auckland/Aotearoa takes no responsibility for the action or inaction taken by the public caused by the messaging of such signage.

11.1 Eliminate or Isolate the Hazard

People drown or are injured due to their exposure to hazards. Therefore, risk management strategies should focus on removing or isolating hazards from the environment to create safer conditions. The removal of hazards, such as hazardous dilapidated infrastructure, is the most effective risk mitigation option. Risk management strategies to eliminate or isolate hazards include:

- Stabilising the riverbank
- Removing dangerous infrastructure
- Installation of safety structures
- Restricting access to dangerous areas
- Clearing submerged objects from the water
- Clearing protruding vegetation downstream of the site

Recommendations:

- A depth marker should be installed to assist members of the public with a safe egress method. A study by DeVivo & Sekar (1997) identified that 75% of spinal cord injuries caused by swimming occur when no depth marker is present. Additionally, they found that no warning signs were present in 87% of these spinal cord injuries.
- Identify and signpost a minimum safe jumping water depth of 2.5 meters, with an optimal depth of 2.74 meters (Barss, 2008; DeVivo & Sekar, 1997). If the optimal depth is not achieved, remove a segment of the riverbed to ensure a safe jumping depth.

- Consider a formalised jumping platform to ensure safe access to the water and appropriate jumping locations with adequate depth. Pattemore (2024) states that the New Zealand Transport Agency is looking to upgrade the bridge in the next three years.
- Consideration should be given to clear submerged objects from the water below the tree jumping site and clearing protruding vegetation downstream from the site to reduce the collision risk with submerged objects and entanglement risk for members of the public using this site. The protruding vegetation that is recommended to be removed can be seen in Figure 11.

11.2 Increase Awareness and Understanding

Education programmes targeted at specific age, gender, ethnicity, or other groups can enhance awareness and understanding of water safety. Risk management strategies to increase awareness and understanding:

- Signage
- Targeted education and development

Recommendations – Albert Town Bridge:

- Include the following warning symbols on compliant aquatic safety signage: fast-flowing water, deep water, cold water, submerged objects, entanglement risk in vegetation and structure, and supervision of children at all times.
- Install two defined access signs, one open access sign with public rescue equipment, and one carpark sign (exemplars can be seen in Appendix 1, 2, 3, and 4).
- Install boat thoroughfare signage under the bridge (an exemplar can be seen in Figure 9).
- Install signage on the bridge railing to identify the safest jumping location if a formalised jumping platform is commissioned.

Recommendations – Jumping Tree:

- Include the following warning symbols on compliant aquatic safety signage: fast-flowing current, cold water, sudden drop-off, entanglement risk, and supervision of children at all times.
- Consideration should be given to install a defined access and open access with PRE sign. An exemplar of this is provided as Appendix 3 and 4.

11.3 Legislate, Monitor, and Enforce

People drown or are injured due to their disregard for hazards. Risk management strategies should focus on discouraging such behaviour through legislation, monitoring, and enforcement.

Clear evidence should be provided prior to developing legislation, with an awareness campaign and a period of informing and warning affected groups before penalties or infringements are applied.

Recommendations:

- Control vessel thoroughfare through recommended segments of the bridge from December 1 to April 30, limiting powered craft access to permitted users only.
- Restrict vessel speed to 5 knots at all times from 200 meters upstream from Albert Town Bridge to the boat ramp.

11.4 Enable and Equip

Providing the necessary equipment and facilities can significantly enhance safety and emergency response.

Recommendations:

- Public Rescue Equipment (PRE)
- Install PRE at two locations at this site, specifically a throw bag. An exemplar of this equipment is provided in Appendix 3.

11.5 Increase Supervision and Surveillance

Effective supervision and surveillance can help prevent accidents and enable prompt responses to emergencies.

Recommendations:

- Identify groups and organisations, such as Campground Staff, Jet Boat Operators (Commercial), Department of Conservation Rangers, to assist in providing 'first response' emergency services. Drowning Prevention Aotearoa have an extensive expertise in this area.

11.6 Increase Efficiency and Effectiveness of Response

People in difficulty drown because rescues cannot be affected before the victim succumbs to the hazard. Risk management strategies should focus on increasing the efficiency and effectiveness of emergency response.

Recommendations:

- A community-based training session to inform local residents of the hazards, risks and bystander rescue techniques that can be used if a member of public is seen to be in trouble. Drowning Prevention Aotearoa have an extensive expertise in this area.

By adhering to these recommendations, hazards identified as the most common in open water environments can be mitigated as much as reasonably practical. This includes addressing significant risk factors such as entering the water from a pier, bridge, or dock, diving headfirst without checking the water depth, and being unfamiliar with the location, thereby enhancing safety and reducing the likelihood of accidents (Branche et al., 1991).

12. Recommendations Summary

New signage should be installed that is compliant with the New Zealand Standard AS/NZS 2416.1:2010 *Water safety signs and beach safety flags - Specifications for water safety signs used in workplaces and public areas*, including car park and access signs. All signage types and exemplars have been provided within the Appendix section.

A signage and PRE plan can be developed to assist with the signage installation locations. This will complement this report to assist with implementation of recommendations made within this report.

Drowning Prevention Auckland / Aotearoa recommends training for commercial organisations that work near this site, including campground staff, DOC, harbourmaster and jet boat operators to upskill and enable effective first response options in the event of an emergency.

Albert Town Bridge

- a) Two defined access signs, one open access sign with public rescue equipment and one car park sign should be installed with the following hazards: fast flowing water, deep water, cold water, submerged objects, entanglement risk in vegetation and structure and supervise children at all times.
- b) Consideration should be given to install boat thoroughfare signage under the bridge.
- c) Consideration should be given to installing signage on the bridge to identify a safe jumping area/formalise a jumping area.
- d) Consideration should be given to control/direct vessel thoroughfare through the bridge from December 1 – April 30.
- e) Public rescue equipment should be provided at this site.
- f) A depth marker should be installed next to the preferred jumping area on the bridge.
- g) A formalised jumping platform should be considered.

Tree Jumping Site

- h) A defined access sign and an open access sign with public rescue equipment should be installed with the following hazards: fast flowing water, deep water, cold water, submerged objects, entanglement risk in vegetation and supervise children at all times.
- i) Public rescue equipment should be provided at this site.

- j) Consideration should be given to clearing submerged objects from the water below the jumping tree.
- k) Consideration should be given to clearing vegetation downstream of the jumping tree.

13. Further Research

To assess and analyse the specific drowning risk at each site, in-depth water usage and participation data is recommended to be obtained to provide additional targeted recommendations. Additionally, a further interview study would assist in determining knowledge, attitudes, and perceived risk. Whilst reasonable accurate visitation and participation data has been included in this report, there is a gap in knowledge about the number or percent of in-water users, their perceptions of competence and risk, their knowledge of the site, and whether they are locals or visitors. This information would help to determine risk and provide any other mitigation and education strategies more accurately. Drowning Prevention Auckland/Aotearoa recommends that an observation and interview study be completed to determine this.

14. Conclusion

This risk and hazard assessment has provided valuable insights into the safety challenges present in, on and around the aquatic environments at Albert Town Bridge. The main hazard of collision by powered craft to jumpers was highlighted by Queenstown Lakes District Council. By identifying all key hazards, proposing targeted risk management strategies, and recommending practical measures to enhance safety, this assessment serves as a foundation for informed decision-making by the Queenstown Lakes District Council.

The recommendations outlined in this assessment, including the installation of signage with warning symbols, provision of public rescue equipment, infrastructure improvements, and implementation of vessel speed restrictions, address various aspects of risk mitigation comprehensively. By prioritising measures to eliminate or isolate hazards, increase awareness and understanding, legislate and enforce safety regulations, enable and equip responders, and enhance supervision and surveillance, a safer environment can be created for all river users.

Drowning Prevention Auckland / Aotearoa recommends these are implemented in a timely and effective manner, with ongoing monitoring and evaluation to ensure their continued efficacy.

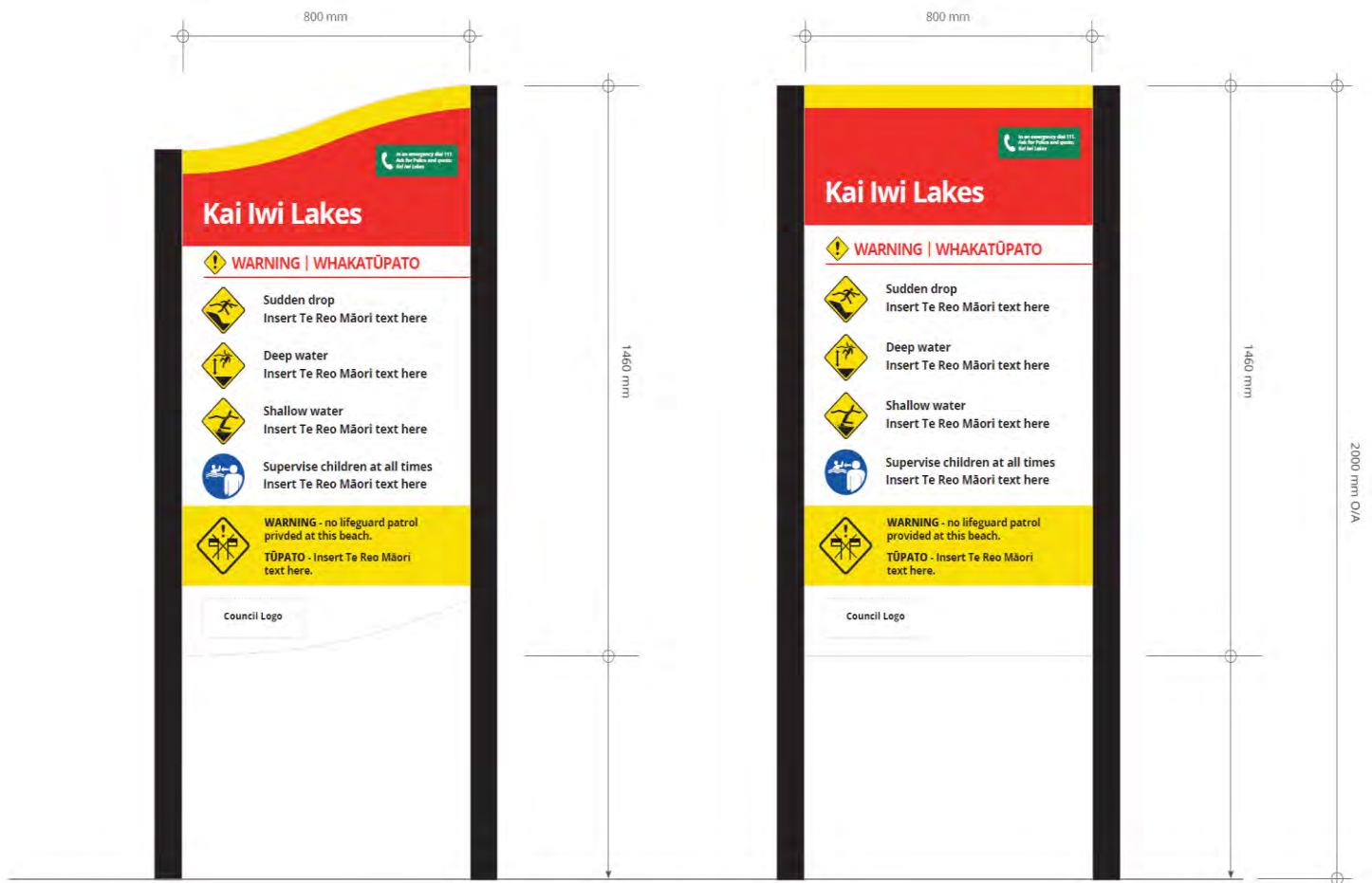
Collaboration among stakeholders, including local authorities, emergency services, community groups, and the public, will be essential for the successful implementation of these measures.

Ultimately, by prioritising safety and taking proactive steps to address identified risks, the Albert Town Bridge area can become a safer and more enjoyable destination for all, minimising the likelihood of accidents and ensuring the well-being of river users now and in the future.

15. Appendices

Appendix 1 – Carpark Signage

Beach Signage / Kai Iwi Lakes / Carpark Sign
English / Te Reo Māori



Water safety and information signage template for Kai Iwi Lakes.
The design complies with the current water safety signage standard AS/NZS 2416:2010

Appendix 2 – Open Access Signage

Water Safety Signage / Hammond Park Beach / Open Access Sign (Te Reo Māori translations to be added later on)



(Dimensions shown are a guide only)

Appendix 3 – Open Access Signage with PRE

In an emergency dial 111.
Ask for Police and quote:
Tōtara Reserve Regional Park

Kererū Camp

! WARNING | KIA TŪPATO

- 

Unstable cliffs
Tanuku ana ngā poupou nei
- 

Sudden drop off
He poupou
- 

Strong currents
He au kaha
- 

Undercut banks
Tapahi ana ngā tahataha
- 

Entanglement risk
He tūrara whīwhiwhī
- 

Supervise children at all times
Tiaki tamariki i ngā wā katoa

WARNING - no lifeguard patrol in this area of the river.
KIA TŪPATO - karekau he manapou i tēnei wāhanga o te awa.






Emergency use only

☎ Dial 111 - Ask for Police

Do not enter the water with this device, throw from the riverbank.
Kaua e uru wai me tēnei taonga, me whiū mai i te tahataha



Pick up
throw bag
Hikina ake te
pēke whiū



Keep hold
of end of line
Purihia te pito
o te taura



Throw bag to person
Pull person to shore
Whiua te pēke ki te
tangata, tōia mai te
tangata ki uta

Once you've saved a life,
please return this throw bag
so that we can save another

If the throw bag is damaged or missing please contact:
Horizons Regional Council
Phone 0508 800 800

Mehemea kua paucaru te pēke, engaro ana rānei, waka atu ki te Kaurihera 0508 800 800

Appendix 4 – Defined Access Signage

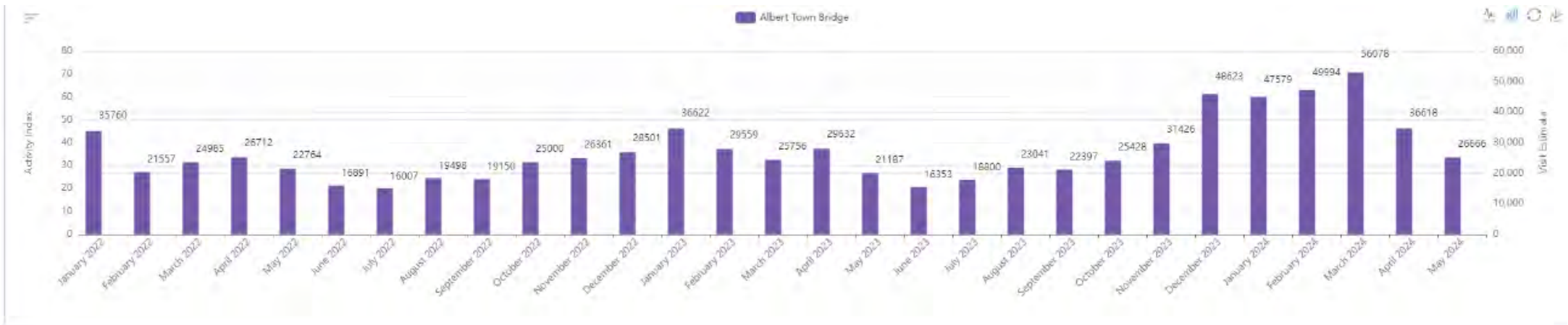
Water Safety Signage / Braithwaite Jetty / Defined Access sign

(Te Reo Māori translations to be added later on)



(Dimensions shown are a guide only)

Appendix 5 – ActiveXChange Bar Graph Albert Town Bridge and Jumping Tree Site



References

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Attachment D - Drowning Prevention Aotearoa risk matrix and rating score

Level	Consequence	Examples	Level	Likelihood	Definitions
1	Insignificant	Insignificant injury/illness (no medical treatment required).	1	Very Rare	Only exceptional situations
2	Minor	Minor injury/illness (basic first aid required).	2	Unlikely	Could occur, but unlikely
3	Moderate	Moderate injury/ illness (referral/transport to hospital required).	3	Possible	Could occur some time
4	Major	Serious injury/illness (urgent hospitalisation, extended medical treatment).	4	Likely	Will probably occur
5	Extreme/Catastrophic	Death or total permanent disability.	5	Almost Certain	Is expected to occur

Table 2 Risk Matrix

Consequence + Risk Likelihood		Action
2 to 4	Low	No immediate action required
5 to 6	Moderate	Medium risk. Further action optional.
6 to 7	High	High risk. Further action recommended.
8 to 10	Extreme	Extreme risk. Further action should be prompt.

Table 3 Risk Assessment Rating Score

Attachment E – Recommended Albert Town Bridge powered craft passage lanes



Attachment F – Recommended vessel identification provisions

1 Vessels to be identified

- 1.1 No person shall navigate a vessel (excluding vessels listed in clause 1.4), unless it displays an identifying name or number above the waterline on each side of the vessel that is recognised under clause 1.2, 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 1.2(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.
- 1.2 The following identifying name or number referred are recognised for the purposes of subclause 1.1 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.
- 1.3 The requirements of clause 1.1 – 1.2 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;
 - (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.
- 1.4 Vessels referred to in subclause 1.3 must be marked with the current owner's name and contact details somewhere on the vessel.

Attachment G - Recommended extension to the existing Kawarau Dam access lanes

Figure 1 – Recommended extension to the existing Kawarau Dam access lanes



Figure 2 – Existing Kawarau Dam upstream and downstream access lanes

Map 3 – Kawarau Dam



Attachment H - Overview of miscellaneous minor corrections, including recommended solutions

Matter/Clause of current bylaw	Description
Clause 3 (Purpose)	The purpose of the bylaw does not refer to the purpose of local navigation safety bylaws to <i>'ensure maritime safety'</i> as per Section 33M of the Maritime Transport Act 1994. It is recommended that the bylaw's purpose is amended to reflect this intention. It is recommended that the term <i>'navigation safety'</i> be used in this instance as the bylaw currently uses the term <i>'navigation safety'</i> throughout, which in essence has the same meaning as <i>'maritime safety'</i> and is consistent with the title.
Clause 3 (Purpose)	Addition of reference to <i>'require the marking and identification of vessels'</i> and <i>'require the carriage of communication equipment'</i> to the purpose statement of the bylaw to reflect s33M(1)(j) of the MTA, and the fact that it is proposed that the bylaw will provide for vessel identification and communication equipment.
Clause 5 (Delegations)	<p>Addition of an explanatory note to clarify that powers and functions that are delegated are contained in Council's Register of Delegations, and that some powers are conferred directly on the Harbourmaster and Enforcement Officers:</p> <p><i>'Explanatory note: The delegations of Council functions under this bylaw are set out in the QLDC Register of Delegations. The Bylaw also contains individual clauses which confer powers directly on the Harbourmaster and/or Enforcement Officers.'</i></p>
Clause 6.1 (definition of 'Commercial Vessel Licence')	<p>It is noted that the licencing of commercial vessels is managed by Maritime New Zealand on the basis of national Maritime rules.</p> <p>Commercial activities operating on the district's lakes and rivers are also subject to the provisions of the Proposed District Plan.</p> <p>As such, references to commercial vessel licencing are superfluous and officers recommend that they be deleted (including this associated definition).</p>
Clause 6.1 (definition of 'Council')	<p>Amendment to the definition of 'Council' to ensure greater consistency with the additional explanatory note at Clause 5 (addition <u>underlined</u>).</p> <p><i>'Council means the Queenstown Lakes District Council <u>or anyone delegated or authorised to act on its behalf</u>.'</i></p>

<p>Clause 6.1 (definition of 'GPS Coordinate')</p> <p>And</p> <p>Updating all GPS coordinates in the bylaw to reflect the WGS84 Lat-Long system</p>	<p>The bylaw does not contain a definition of GPS coordinate which may create some ambiguity. It is recommended that a definition be included as follows:</p> <p><i>'GPS or GPS Coordinate(s) means a Global Positioning System used to determine a location using the WGS84 Lat-Long system'</i></p> <p>The bylaw uses a number of GPS coordinates to identify specific features (i.e. ski lanes etc). It is understood that a number of these GPS coordinates are inaccurate. It is recommended that all GPS coordinates in the bylaw be reviewed for accuracy and updated to use the WGS84 Lat-Long system.</p>
<p>Clause 6.1 (definition of 'Incident')</p>	<p>Amendments to the term <i>'Incident'</i>. This term is used in Clause 39 – 40 of the Bylaw. The definition of <i>'incident'</i> in the MTA excludes <i>'accident'</i>, whereas the current bylaw definition of <i>'incident'</i> expressly includes <i>'accident'</i>. It is considered appropriate to ensure alignment with definitions in the MTA. These definitions also engage reporting obligations in respect of MNZ under the MTA, so it is confusing if the terminology is conflicting. ORC's definitions of these terms align to the MTA definitions. The recommended amendments are shown below (additions <u>underlined</u> and deletions struck through):</p> <p><i><u>'Incident means any occurrence, other than an accident, that is associated with the operation of any vessel and affects or could affect the safety of operation.'</u></i></p>
<p>Clause 6.1 (definition of 'Unseaworthy')</p>	<p>There is currently no other reference to <i>'Unseaworthy'</i> in the Bylaw. As such, it is recommended that the definition of <i>'Unseaworthy'</i> is removed from the bylaw.</p>
<p>Clause 6.1 (definition of 'Vessel')</p>	<p>The definition of vessel does not include reference to 'hydrofoil' which is a new form of vessel that is now commonly used on the district's waterways. Such vessels are known to be powered in some instances. It is recommended that this definition be amended to also reference hydrofoils in limb (h) as follows (addition underlined):</p> <p><i>'...(h) a kiteboard, sailboard, <u>hydrofoil</u> or paddleboard..'</i></p>
<p>Clause 6.1 (definition of 'Underway')</p>	<p>The bylaw includes a definition of 'Underway'¹. This definition is not referred to at any point in the bylaw, nor is it included in Part 91 of the national Maritime rules. The definition is ambiguous and is not considered to be of any relevance. It is recommended that the definition of 'Underway' be deleted.</p>
<p>Clause 6.1 (definition of 'Maritime Rules')</p>	<p>Addition of an explanatory note related to the definition of Maritime Rules to make the application of national maritime rules clear throughout the bylaw as follows (additions <u>underlined</u>):</p>

¹ Underway means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure

<p>And the following clauses:</p> <ul style="list-style-type: none"> - 8.3 - 9.2(d) - 9.3(b) - 22.3(b) <p>And the definition of 'lifejacket'.</p>	<p><u>'Explanatory note: where specific maritime rules apply, these have been expressly stipulated.'</u></p> <p><u>Consistent with this explanatory note, it is recommended that provisions 8.3, 9.2(d), 9.3(b), 22.3(b) and the existing explanatory note under the definition of 'Lifejacket' are amended to include the specific reference to the applicable Maritime Rule either within the provision or by way of explanatory note.</u></p>
<p>Clause 6.1 (definition of 'Lifejacket')</p>	<p>The current definition of lifejacket includes references to NZ Standards that have now been superseded. In particular, NZ Standard NZS 5823:1989 and 5823:2001 have been superseded. The contemporary and correct reference is NZS 5823:2005, which is already included in the current definition of Lifejacket.</p> <p>It is recommended that references to NZS 5823:1989 and 5823:2001 be deleted from the definition of Lifejacket.</p>
<p>Clause 6.1 (new definition of 'Mishap')</p>	<p>Add new definition for 'mishap' as follows (additions <u>underlined</u>):</p> <p><u>'Mishap means an event that:</u></p> <p>(a) <u>causes any person to be harmed; or</u></p> <p>(b) <u>in different circumstances, might have caused any person to be harmed.'</u></p> <p>This is a term defined in the MTA, and is used in ORC's Navigation Safety Bylaw 2020 at clause 5 which deals with notifying the harbourmaster.</p> <p>It is considered appropriate to align with the definitions in the MTA. This definition also engages reporting obligations in respect of MNZ under the MTA, thus addressing potential ambiguity. ORC's definitions of these terms align to the MTA definitions, and also uses a definition of 'mishap' from the MTA.</p>
<p>Clause 6.1 (definition of 'Parasailing or Paragliding')</p>	<p>There is currently no other reference to 'paragliding' in the bylaw. As such, it is recommended that the word 'paragliding' is removed from this definition.</p>
<p>Clause 6.1 (definition of 'Powered Vessel')</p> <p>And the following clauses:</p> <ul style="list-style-type: none"> - 8 - 8.1 - 8.2 - 9.4 - 33.1 - 35.1 - 35.1(a) - 35.1(a)(iii) 	<p>Amend the definition of 'Powered Vessel' as follows (deletions struck through and additions <u>underlined</u>):</p> <p><u>'Power-driven Vessel means any vessel propelled by machinery. that is not solely powered manually or by sail.'</u></p> <p>It is noted that maritime rules, and other Council's, use the definition of 'power-driven vessel' as opposed to powered vessel. It is recommended that this MNZ term and the accompanying definition be adopted for alignment and as it is more straightforward and better reflects the national approach.</p>

<ul style="list-style-type: none"> - 35.1(b) - 36.4 - 38.1 - Map 6 – Kawarau River (table) - Map 8 – Clutha River (table) 	<p>It is also recommended that other clauses throughout the bylaw that reference '<i>Powered Vessel</i>' also be amended to reflect the amended term, including those referenced in this table to the immediate left.</p>
<p>Clause 9.1(c) (Speed of vessels)</p>	<p>This clause does not accurately reflect the definition of 'Flag A' in the bylaw, being '<i>the divers flag</i>'. It is recommended that this definition be amended to address this reference.</p> <p>In addition, it is recommended that an explanatory note be added to this provision signposting the amended definition of speed as follows (additions <u>underlined</u>):</p> <p><u>'Explanatory note: The measurement of speed is defined in clause 6 to mean:</u></p> <p style="padding-left: 40px;">(a) <u>In relation to lakes, the speed through the water; or</u></p> <p style="padding-left: 40px;">(b) <u>In relation to rivers, the speed through the water if travelling with the current, or speed over the ground if travelling against the current.'</u></p>
<p>Clause 16.2(b) (Prevention of nuisances relating to a Council owned a jetty, wharf, ramp or launch facility)</p>	<p>This clause includes the word '<i>and</i>' rather than the word '<i>or</i>' between 16.2 (a) and (b) making the two circumstances set out in the provision mutually dependent for the provisions to apply. This is not considered to be the intention of the provisions which should be mutually exclusive. It is recommended that '<i>and</i>' be replaced by '<i>or</i>'.</p>
<p>Clause 22.1(a) (Exceptions to requirements to carry or wear lifejackets)</p>	<p>This clause contains a minor typo where it refers to '<i>...or other or similar...</i>'. It is recommended that this typo be amended.</p>
<p>Clause 25 (Parasailing) and explanatory note</p>	<p>This clause includes a requirement every person in charge of a vessel that is being used to conduct parasailing to comply with all applicable maritime rules, and safety guidelines issued by the Director. It is recommended that this wording be updated to more accurately reference the most recent '<i>Health and Safety Guidelines for Commercial Parasailing Operations 2022</i>'.</p> <p>Clause 25 contains an explanatory note that includes reference to a specific Maritime New Zealand website that no longer exists. It is not best practice for website links to be included in bylaws as they can be subject to change and become inaccurate. It is recommended that this explanatory note be amended to remove this incorrect reference and instead note that health and safety guidelines for Commercial Parasailing operations are found on the Maritime New Zealand website.</p>
<p>Clause 26 (Whitewater rafting) explanatory note</p>	<p>This explanatory note includes reference to a national Maritime rule (Rule 81) which has been revoked. It is recommended that this reference be removed, and that additional wording be included</p>

	<p>within the Clause which identifies the most recent requirements for operators under the Health and Safety at Work (Adventure Activities) Regulations 2016 (additions <u>underlined</u> and deletions struck through):</p> <p><i>'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 <u>Health and Safety at Work (Adventure Activities) Regulations 2016. applicable maritime rules.</u></i></p> <p><i>Explanatory note: Commercial rafting operations will come within the scope of the Health and Safety at Work (Adventure Activities) Regulations 2016 managed by WorkSafe Maritime Rule 81: Commercial Rafting Operations contains the applicable maritime rules.'</i></p>
<p>Clause 29.1 (Hot works)</p>	<p>Clause 29.1 requires a person conducting hot works to comply with the current edition of the Code of Safe Working Practices for Merchant Seafarers (Maritime New Zealand). The Code of Safe Working Practices for Merchant Seafarers, is a British publication. It has been used in the distant past in Aotearoa New Zealand but it is no longer recognised. The Health and Safety at Work Act 2015 applies in its place. As such, it is recommended that clause 29.1 be deleted and replaced within an explanatory note (at the end of clause 29) as follows:</p> <p><u><i>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.</i></u></p>
<p>Clause 31 (Special events)</p>	<p>Clause 31 refers to '<i>special events</i>'. The term '<i>special events</i>' is somewhat ambiguous as it does not accurately relate to the nature of the events that are being managed – being temporary events.</p> <p>It is recommended that the term '<i>special events</i>' be amended to '<i>temporary events</i>' throughout the bylaw. It is noted that Part 91 of the national Maritime rules also uses the term '<i>temporary</i>' as opposed to '<i>special</i>' when referring to this type of waterway activity.</p>
<p>Clause 36.1 and 36.4 (Kawarau River)</p>	<p>It is recommended that these Clauses be amended to cover any '<i>person</i>' operating the vessel rather than just a person '<i>in charge</i>' of a vessel as follows (additions <u>underlined</u> and deletions struck through):</p> <p><u><i>'36.1 No person may rest or stop a vessel in t</i></u><i>The areas immediately below the "downstream" gate and above the "upstream" gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel.'</i></p>

	<p><u>'36.4 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.'</u></p>
<p>Part 6 (Incidents and near misses) including Clauses:</p> <ul style="list-style-type: none"> - 39 - 39.1 - 40 - 40.1 	<p>The definition of 'incident' in the MTA excludes 'accident', whereas the current bylaw definition of 'incident' expressly includes 'accident'. It is considered appropriate to align with the definitions in the MTA (see other amendments recommended in this attachment). These definitions also engage reporting obligations in respect of MNZ under the MTA, so it is confusing if the terminology is conflicting. ORC's definitions of these terms align to the MTA definitions.</p> <p>The current drafting of Clause 39.1 can be simplified and aligned with ORC's bylaw by removing the criteria (a) – (d) and updating the definitions of 'incident' and 'mishap' as recommended elsewhere in this attachment. At present the Clause lists four potential scenarios where an incident (and sometimes an incident that is an accident) would need to be reported to the Harbourmaster. This results in two layers of criteria, the criteria in the definition of each term and then the criteria in (a) – (d). This results in two layers of criteria which is more difficult to interpret and apply. All of the (a) – (d) scenarios should either fall within the MTA definitions of 'incident' or 'accident' or 'mishap'.</p> <p>Clauses 40 and 40.1 can be deleted as the reporting obligations in amended above mentioned Clauses have been expanded to cover any accident, incident or mishap.</p>
<p>Clauses 54.4 and 54.5 (Exemptions approved by the Harbourmaster)</p>	<p>Clause 54 provides the Harbourmaster with the capability to grant exemptions from parts of the bylaw. Clauses 54.4 and 54.5 set out matters that the Harbourmaster must consider in granting or revoking exemptions to the bylaw. These two provisions reference the need to consider 'public health and safety' effects, but do not reference navigation safety effects.</p> <p>Officers recommend that it is appropriate to amend clauses 54.4 and 54.5 to replace the wording 'public health and safety' with 'navigation safety'. This would more accurately represent the purpose of the bylaw and the roles and responsibilities of Council and of the Harbourmaster in exercising their functions under the MTA.</p>
<p>Clause 54.6(c) (Exemptions approved by the Harbourmaster)</p> <p>And Clause 35.1(a)(ii) (Clutha River / Mata-Au)</p>	<p>Clause 54 provides the Harbourmaster with the capability to grant exemptions from parts of the bylaw. Clause 54.6(c) prevents the Harbourmaster from granting an exemption for an activity that has a prohibited activity status in 'the Queenstown Lakes District Plan'.</p>

	<p>Clause 35.1(a)(ii) identifies a number of activities that are permitted under the Queenstown Lakes District Plan as being exempt from the prohibition of powered vessels on the Clutha River / Mata-Au between 1 December and 30 April.</p> <p>It is noted that QLDC is currently undergoing a multistage district plan review. This means some parts of the district are managed under the Operative District Plan (ODP), and other parts (now much of the district) is managed under the Proposed District Plan (PDP). Lakes and rivers are zoned 'Rural' under the both the ODP and PDP.</p> <p>It is appropriate for Clause 54.6 and Clause 35.1(a)(ii) to be amended as follows to reflect that there may be relevant considerations under either district plan (additions <u>underlined</u> and deletions struck through):</p> <p>Clause 54.6(c) - <i>'for an activity that has prohibited activity status within <u>any district plan rule having legal effect in the District</u> the Queenstown Lakes District Plan; or'</i></p> <p>Clause 35.1(a)(ii) – <i>'it is carrying out one of the following permitted activities under <u>at the Queenstown Lakes District Plan rule that has legal effect, with the permission of the Harbourmaster.</u>'</i></p>
<p>Clause 56.1(b)(i) (Non-compliance with conditions of a permit)</p>	<p>Clause 56.1 sets out the steps that can be taken where a holder of any permit issued under the bylaw does not comply with the terms and conditions of a permit.</p> <p>Clause 56.1(b) provides for a review of permits and such a review may result in three outcomes. 56.1(b)(i) requires the word 'or' to be added to the end of the sentence for the subject outcomes to occur independent of one another (if that situation is relevant). As such, the following addition is recommended (addition underlined):</p> <p>'(b) review the permit, which may result in:</p> <ul style="list-style-type: none"> (i) amendment of the permit; <u>or</u> (ii) suspension of the permit; or (iii) cancellation of the permit'
<p>Part 8 (Commercial vessels – Clauses 44 and 45)</p> <p>Clause 52.1(a)(b) (Administrative requirements)</p> <p>Clause 53.1 (Fees and charges)</p>	<p>The subject provisions set out a suite of requirements relating to the licencing of commercial vessels. It is noted that the licencing of commercial vessels is managed by Maritime New Zealand on the basis of national Maritime rules.</p> <p>Commercial activities operating on the district's lakes and rivers are also subject to the provisions of the Proposed District Plan.</p> <p>As such, references to commercial vessel licencing are superfluous and officers recommend that they be deleted.</p>

Clause 56 - (Non-compliance with conditions of a permit or licence)	
Schedule 1 (Map of Queenstown Lakes District)	The bylaw contains a map of the district which does not provide the desired level of accuracy concerning boundary definition or details on waterbodies which cross the territorial boundary. It is recommended that this map be updated to provide the necessary level of accuracy.
Schedule 2 (Speed upliftings and access lanes – Clause 1)	<p>Officers recommend that an explanatory note be added to Clause 1 of Schedule 2 to make it clear that the bylaw’s 5 knot speed limit applies to waterbodies that are not identified in Table 1 of the bylaw as being subject to a speed uplifting.</p> <p>It is recommended that this explanatory note be read as follows (additions <u>underlined</u>):</p> <p><u><i>Explanatory Note: If the waterbody is not listed below a 5 knot speed limit applies, unless otherwise stipulated by Clause 9, or elsewhere in this bylaw.</i></u></p>
Table 2 – Access Lanes (Queenstown Bay)	Table 2 – Access Lanes of the bylaw details high speed access lanes on Lake Whakatipu. The Queenstown Bay reference includes GPS coordinates that have now been updated in Map 1 (with no material change in location) to the ‘WGS84 Lat-Long system’. It is not necessary for Table 2 to reference these coordinates when they are included in Map 1.
Clause 36 - Kawarau River and Map 6 in Schedule 2	<p>The drafting of this clause was an issue considered in the related bylaw prosecution case QLDC v O’Sullivan.</p> <p>Officers recommend that the bylaw be amended to address this interpretation clarified through this case by revising the use of the word ‘below’ in Clause 36.4 and Map 6 in Schedule 2 (where it refers to part of the Kawarau River below the Arrow River) to more accurately reflect the intent of where powered vessels are not permitted to operate.</p> <p>It is recommended that Clause 36.4 and Map 6 in Schedule 2 be amended as follows (additions <u>underlined</u> and deletions struck through):</p> <p><u><i>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</i></u></p>
Clause 37 (Shotover River)	The clause refers to the previous version of the Shotover River Bylaw. It is recommended that this reference be updated here (and throughout the bylaw) to reference the 2021 Shotover River Bylaw.
Part 11 – Revocation and Savings	This clause deals with administrative matters regarding resolutions or other decisions etc made under previous versions of QLDCs navigation safety bylaw.

	<p>It is recommended that this clause be updated to refer to previous resolutions or other decisions etc that have been made under the 2018 bylaw on the basis that the 2025 bylaw will replace the 2018 bylaw.</p> <p>Clause 61.4(b) states that any licence, consent, permit, dispensation, permission or other form of approval made under the current bylaw expires (if no expiry date is specified) on 1 July 2019. It is recommended that the same period of time applies to any any licence, consent, permit, dispensation, permission or other form of approval made under the draft bylaw (being 465 days from the date the draft bylaw is made).</p> <p>It is also recommended that the reference to the '<i>Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014</i>' be deleted on the basis that the next version of the bylaw need not make reference to another bylaw that has since been revoked and no new decisions would have been made under it since the 2018 bylaw was made by Council.</p>
Te reo Māori references	<p>The bylaw requires a number of amendments to reflect correct te reo Māori placenames, and to include other te reo Māori additions (including in the title of the bylaw). It is recommended that these amendments be undertaken to reflect QLDCs commitment to Te reo Māori and to continue to educate and socialise the use of te reo Māori. For example, the title of the bylaw has been translated and the names of key waterways have been amended to reflect correct te reo Māori spelling and pronunciation.</p>
Remaining maps in the bylaw.	<p>The bylaw contains a range of maps. A number of maps have been amended to address specific matters, such as updated GPS coordinates or new/amended access lanes etc (these matters are addressed elsewhere in the council report and/or this attachment).</p> <p>The balance of maps in the current bylaw require some amendments to improve their clarity and usability, and to generally align their appearance with the other updated maps in the bylaw. It is recommended that these amendments be undertaken to improve the bylaws accessibility.</p>

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

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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,

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- > 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.

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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.

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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

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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.

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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

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

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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 not 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

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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.

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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

Queenstown Lakes District Council

Date of making: 23 March 2018

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

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

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Part 1 – Preliminary

1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Council Navigation Safety Bylaw 2018”.
- 1.2 This bylaw comes into force on a date to be resolved by Council.

2 Application

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

3 Purpose

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

4 Bylaw to bind the Crown

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

5 Delegation

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

6 Interpretation

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

Access Lane means an area defined and designated as an access lane described in clause 41 of this bylaw.

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

Act means the Maritime Transport Act 1994.

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

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

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

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

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

Contravene includes fail to comply with.

Council means the Queenstown Lakes District Council.

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

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

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

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

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

Fee means the fee prescribed by Council under clause 53.

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

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

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

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

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

Incident means an accident, collision, grounding or mishap associated with the operation of any vessel.

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

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

Jet boat means a vessel with water jet propulsion that—

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

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

Launch facility means a place that:

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

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

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

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

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

Making way means being propelled by an instrument or device.

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

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

Moor means:

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

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

vessel or any floating structure; and

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

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

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

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

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

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

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

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

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

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

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

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

- (a) has a fully enclosed hull; and

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

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

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

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

Proper speed means speed through water.

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

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

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

Recreational vessel means a vessel that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a barge, lighter or other like vessel;
- (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates;
- (c) a submarine or other submersible;
- (d) a seaplane when operating on the surface of the water;
- (e) a personal water craft;
- (f) a raft;
- (g) a white water raft;
- (h) a kiteboard, sailboard 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 powered vessels¹

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

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

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

¹ Rule 91.5.

9 Speed of vessels²

- 9.1 Except where the bylaw specifically provides otherwise, no person may, without reasonable excuse, propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed greater than five knots within:
- (a) 50 metres of any other vessel or floating structure or person in or on the water;
 - (b) 200 metres of the shore or of any structure;
 - (c) 200 metres of any vessel that is flying Flag A of the International Code of Signals;
- 9.2 Clause 9.1(a) does not apply to:
- (a) a vessel powered by sail in relation to any other vessel powered by sail, while the vessels are participating in a yacht race or training administered by:
 - (i) a club affiliated to Yachting New Zealand; or
 - (ii) a non profit organisation involved in sail training or racing; or
 - (b) a vessel training for or participating in competitive rowing or paddling; or
 - (c) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel, if the vessel's duties cannot be performed in compliance with clause 9.1(a);
 - (d) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules.
- 9.3 Clause 9.1(b) does not apply to:
- (a) a vessel operating in an access lane or a reserved area for the purposes for which the access lane or reserved area was declared, unless, in the case of a reserved area, this bylaw provides otherwise;
 - (b) a vessel operating in accordance with a speed uplifting established under this bylaw or the maritime rules;
 - (c) a vessel training for or participating in competitive rowing or paddling; or
 - (d) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 9.1(b).

² Rule 91.6.

- 9.4 No person may propel or navigate a powered vessel at a proper speed exceeding five knots, while any person has any portion of his or her body extending over the fore part, bow or side of the vessel.
- 9.5 No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane or other similar object) at a proper speed exceeding 5 knots in any circumstances specified in clause 9.1.
- 9.6 No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking appropriate action to immediately recover that water ski or similar object, unless the person has taken measures adequate to ensure that the dropped ski or similar object is clearly visible to other water users.
- 10 Harbourmaster may instruct vessel not to exceed specified speed**
- 10.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigation safety.
- 11 Wake³**
- 11.1 Subject to clause 9, every person in charge of any vessel must ensure that the vessel's wake or the wake from any person or object being towed:
- (a) does not prevent other people from safely using the waterway;
 - (b) does not cause danger or risk of damage to other vessels, structures, or navigation aids; and
 - (c) does not cause any risk of harm to any other person.
- 12 Embarking and disembarking vessels**
- 12.1 No person may embark or disembark from any vessel while that vessel is making way, except in an emergency situation.
- 13 Anchoring, mooring and obstructions⁴**
- 13.1 No person may anchor a vessel so as to:

³ Rule 91.7.

⁴ Rule 91.13.

- (a) obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty; or
 - (b) create a hazard to other vessels at anchor.
- 13.2 When a vessel is moored in a dock or alongside a wharf or other landing place, the owner or master must ensure that:
- (a) the vessel is securely fastened to the dock, wharf or landing place; and
 - (b) an adequate and safe means of access to the vessel is provided that is properly installed, secured, and adjusted to suit any conditions.
- 13.3 No person may place any obstruction in any waters that is likely to:
- (a) restrict navigation; or
 - (b) cause injury or death to any person; or
 - (c) cause damage to any vessel or any property.
- 14 Vessels to be seaworthy and not abandoned**
- 14.1 The owner of any vessel anchored or moored in any waters must:
- (a) keep the vessel in a seaworthy condition at all times, unless granted an exemption under this bylaw; and
 - (b) not leave any vessel sunk, stranded or abandoned within the foreshore or waters of the District, except where leaving the vessel within the foreshore or waters of the District is necessary to comply with clause 39.3 of this bylaw.
- 15 Damage to navigation aids⁵ (eg. buoys)**
- 15.1 No person may tie a vessel to any navigation aid without the written permission of:
- (a) if the navigation aid is operated by the Council, the Harbourmaster; or
 - (b) if the navigation aid is operated by Maritime New Zealand, the Director.
- 15.2 No person may damage, remove, deface or otherwise interfere with a navigation aid.

⁵ Rule 91.14.

16 Prevention of nuisances

- 16.1 No person may create a nuisance to any other person through:
- (a) his or her use or control of a vessel;
 - (b) the speed of a vessel; or
 - (c) the speed of any item or object towed behind or used in conjunction with such a vessel.
- 16.2 No person may obstruct the use of a jetty, wharf, ramp or launch facility owned or operated by the Council, including by doing any of the following:
- (a) causing an obstruction or loitering while loading or unloading a trailer; and
 - (b) leaving any vessel, trailer, or motor vehicle or any other object obstructing the reasonable use of such facilities by other persons.

17 Refuelling of vessels

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

Part 3 – Carriage and wearing of lifejackets

18 Carriage of lifejackets⁶

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

19 Wearing of lifejackets

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

⁶ Rule 91.4(1)

- 19.4 Every person in charge of a jet boat that is a recreational vessel must ensure that while the vessel is making way, each person wears a properly secured lifejacket of an appropriate size that securely fits each person.
- 20 Requirement to wear lifejackets during dangerous situations⁷**
- 20.1 Every person in charge of a recreational vessel must ensure that in circumstances where river flows, visibility, rough waters, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, every person on board is wearing a properly secured life jacket of an appropriate size for that person.
- 21 Requirement to wear lifejackets if being towed⁸**
- 21.1 No person in charge of a vessel may use it to tow any person at a speed of more than 5 knots and no person may cause himself or herself to be towed by any vessel at a speed of more than 5 knots, unless the person being towed wears a properly secured lifejacket of an appropriate size for that person.
- 22 Exceptions to requirements to carry or wear lifejackets⁹**
- 22.1 Clauses 18, 19, and 20 do not apply to:
- (a) any surfboard, sailboard, paddleboard, windsurfer, or other or similar unpowered craft, if a full wetsuit is worn at all times;
 - (b) a diver, on a vessel 6 metres or less in length overall that is used for recreational diving within 5 miles off shore, if a full body dive suit is worn at all times;
 - (c) a person training for or participating in a sporting event, if the training or the event is supervised in accordance with the safety system of a national sporting organisation approved by the Director;
 - (d) a member of a visiting foreign water sports team, if the person carries or wears a lifejacket that is approved by the competent authority for use in that person's country of residence;
 - (e) a commercial raft; and
 - (f) any sporting event, training activity, ceremonial event, or other organised recreational activity if the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity, and issues an exemption under clause 31;

⁷ Rule 91.4(6).

⁸ Rule 91.4(7).

⁹ Rule 91.4.

- 22.2 Clauses 18, 19, and 20 do not apply to any sporting event, training activity, authorised customary activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity and carries on board the support vessel sufficient lifejackets of an appropriate size to fit each person involved in the activity.
- 22.3 Clauses 21 does not apply to:
- (a) persons training for any trick water skiing element of a sporting event administered by a national sporting organisation approved by the Director; or
 - (b) persons participating in a sporting event that is administered by a national sporting organisation approved under the maritime rules.

Part 4 – Specific water-based activities

23 **Water skiing or towing of any person – requirement for a lookout¹⁰**

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

24 **Water skiing or towing of any person – restriction between sunset and sunrise¹¹**

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

¹⁰ Rule 91.8.

¹¹ Rule 91.9.

25 Parasailing

- 25.1 Every person in charge of a vessel that is being used to conduct parasailing must comply with all applicable maritime rules, and safety guidelines issued by the Director.
- 25.2 No person in charge of a vessel that is being used to conduct parasailing may enter the Frankton Arm of Lake Wakatipu.

Explanatory note: Applicable maritime guidelines can be found in <https://www.maritimenz.govt.nz/commercial/safety/safety-management-systems/adventure-activity/documents/Commercial-parasailing-safety-guidelines.pdf>.

26 Whitewater 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 applicable maritime rules.

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

27 Jet boating

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

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

28 Swimming or diving around wharves or jetties

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

29 Hot works

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

- 29.2 The person in charge of a vessel must ensure that before any hot work operations are commenced, he or she takes all precautions for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere, as a result of hot work operations. Provision must be made for the continuance of the precautions until the operations are complete.
- 29.3 In any case where the Harbourmaster is not satisfied adequate precautions have been taken, the Harbourmaster may forbid any hot work operations to commence, or continue, until he or she is satisfied adequate precautions have been taken.

30 Dangerous Goods

- 30.1 The person in charge of a vessel must not load or unload dangerous goods on to the vessel unless that person:
- (a) maintains a written record containing full details of the dangerous goods, including the hazard classification, quantity, and stowage position; and
 - (b) makes the written record of dangerous goods required under clause 30.1(a) available for inspection at any time by the Harbourmaster or an enforcement officer.

31 Special events

- 31.1 Any person intending to conduct a race, speed trial, competition, display, performance, film, advertisement or other organised water activity must apply to the Harbourmaster to:
- (a) temporarily suspend the application of part or all of clause 9 and Part 5 of this bylaw in that area during the conduct of the event; and/or
 - (b) temporarily reserve the area for the purpose of that activity; and/or
 - (c) temporarily suspend the designation of permanent access lanes or reserved areas.
- 31.2 Where the Harbourmaster is satisfied, on considering an application under this bylaw (together with any safety plan that may be required), that the application may be granted without endangering the public, he or she may grant the application accordingly, for a period not exceeding 7 days, and on such conditions (if any) as the Harbourmaster may specify.
- 31.3 No grant of an application under clause 31.2 has effect unless not less than 7 days or more than 14 days before the commencement of the activity a public notice is given specifying the period of the activity and details of the supervision or reserved area.

- 31.4 The Harbourmaster can recover all such actual and reasonable fees and expenses incurred by the processing of, and of any public notification of, any such application.
- 31.5 The Council may prescribe any fees associated with special events in accordance with clause 53.

Part 5 – Rules relating to specific locations

32 Rivers¹²

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

33 Lakes

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

34 Queenstown Bay

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

35 Clutha River

- 35.1 The following clauses apply to powered vessels operating in the area between the Outlet Camping Ground (GPS -44.66 to 169.15) and the Albert Town Bridge (GPS -44.68, 169.19):
- (a) Between 1 December and 30 April no powered vessels may operate in this area, unless the powered vessel satisfies one of the following exceptions:
 - (i) it is expressly authorised to operate in this area by a resource consent issued by the Council;

¹² Rule 91.17.

- (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.
 - (iii) it is being operated by the Harbourmaster or Deputy Harbourmaster for the purposes of exercising his or her functions under the Act or ensuring compliance with this bylaw.
- (b) Between 1 May and 30 November any powered vessel operating in this area is subject to a 5 knot speed limit (outside of the timed uplifting specified in Schedule 2).
- 35.2 A permanent speed uplifting shall apply between the Albert Town Bridge (GPS -44.68, 169.19) and the Red Bridge (-44.73 to 169.28) as specified in Schedule 2.
- 36 Kawarau River**
- 36.1 The areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel.
- 36.2 The person in charge of any vessel using the Kawarau River must give way to all vessels exiting from the Shotover River and all such persons must exercise extreme care in and near this junction.
- 36.3 No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam except in accordance with the following rules (or as may be directed by the Harbourmaster):
- (a) vessels proceeding downstream must be navigated through the second arch of the control gates from the true right of the bank of the Kawarau River;
 - (b) vessels proceeding upstream must be navigated through the sixth arch of the control gates from the true right of the bank of the Kawarau River.
- 36.4 No powered vessels may operate on that part of the Kawarau River located below the Arrow River.

37 Shotover River

- 37.1 No vessel is permitted to use the Shotover River Concession Area, except as permitted under the Shotover River Bylaw 2015 or any bylaw adopted by Council to replace that bylaw.
- 37.2 Any person in charge of a commercial vessel in the Lower Shotover River must ensure that any other vessel known to be using the same area of the Lower Shotover River is aware (through the maintenance of radio contact, Channel E119) of the movements and location of the commercial vessel at all times.

38 Prohibited areas

- 38.1 No person in charge of a powered vessel may use it for water skiing, aquaplaning or towing of persons, whether or not the person being towed is using a vessel, in the following areas:
- (a) inside Queenstown Bay from the Scott Memorial, Queenstown Gardens in a line through the green beacon to the One Mile Creek;
 - (b) the Outlet of Lake Wakatipu defined as an area extending to the Willow Tree Island to the west of the Control Gates (refer Map 6);
 - (c) the Shotover, Kawarau and Clutha Rivers.

Part 6 – Incidents and near misses**39 Requirement to report to the Harbourmaster in the event of mishap or serious incident**

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

must, as well as complying with the reporting requirements in Section 31 of the Maritime Transport Act 1994 (which requires reporting the

incident to the Authority), also report the incident to the Harbourmaster.

- 39.2 A report required by clause 39.1 must be reported in writing or by email to the Harbourmaster as soon as possible with all relevant details of the incident, including details prescribed under clause 52 of this bylaw.
- 39.3 If an incident results in damage to a vessel that affects or is likely to affect its safe operation, the person in charge of the vessel must not move the vessel except:
- (a) to clear a main navigation channel, or to prevent further damage, or to position the vessel in a safe mooring or anchorage; or
 - (b) in accordance with directions from the Harbourmaster or the police.

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

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

Part 7 – Access Lanes and Reserved Areas

41 Access Lanes

- 41.1 The following areas are access lanes for the purposes of this bylaw:
- (a) the areas specified in Table 2 of Schedule 2 of this bylaw; and
 - (b) the areas declared to be access lanes in accordance with this clause.
- 41.2 The Council may, after giving public notice of its intention, declare any area(s) of any lake within 200 metres of the water's edge to be an access lane for any specified purpose.
- 41.3 The public notice declaring any area to be an access lane or alternatively revoking any such earlier declaration of an access lane must be publicly notified by the Council at least seven days before the declaration or revocation is to take effect.

42 Conduct in Access Lane¹³

- 42.1 Any person using an access lane to navigate, propel or manoeuvre any vessel must proceed:
- (a) as near as is safe and practicable along the outer limit of the access lane that lies to the starboard (right hand side) of the vessel;
 - (b) by the most direct route through the access lane;
 - (c) vessels are to cross the access lane on a heading as close as is practicable to the general direction of the lane; and
 - (d) this clause applies to objects towed by a vessel.
- 42.2 No person may swim in any access lane except in circumstances which relate to the person's lawful use of the access lane.
- 42.3 No person in charge of a vessel may operate a vessel in a manner that obstructs or impedes the passage of any other person while that other person is using an access lane for the purpose for which it has been declared.
- 42.4 No person within an access lane may proceed in any manner that is dangerous in relation to any vessel or other person in the access lane.
- 42.5 If one or more persons are using an access lane for the purpose for which it is declared, no person may enter, remain in or use the lane for any other purpose.

43 Reserved Areas¹⁴

- 43.1 The Council may by public notice and upon such terms and conditions and for such period or periods it thinks fit declare and designate any area of the waters and foreshore under its control to be a Reserved Area:
- (a) for use of vessels generally; or
 - (b) for the use of a particular type of vessel to the exclusion of other types of vessels; or
 - (c) for the use of swimmers, water skiers, scuba divers or any persons undertaking other water recreation activities; or
 - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of access lanes).

¹³ Rule 91.10

¹⁴ Rule 91.12.

- 43.2 Adequate signs must be provided in the vicinity of any reserved area that:
- (a) define the area;
 - (b) declare the purpose for which the area has been reserved, including the conditions of the reservation made, and the permitted types of activities within the reserved area; and
 - (c) if the reserved area is marked on shore, mark the reserved area using black posts with white horizontal bands.
- 43.3 The Council may by public notice cancel or alter the conditions of any such declaration of a reserved area.
- 43.4 The reservation or revocation of a reserved area must be publicly notified by the Council at least seven days before such reservation or revocation of such reservation will have effect.
- 43.5 In any area declared by the Council to be a reserved area the Council may also give public notice that any of the provisions of this bylaw will not apply to the reserved area, or will only apply on terms and conditions and for such periods as the Council deems fit.
- 43.6 No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.

Part 8 – Commercial vessels

44 Commercial vessels to be licensed

- 44.1 Any person who operates a commercial vessel that is not subject to a licensing requirement under applicable maritime rules must obtain a licence to do so from the Council.
- 44.2 The holder of a licence must comply with the conditions of the licence and failure to do so is a breach of the bylaw and the Council may withdraw the licence.
- 44.3 Applications for licences must be made in the prescribed form, describe the activities in respect of which the licence is sought and be accompanied by payment of the applicable fees and such further supporting information as the Council may require to enable processing of the application.
- 44.4 Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.
- 44.5 A licence is personal to the holder and to the vessel specified therein and is not transferable.

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

45 Requirement as to survey

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

Part 9 – Structures and Moorings

46 Permission to use or occupy structures or the foreshore

46.1 No person in charge of a commercial vessel may load or unload persons or materials using a structure under Council ownership or control other than in accordance with Council permission given under clause 46.3 of this bylaw.

46.2 No person may occupy any structure or foreshore under Council ownership or control, including by establishing a new structure on the foreshore, other than in accordance with Council permission given under clause 46.3 or clause 46.4 of this bylaw.

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

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

47 Mooring permits

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

47.2 The Council may issue a mooring permit subject to conditions determined by the Council in accordance with requirements specified under clause 52.

47.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 53.

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

- 47.5 Mooring permits may be transferred in accordance with terms and conditions prescribed by the Council, including the payment of the applicable fee.
- 48 Powers of the Harbourmaster or the Council with respect to moorings and vessels on moorings**
- 48.1 The Harbourmaster or the Council may at any time, after giving written notice, cancel a mooring permit where the permit holder fails to comply with the terms and conditions of the mooring permit or any other clause under this Part of the bylaw.
- 48.2 If a mooring permit has been cancelled, the Harbourmaster or the Council may require the mooring owner to remove the mooring. The mooring owner must remove the mooring within one month of the date the permit is cancelled and at the mooring owner's cost.
- 48.3 The Harbourmaster or the Council may remove any mooring, and any vessel occupying the mooring if:
- (a) a mooring permit has been cancelled and the owner has not removed the mooring within one month of the mooring permit being cancelled;
 - (b) the mooring permit fee is unpaid for a period greater than 2 months from the due date;
 - (c) the mooring is not authorised by a mooring permit granted under this bylaw; or
 - (d) the mooring does not have an identification number visible.
- 48.4 The Harbourmaster or the Council may detain any mooring or vessel together with the contents of the vessel until the actual cost of removing the mooring and storing the vessel has been paid.
- 48.5 If the cost of removal or storage has not been paid within two months of removal, the Harbourmaster or the Council may sell the mooring and/or vessel and its contents to recover the debt.

Part 10 - Administration provisions

49 Powers of Harbourmaster

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

50 Impersonation of Harbourmaster

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

51 Speed Upliftings¹⁵

- 51.1 A person may apply in writing to have any speed limit applicable to specified waters within this bylaw uplifted.
- 51.2 An application under clause 51.1 must not be granted unless the Council is satisfied that:
- (a) the application has been publicly notified;
 - (b) the Director has been consulted;
 - (c) affected persons have had a reasonable opportunity to comment on the application;
 - (d) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process;
 - (e) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
 - (f) uplifting the speed limit will not unacceptably increase the risk to navigation safety or endanger persons using the waters that are the subject of the application.
- 51.3 The Council may grant an application in accordance with clause 51.2 for a specified period or periods and subject to such conditions as Council may specify in the interests of navigation safety, and provided the Director is notified.
- 51.4 The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 53.

52 Administrative requirements

- 52.1 The Council may from time to time specify by publicly notified Council resolution requirements for the administration of this bylaw, including but not limited to the following:
- (a) any forms to be required by Council for the administration of this bylaw.

¹⁵ Rule 91.20.

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

53 Fees and charges

- 53.1 The Council may by publicly notified Council resolution prescribe fees or charges in relation to any permit or licence issued under this bylaw following public consultation in accordance with section 150(3)-(6) of the Local Government Act 2002.
- 53.2 The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

54 Exemptions

- 54.1 The Council or the Harbourmaster may only grant an exemption under this bylaw on receipt of an application made prior to the commencement of any activity in contravention of the requirements of this bylaw.
- 54.2 The Council or the Harbourmaster may exempt by written approval, any person, vessel or class of vessels from clauses 8, 12, 14, 17, 19, 28, and Part 5 of this bylaw.
- 54.3 The Council or the Harbourmaster may exempt by written approval any person, vessel or class of vessels participating in a sporting event, training activity, ceremonial event, or other organised recreational activity from clauses 18 and 20 provided the Council is satisfied that adequate safety precautions are made for rescuing any person participating in the event or activity.
- 54.4 In granting any written exemption to any clause of this bylaw the Council or the Harbourmaster must consider the effects of the exemption on public health and safety.
- 54.5 The Council or the Harbourmaster may revoke any exemption immediately where there is reason to believe public health or safety has, or might be, adversely affected.
- 54.6 No exemption may be granted:
 - (a) for a contravention of this bylaw that has already occurred;
 - (b) for a period exceeding 14 days;
 - (c) for an activity that has prohibited activity status within the Queenstown Lakes District Plan; or

- (d) if it would authorise something that is or would be contrary to any other enactment, regulations or a maritime rule.

54.7 The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause 53.

Part 11 – Enforcement

55 General enforcement powers of the Harbourmaster

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

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

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

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

56 Non-compliance with conditions of a permit or licence

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

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

56.2 There will be no refund of fees if any permit or licence is cancelled.

57 Offences

- 57.1 Every person commits an offence against this bylaw who:
- (a) contravenes or permits a contravention of this bylaw;
 - (b) prevents a Harbourmaster or an enforcement officer from carrying out their statutory functions or duties under this bylaw;
 - (c) when directed by a Harbourmaster or an enforcement officer to do anything, fails, refuses or neglects to comply with the Harbourmaster or an enforcement officer's requirement without reasonable cause;
 - (d) refuses to give information when directed to do so by a Harbourmaster or an enforcement officer or knowingly gives incorrect information.

58 Penalties

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

59 Exceptions

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

Part 12 –Revocation and savings**60 Revocation**

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

61 Savings

- 61.1 Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the Harbourmaster under this bylaw.
- 61.2 Any public notices, designations, declarations, revocations, or delegations or directions of the Harbourmaster issued under that bylaw or preceding bylaws are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.3 Directions of the Harbourmaster issued under that bylaw or preceding bylaws that were in effect before the date of commencement of this bylaw are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.
- 61.4 Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2014 or the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 continues in force but:
- (a) expires on the date specified; or
 - (b) if no expiry date is specified, expires on 1 July 2019; and
 - (c) can be renewed only by application made and determined under this bylaw.
- 61.5 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Navigation Safety Bylaw 2014 or the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014 that was filed before the date specified under clause 60 of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

The Queenstown Lakes District Council Navigation Safety Bylaw 2018 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.

Mayor:

Chief Executive Officer:

Schedule 1 – Map of Queenstown Lakes District



Schedule 2 – Speed upliftings and access lanes

1 Upliftings for Lakes and Rivers

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

Table 1 – Speed Upliftings

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Wakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	-44.85 to 168.36
			Upper Boundary	-44.57 to 168.35
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44.67 to 168.31
Rees River	From Lake Wakatipu to Muddy Creek	30 October to 1 May	River Mouth	-44.85 to 168.38
			Upper Boundary	-44.70 to 168.33
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44.89 to 168.67
			Skippers Bridge	-44.84 to 168.69
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45.02 to 168.77
			Oxenbridge Tunnel	-44.98 to 168.67
Kawarau River	From Lake Wakatipu to the Arrow River confluence, excluding an	All Year	Lake Wakatipu	-45.03 to 168.73
			Arrow River confluence	-45.01 to 168.89

	area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.			
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.32 to 169.17
			Young River confluence	-44.20 to 169.24
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27 to 169.18
			Kerin Forks	-44.24 to 169.03
Matukituki River	From Lake Wanaka upstream to the point on the East Branch where it meets the Mt Aspiring National Park Boundary and on the West Branch to the Raspberry Flat car park.	All Year	River Mouth	-44.62 to 169.019
			East Branch	-44.44 to 168.81
			West Branch	-44.5 to 168.79
Clutha River	From Lake Wanaka outlet to the Albert Town bridge.	1 May to 30 November between the hours of 10am and 6pm	Outlet camping ground	-44.66 to 169.15
			Albert Town Bridge	-44.68 to 169.19

	From the Albert Town Bridge to the Red Bridge.	All Year	Albert Town Bridge	-44.68 to 169.19
			Red Bridge	-44.73 to 169.28
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.28 to 169.45
			Ferguson Creek	-44.71 to 169.21

2 Upliftings for Access Lanes

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

3 Upliftings for Water Ski access lanes

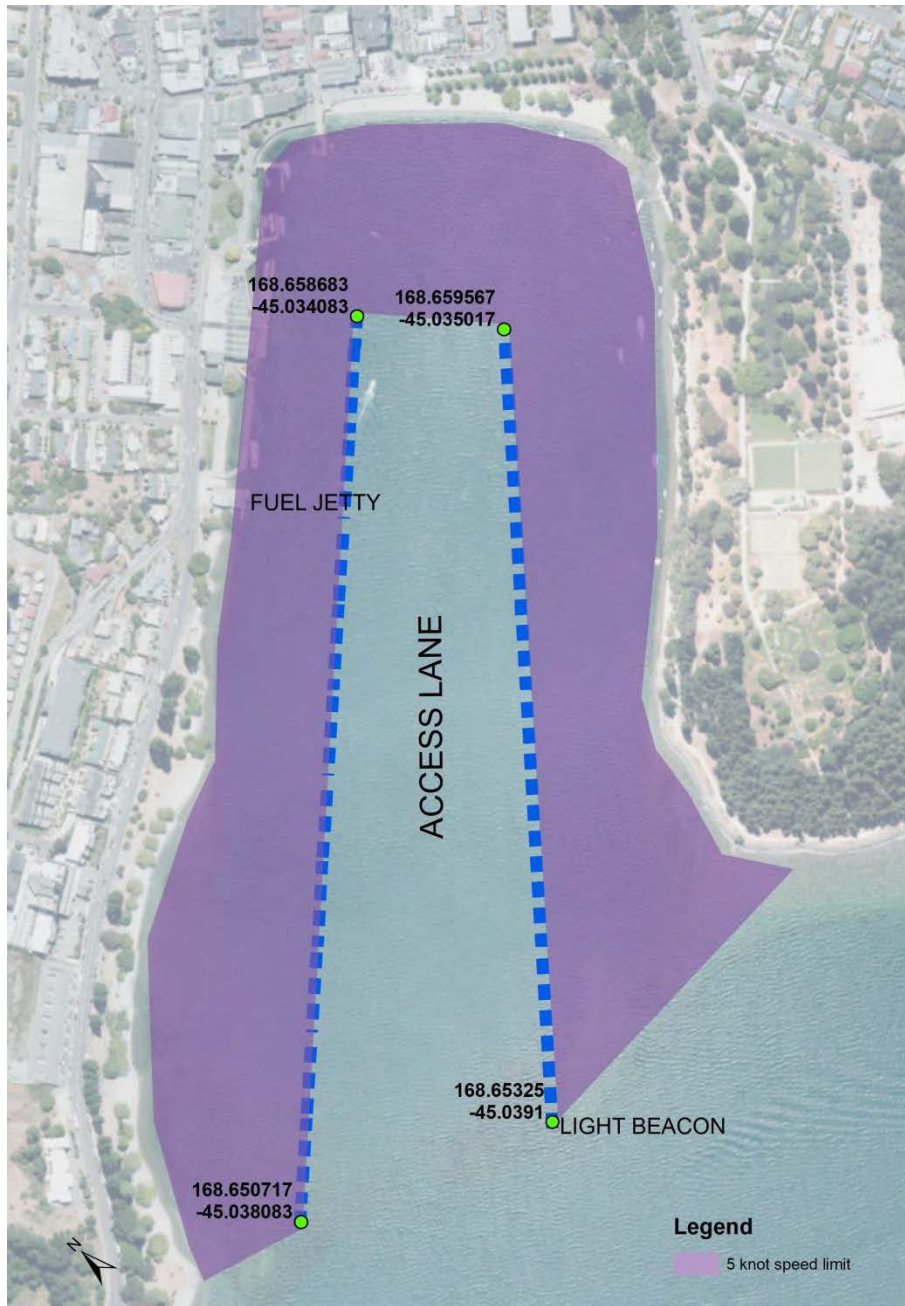
- (i) Each ski access lane is marked with an orange pole with black stripes at either end of the lane.

Table 2 – Access Lanes

Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.86 to 168.38
Kinloch Main Beach	-44.84 to 168.35
Kelvin Grove	-45.04 to 168.68
Frankton Beach	-45.02 to 168.73
Willow Place West Side	-45.03 to 168.72
Loop Road	-45.036 to 168.70

Frankton Arm North Side	-45.03 to 168.69
Kingston Main Beach	-45.33 to 168.72
Bobs Cove	-45.07 to 168.51
Wilson's Bay	-45.06 to 168.57
Water ski access lanes – Lake Wanaka	
Roys Bay - Eely Point	-44.68 to 169.12
Roys Bay - Main Beach adjacent Pembroke Park	-44.70 to 169.13
Roys Bay - Water Fall Creek	-44.69 to 169.10
Dublin Bay	-44.65 to 169.17
Glendhu Bay - West ski lane	-44.67 to 169.01
Glendhu Bay - East ski lane	-44.67 to 169.02
Lake Hawea Ski Lane	-44.61 to 169.27
High speed access lanes – Lake Wakatipu	
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. 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 Wakatipu, 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 Wakatipu and the Kawarau River to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).
Kawarau Dam Access Lanes (Upstream)	Access Lanes between Kawarau River and Lake Wakatipu to terminate at the notices erected on each side of Willow Tree Island 150 metres into the Lake from the Kawarau Dam/Bridge (refer Map 3).

Map 1 – Queenstown Bay



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

Map 2 – The Narrows, Queenstown



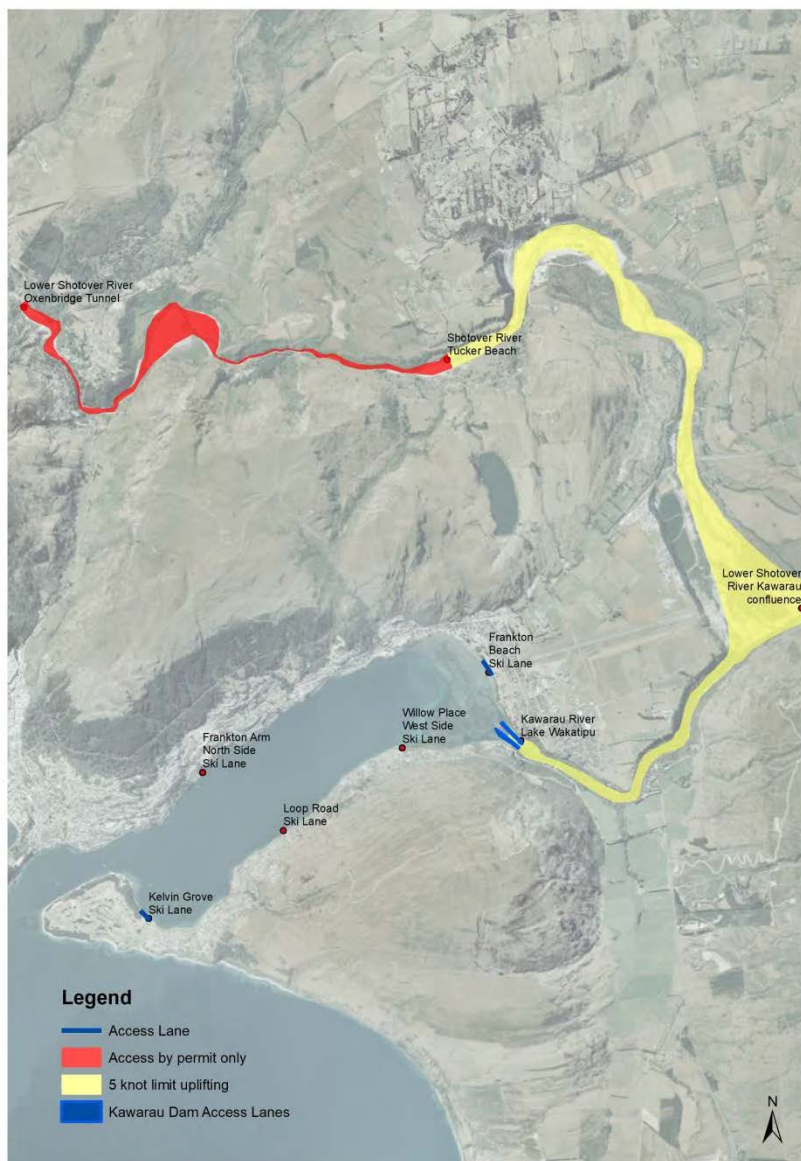
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 3, Table 2

Map 3 – Kawarau Dam



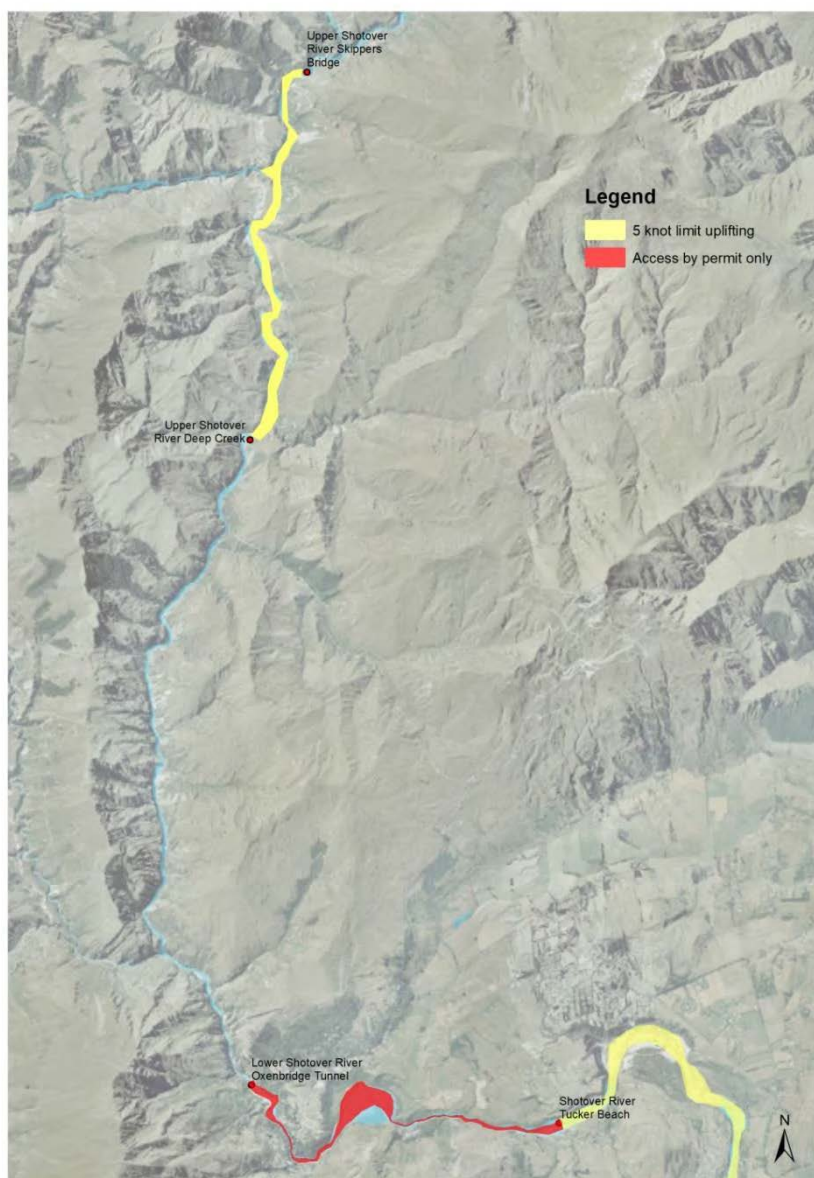
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Access lane	Schedule 2, Table 2
Areas immediately below the “downstream” gate and above the “upstream” gate at the Kawarau Falls Dam are not to be used as rest or stop areas by any vessel	Clause 36.1
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 36.3(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 36.3(b)

Map 4 – 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 2015	Clause 37.1
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.	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 Wakatipu, Kawarau River or Shotover River	Clause 38.1(b)-(c)

Map 5 – Upper Shotover



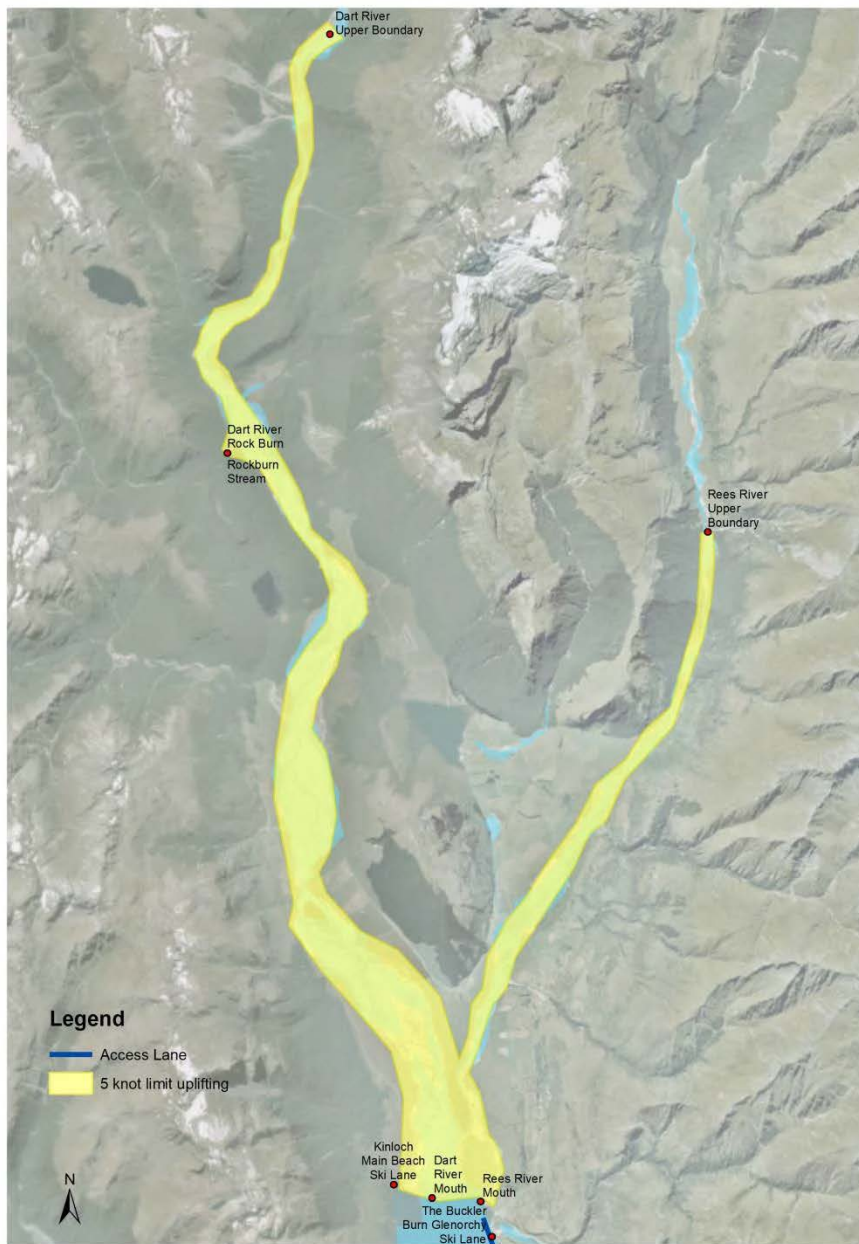
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed upliftings: Upper Shotover River, Lower Shotover 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 37.2
No waterskiing, aquaplaning or towing of persons on the Shotover River	Clause 38.1(c)

Map 6 – Kawarau River



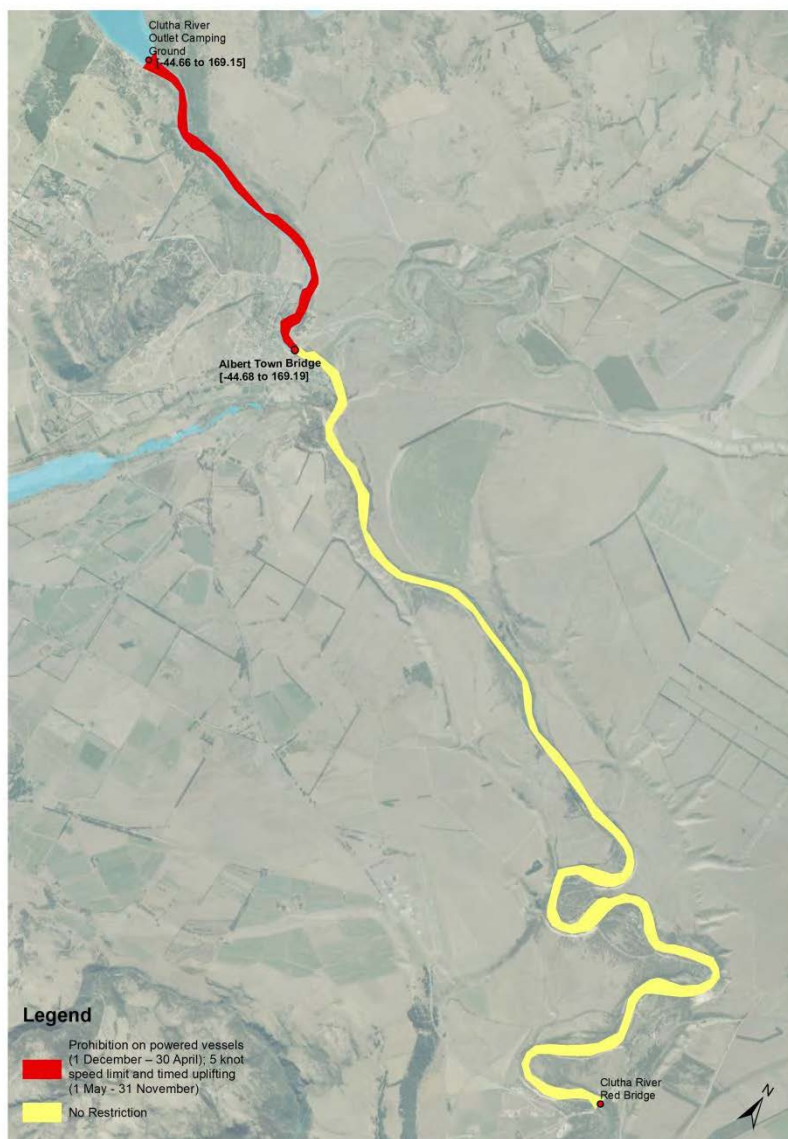
Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
No vessel is permitted to use the Shotover River Concession Area without a permit issued under the Shotover River Bylaw 2015	Clause 37.1
Speed uplifting for Lower Shotover River	Schedule 2,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



Access lane, reserved area, speed limit, prohibition or other navigation safety rule	Refer to clause / schedule
Prohibition of powered vessels (subject to specified exceptions) from the Lake Wanaka Outlet to Albert Town Bridge between 1 December and 30 April.	Clause 35.1(a)
5 knot speed limit applies from the Lake Wanaka Outlet to Albert Town Bridge between 1 May and 30 November, except when there is a speed uplifting between 10am – 6pm.	Clause 35.1(b) Schedule 2, Table 1
Permanent speed uplifting all year: between Albert Town Bridge and Red Bridge.	Schedule 2, Table 1

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 – 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

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)

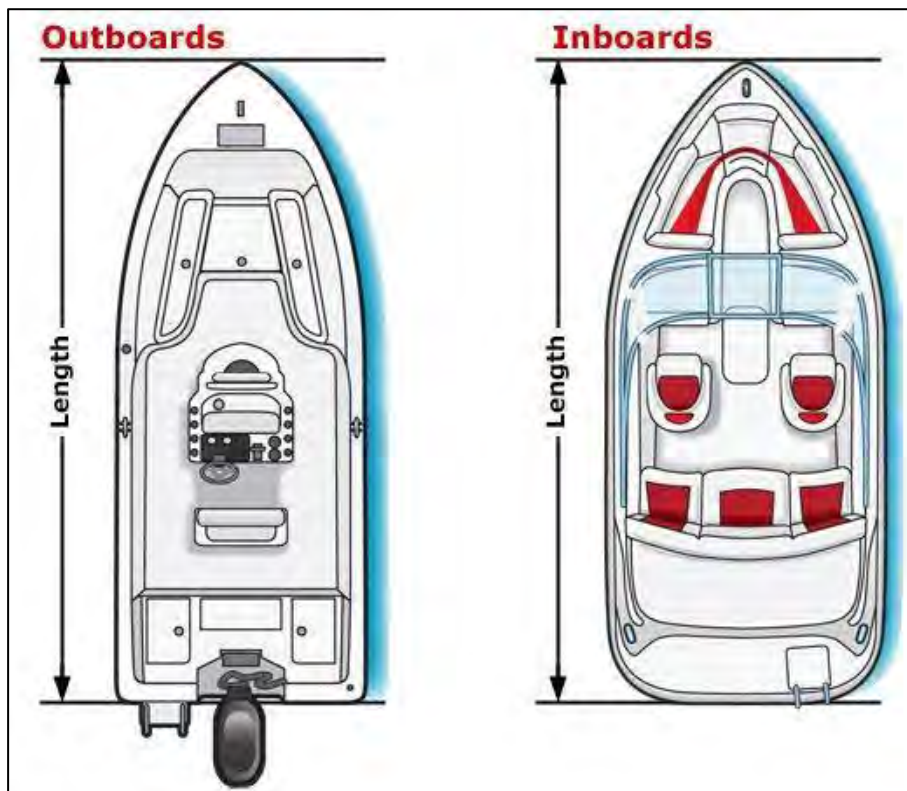
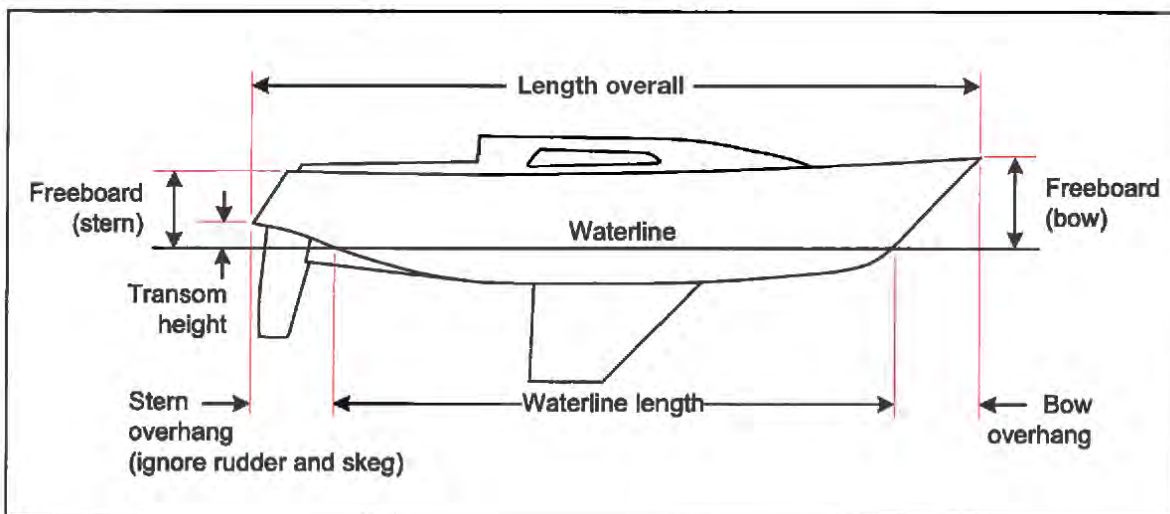


Figure 2 – guide to measuring the length overall of a yacht



Summary of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakātere 2025

Navigation Safety Bylaw 2018 Review

Queenstown Lakes District Council (**QLDC**) is seeking public feedback on a draft proposal to amend the Navigation Safety Bylaw 2018 (**the current bylaw**).

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. QLDC has an obligation to ensure its bylaws are fit for purpose to reflect changing conditions. The best way to do this is through a review of the current bylaw.

A draft Navigation Safety Bylaw (**the draft bylaw**) has been prepared for consultation. This draft bylaw is proposed to replace the current bylaw. 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 which address matters that are not currently regulated in the bylaw.

Purpose of the draft bylaw

The purpose of navigation safety bylaws is to ensure maritime safety is achieved. The Maritime Transport Act 1994 (**MTA**) enables QLDC to create a bylaw that addresses a range of different matters relating to navigation safety. The draft bylaw applies to all navigable waters and foreshores in the district.

The district is a popular place for people to engage in waterways activities. Our lakes and rivers attract year-round use from residents and visitors. More and more people are using our waterways. Together, these conditions give rise to a wide range of perceived and/or actual navigation safety problems.

Council considers that a navigation safety bylaw is necessary to achieve navigation safety in the district.

Summary of the draft bylaw

In general, the current bylaw is effective to ensure ongoing navigation safety. Following engagement with key stakeholders, including QLDCs Harbourmaster and regulatory staff, Maritime New Zealand, recreational groups, commercial operators and the general public, Council is proposing the following main changes from the current bylaw.

Key issue	Proposal in the draft bylaw	Draft bylaw reference
Ski lanes	<p>Ski lanes are access lanes that enable powered boats to legally exceed 5 knots within 200 metres of the shore for the purpose of towing water skiers. The draft bylaw proposes to:</p> <ul style="list-style-type: none"> > Amend the location of some ski lanes, > Remove some problematic ski lanes, 	<p>Schedule 2 (Maps and co-ordinates identifying the ski lanes)</p> <p>Clauses 42 and 43</p>

Summary of Proposal

Draft Navigation Safety Bylaw 2025 |

Te Ture ā-Rohe mō te Haumarū Whakatere 2025

	<ul style="list-style-type: none"> > Formally identify the existing Sunshine Bay ski lane, > Improve the identification of ski lanes by way of more accurate GPS coordinates, > Update ski lane identification maps, and > Apply non regulatory mechanisms to improve compliance. 	
Albert Town Bridge – Recreational jumping	<p>The Albert Town Bridge is a common place for people to jump into the Clutha River Mata-Au. This activity creates a navigation safety risk due to the presence of both vessels and swimmers in the river.</p> <p>To mitigate this navigation safety risk the draft bylaw proposes amendments to ensure vessels are separated from swimmers through the identification of vessel passage lanes. Vessels would be required to travel under the bridge using these passage lanes which are located away from the known jumping spot.</p>	<p>Clause 37.1</p> <p>Map 14</p>
Vessel identification	<p>The current bylaw does not require vessels to be identifiable.</p> <p>The draft bylaw proposes amendments to require certain vessels to be identifiable. A range of different forms of identification will be available for vessel owners.</p>	<p>Clause 18</p>
Temporary events on the water	<p>The current bylaw contains provisions which manage events on the water. However, the current bylaw doesn't require all events to be notified to the Harbourmaster creating navigation safety risk.</p> <p>The draft bylaw proposes amendments to expand the scope of existing provisions so the Harbourmaster needs to be notified of all events, and has additional discretion to approve or refuse events applications based on the level of risk to navigation safety. The Harbourmaster will continue to be able to approve or refuse events which already require an approval.</p> <p>The draft bylaw also proposes to amend the requirement to give public notice of any event requiring Harbourmaster approval by removing the</p>	<p>Clause 33</p> <p>(also note the definition of 'public notice or publicly notified' in clause 6.1)</p>

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	need for a newspaper advertisement and associated time constraints.	
Vessel speed interpretation	<p>The current bylaw presents some ambiguity when interpreting vessel speed.</p> <p>The draft bylaw proposes amendments to ensure the correct interpretation of vessel speed, including:</p> <ul style="list-style-type: none">> Amending the definition of 'speed' to differentiate the way speed is measured on rivers vs on lakes> Introduce a speed uplifting for part of the Clutha River / Mata-Au relating to commercial vessels operating under a resource consent.	<p>Clause 6.1 contains the proposed definition of 'speed'</p> <p>Clause 37 and map 8 contain the provisions relating to vessel speed on the Clutha River / Mata-Au</p>
Kawarau Dam access lanes	<p>The current bylaw identifies upstream and downstream access lanes for vessels to travel through the Kawarau Dam. Water conditions and vessel traffic have changed in a way which necessitates an amendment to these access lanes.</p> <p>The draft bylaw proposes to extend the existing upstream and downstream Kawarau Dam access lanes to address these changing conditions.</p>	Map 3 and clause 38
Carriage of communication devices	<p>The current bylaw does not require vessels to carry any form of communication.</p> <p>The draft bylaw proposes to introduce a new requirement for vessel operators to carry communication devices depending on the type of vessel being used, the waterway (i.e. lake vs river), and the proximity to shore.</p>	Clause 19
Other miscellaneous amendments	The draft bylaw proposes to undertake minor corrections to improve the clarity, legibility and overall accessibility of the bylaw.	Throughout the draft bylaw

Copies of the draft bylaw and Council's Statement of Proposal may be obtained at no cost from:

- > QLDCs website at <https://letstalk.qldc.govt.nz>.
- > either of QLDCs offices at 10 Gorge Road, Queenstown or 47 Ardmore Street, Wānaka,
- > any library within the Queenstown Lakes District

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Public consultation and submissions

Anyone can make a submission on any part of the draft bylaw. QLDC welcomes your views and feedback.

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

Written submissions may take any form (e.g. email or letter) but we recommend your submission be made using the online survey provided at <https://letstalk.qldc.govt.nz/>.

If you need help submitting, please contact Council at 03 441 0499, or call in to one of Council's offices.