



## Navigation Safety Bylaw 2014

Queenstown Lakes District Council

Date of making: 18 December 2014

Commencement: 28 April 2016

This bylaw is adopted pursuant to section 33M of the Maritime Transport Act 1994 by virtue of a transfer of that bylaw making power by the Otago Regional Council pursuant to section 17(1) and 17(4)(a) of the Local Government Act 2002 and section 650J of the Local Government Act 1974 which has continuing effect under section 87 of the Maritime Transport Amendment Act 2013.

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## Part 1 – Preliminary

### 1 Title and Commencement

- 1.1 This bylaw is the “Queenstown Lakes District Navigation Safety Bylaw 2014”.
- 1.2 This bylaw comes into effect on a date to be resolved by Council.

### 2 Area within which Bylaw applies

- 2.1 This Bylaw applies to the navigable waters and foreshore within the area of the Queenstown Lakes District.

### 3 Purpose

- 3.1 The purpose of this bylaw is to:
- (a) regulate and control the safe use of the district’s waterways by people and vessels;
  - (b) prevent nuisances arising from the use of vessels;
  - (c) prevent nuisances arising from the 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) prescribe vessel traffic separation and management schemes;
  - (g) specify minimum requirements for carrying and wearing of life jackets and buoyancy aids on vessels;
  - (h) regulate and control the use of maritime structures and the placing and maintenance of moorings;
  - ~~(g)~~(i) prescribe fees and charges for the performance of administrative functions;
  - ~~(h)~~(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 to any person, including but not limited to an ~~such other~~ Officer of Council or duly appointed Harbourmaster.

#### 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 34 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 Operation** means an activity that involves:

- (a) operation of a vessel for hire or reward (whether or not the vessel is in the water);
- (b) the carriage or guidance of fare paying participants on, or in a vessel;

~~**Commercial Activity Permit** means a permit issued under clause 15(3) of the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.~~

**Commercial Vessel Licence** means a licence issued under clause 38 of the Queenstown Lakes District Council Navigation Safety Bylaw.

**Commercial White Water Boarding Operation** means any activity that:

- (a) is undertaken on a river; and
- (b) involves the carriage and guidance of fare paying participants or trainee guides on a river sledge, river board, body board or river bug.

**Contravene** includes fail to comply with.

**Council** means the Queenstown Lakes District Council as constituted under the Local Government Act 2002.

**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.

**Driver** means the person who has command or is in charge of a Commercial Vessel and includes the definition of Master as is contained in the Maritime Transport Act 1994.

**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 for the relevant permit ~~set out in Schedule prescribed by Council under clause 54.~~

**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.

**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 event or occurrence that is associated with the operation of any vessel and includes an accident, collision, grounding or mishap.

**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.

**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).

**Launch permit** means a permit issued under clause 48 of this bylaw.

**Length** means the length overall of the vessel when measured in accordance with the text and diagram in Schedule 45.

**Licence** means the licence as set out in the relevant clause of this Bylaw issued by the Council allowing or permitting various activities controlled by the terms of this Bylaw.

**Licensee** means any person or persons or any corporate body or bodies to whom or to which a licence is granted by the Council under this Bylaw.

**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.



but does not include a buoyancy aid contained in a pouch if it cannot be inflated without physically removing the buoyancy aid from the pouch.

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

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

**Maritime structure** means any building, equipment, device, wharf, jetty, breastwork or other device or facility fixed to land (whether or not it is located above or below the waterline) if it is owned by Council or under Council control, but does not include:

- (a) aids to navigation;
- (b) a mooring;
- (c) temporary structures associated with an event with a permit pursuant to clause 30.

~~**Maritime Structure (Commercial) Permit** means a permit issued under clause 15(2) of the Queenstown Lakes District Waterways and Ramp Fees Bylaw 2014.~~

**Master** means any person having command or charge of a vessel, but does not include a pilot who is piloting the 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 43 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.

**Owner** means as the context requires:

- (a) in relation to a vessel, the agent of the owner and also a charterer;
- (b) in relation to any dock, wharf, quay or slipway, includes a lessee or consent holder of the dock, wharf, quay or slipway;
- (c) the person, company or entity licensed under this Bylaw as the owner or operator of the vessel;

- (d) includes the person who is for the time being responsible for the management and/or operation of the vessel;
- (e) in respect of an unlicensed vessel is the person whom for the time being is responsible for the use of the vessel.

**Paddleboard** means 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 so 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.

**Permit** means the permit as set out in the relevant clause of this Bylaw issued by the Council allowing or permitting various activities controlled by the terms of this Bylaw.

**Person or Persons** means an identifiable individual who is a natural person and excludes a corporation sole, a body corporate, and an unincorporated body.

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

- (a) the master or skipper of the vessel; or
- (b) in the absence of the master or skipper of the vessel, the owner of the vessel; or
- (c) in the absence of the master, skipper or owner of the vessel, the person steering the vessel, whether or not it is in the water.

**Personal Water Craft** means a power driven vessel such as a Jet Ski, that 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 Craft** means a vessel that is used exclusively for the Owner's pleasure or as the Owner's residence, and is not offered or used for hire or reward; but does not include:

- (a) a vessel that is provided for 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;
- (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 Jetty ~~or~~, Wharf ~~or~~ Ramp** means any jetty ~~or~~, wharf ~~or~~ ramp owned by or under the control of the Council, ~~but does not include:~~

- ~~(a) any structure in respect of which a current Foreshore Licence is in force in the name of any other person;~~
- ~~(b) any structure in respect of which a Maritime Structure (Commercial) Permit is in force;~~
- ~~(c) any part of a structure in respect of which a Commercial Activity Permit is in force.~~

**Public Notice** means a notice published 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.

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

- (a) a Pleasure Craft; or
- (b) solely powered manually; or
- (c) solely powered by sail.

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

**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.

**Ship** has the same meaning as “vessel”.

**Skipper** means the person who is in physical control, or in command, or in charge of a vessel at any given time whether or not the vessel has entered the water.

**Structure** means any building, equipment, device, wharf, jetty,

breastwork or other facility which is fixed to land; and

- (a) includes slipways, jetties, ramps, launch facilities, pile moorings, swing moorings, rafts, 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 aids to navigation.

**Sunrise/sunset** has the same meaning as stated in the New Zealand Nautical Almanac New Zealand (NZ204).

**Underway** means that a vessel 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, navigation restrictions specified 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 board;
  - (h) a kiteboard, sailboard or paddleboard
- but does *not* include a surfboard;

**White water board** means:

- (a) a plastic or foam river sledge or hydro-speed;
- (b) a foam, plastic or inflatable river board;
- (c) a foam ocean wave riding body board;

- (d) an inflatable river bug;

but does *not* include tubes or tube rafts.

## Part 2 – Navigation and Water Activities

### 7 Duties and powers under this Bylaw

#### 7.1 Every person in charge of a vessel:

- (a) is responsible for the safety and wellbeing of all people on board and for the safe operation of their vessel; and
- (b) must comply with the duties of a master set out in section 19 of the Maritime Transport Act 1994.

#### 7.2 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.

#### 7.3 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.

#### 7.4 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 and this bylaw.

#### 7.5 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.

### 8 Navigation and use of vessels

#### 8.1 No person who is under the age of 15 years may propel or navigate or be in control of a powered vessel that is capable of a proper speed exceeding 5 knots.

#### 8.2 The person navigating or in control of any vessel must navigate such vessel with all due care and caution and at a speed and manner as not to endanger the lives of, or be likely to cause injury to any person.

#### 8.3 A person must not operate or attempt to operate a vessel while intoxicated under the influence of alcohol, a drug, or both.

#### 8.4 The person in charge of a vessel is responsible for ensuring that no person is carried on board a vessel who by reason of their state of intoxication, health, or ~~other~~ physical attribute, could put at risk or represent a risk to the other passengers of the vessel.

- 8.5 No person will embark or disembark from any vessel while that vessel is making way.

## **9 Wearing of lifejackets on vessels 6 metres or less in length**

- 9.1 Every person in charge of a vessel 6 metres or less in length must ensure that:
- (a) while the vessel is underway, each person wears a properly secured lifejacket of an appropriate size that securely fits each person; or
  - (b) while the vessel is not underway, sufficient lifejackets of an appropriate size to securely fit each person remain in a readily accessible location.

## **10 Wearing of lifejackets on vessels greater than 6 metres in length**

- 10.1 If instructed to do so by the person in charge of a vessel greater than 6 metres in length, every person on board must wear a properly secured lifejacket of an appropriate size to securely fit each person.

- 10.2 Every person in charge of a vessel greater than 6 metres in length must ensure that:

(a) every person under the age of 10 years on the vessel is wearing a properly secured lifejacket of an appropriate size at all times unless the owner of such vessel holds a Maritime Operator Safety System certification under the relevant Maritime Rule.;

~~(a),(b)~~ there is on board a lifejacket of an appropriate size to securely fit each person on board (including persons under the age of 10 years);

~~(b),(c)~~ the lifejacket is in a readily accessible location;

(d) no person in charge of a vessel may use that vessel in circumstances where ~~tides~~, river flows, visibility, rough ~~watersseas~~, adverse weather, emergencies or other situations cause danger or a risk to the safety of any person on board, unless every person on board is wearing a properly secured life jacket of an appropriate size for that person.

- 10.3 The person in charge of the vessel and any person being towed are each responsible for ensuring that the person being towed wears a properly secured lifejacket of an appropriate size to securely fit that person.

## **11 Exemptions from wearing a lifejacket**

- 11.1 Clause 9 does not apply to:

- (a) a diver, on a vessel 6 metres or less in length overall that is used for diving within 5 nautical miles off shore, provided a full body dive suit is worn at all times; or
- (b) 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; or
- (c) 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; or
- (d) 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 or buoyancy aids of an appropriate size to fit each person involved in the activity; or
- (e) any activity where the Council has granted a prior written exemption from wearing a lifejacket in accordance with clause 30.

## **12 Speed of vessels**

- 12.1 No person may, without reasonable excuse, propel or navigate a vessel (including a vessel saving 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;
  - (d) a Reserved Area;
  - (e) 50 metres of any boundary of the Access Lane in Queenstown Bay unless specifically permitted as a condition of the reservation or by an uplifting.
- 12.2 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.
- 12.3 No person may cause or allow himself or herself to be towed by a vessel or any other means (whether or not on a water ski, aquaplane or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in clause 12.1.

- 12.4 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 without taking appropriate action to recover that water ski.
- 12.5 Clause 12.1(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 nonprofit 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 12.1(a).
- 12.6 Clause 12.1(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, a navigation bylaw provides otherwise; or
  - (b) 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 nonprofit organisation involved in sail training or racing; or
  - (c) a windsurfer; or
  - (d) a vessel training for or participating in competitive rowing or paddling; or
  - (e) a tug, pilot vessel, Harbourmaster vessel, emergency response vessel or police vessel when the vessel's duties cannot be performed in compliance with clause 12.1(b).
- 13 Speed limits on District's waters**
- 13.1 The Harbourmaster may instruct any vessel not to exceed a specified speed as determined by the Harbourmaster, for the purposes of ensuring navigational safety.



**14 Lookouts on vessel used for water skiing and towing any person**

- 14.1 No person in charge of a vessel may use it to tow any person unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 14.2 No person may cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed.
- 14.3 No person who is under the age of 12 years is permitted to act as the additional person required by clauses 14.1 and 14.2.
- 14.4 In respect of water skiing or towing between sunset and sunrise:
- (a) 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 a water ski, aquaplane, or other towed object;
  - (b) no person may allow himself or herself to be towed by a vessel between sunset and sunrise.
- 14.5 Emergency towing is excepted from the provisions of clauses 14.1, 14.2 and 14.3.

**15 Use and occupation of maritime structures**

15.1 For the purposes of clause 15-16 and clause 47 the following definitions apply:

- (a) the term **use** is defined to mean the use of a maritime structure or foreshore for a period that is reasonably necessary for the purposes of loading or unloading persons or equipment from the vessel provided it does not exceed 10 minutes.
- (b) the term **occupy** is defined to mean any use of a maritime structure or foreshore that is not a use under clause 15.1(a) above, and includes the loading or unloading of persons or equipment from the vessel if it exceeds 10 minutes.

15.2 No person may use a ramp or launch facility that is Council owned or controlled to launch a vessel into the water or take it out of the water unless the person meets the following requirements:

- (a) the person holds a valid launch permit for that vessel under clause 48 of this bylaw;
- (b) the person refrains from doing the following:
  - (i) No person may:

~~(ii)(i)~~ obstructing or loitering on or near any public boat launching ramps while loading or unloading trailers;  
or

~~(iii)~~ leaving any vessel, trailer, or motor vehicle or any other manner of thing obstructing the reasonable use of such ramps by other persons.

~~(ii)~~

~~(iii)~~ launching or removing any vessel, trailer, or vehicle that is not entirely free of any water weed or plant growth, debris or unwanted organism.

~~(iv)~~ launching or removing any such vessel, trailer, or vehicle in or from such waters that such vessels, trailers and vehicles are entirely free of any water weed or plant growth, debris or unwanted organism. No person may use a vessel in a manner that:

~~(v)~~ obstructs the use of a public jetty; or

~~(vi)~~ causes or permits a vessel to remain alongside a public jetty for any period longer than is reasonably necessary for the purposes of loading or unloading persons or equipment from the vessel.

~~(vii)~~ In no case will any vessel remain alongside a public jetty for any period exceeding ten (10) minutes, unless they hold a Commercial Activity Permit.

~~15.3~~ No person may obstruct the use of a public jetty or wharf.

~~15.4~~ No person may use for a commercial operation any maritime structure other than a ramp or launch facility unless the use is authorised by a commercial vessel licence issued under Part 5 of this bylaw.

~~15.215.5~~ No person may occupy any maritime structure or foreshore owned or controlled by the Council, including by establishing a private maritime structure on foreshore owned or controlled by the Council, other than in accordance with Council permission granted under clause 47.

## 16 Damage to buoys

16.1 No person may wilfully damage, remove or otherwise interfere with 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.

## Part 3 – Specific navigation rules

### 17 General

- 17.1 All vessels operating on rivers must keep to the right at all times with boats going up river giving way to boats coming down stream.
- 17.2 All vessels must be operated and navigated in compliance with any conditions, limits or requirements detailed in any Resource Consent issued by the Queenstown Lakes District Council.
- 17.3 All parasailing must be operated and navigated strictly in accordance with the provisions contained in Schedule 1 of this Bylaw.
- 17.4 All white water boarding must be operated and navigated strictly in accordance with the provisions contained in Schedule 2 of this bylaw.
- 17.5 Clause 17.4 does not apply to recreational trips, or sporting events involving white water boarding that have been granted an exemption under clause 30.
- ~~17.5~~ 17.6 Clause 17 is to be read subject to more specific controls set out in clauses 18 to 22.

### 18 Clutha River

- 18.1 The proper speed of vessels must not exceed 5 knots on the Clutha River between the ~~Outlet~~ ~~C~~amping ~~G~~round (marked by a five knot buoy) and the five knot buoy positioned downstream at -44.668044, 169.1616.

### 19 Kawarau River

- 19.1 The channel on the true right of the Kawarau River is not to be used at any time by commercial operators.
- 19.2 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.
- 19.3 Drivers of all vessels 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.
- 19.4 No person may navigate any vessels via the “downstream” gate or “upstream” gate at the Kawarau Falls Dam Control Gates 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.

19.5 No powered vessels may operate on that part of the Kawarau River located below the Arrow River.

## **20 Shotover River**

20.1 Any operator using a vessel in the Lower Shotover River must ensure that other operators known to be using the same area of the Lower Shotover River are aware (through the maintenance of radio contact. [Channel 16](#)) at all times of the movements and location of that operator at all times.

## **21 Lakes**

21.1 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.

## **22 Prohibited areas**

22.1 No water skiing, aquaplaning or towing of persons with the use of a vessel or with the use of personal water craft is allowed 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 5);
- (c) the Shotover, Kawarau and Clutha Rivers.

## **23 Incident reporting**

23.1 The person in charge of any vessel that has been involved in any incident (whether or not it occurred in the water) must report the details of the matter, 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.

23.2 A report must include:

- (a) a full description of any injury to persons, their names and contact details; and
- (b) a full description of any damage to vessels, navigation aids or structures; and
- (c) the names and address(es) of person(s) in charge of the vessel; and
- (d) the time and date of the occurrence; and
- (e) an outline of events relating to the occurrence.

23.3 The details of the incident must be:

- (a) given verbally as soon as possible to Maritime New Zealand and to the Harbourmaster; and
- (b) reported in writing within 24 hours of the incident. The report must be sent by mail or by email to Maritime New Zealand and to the Harbourmaster.

23.4 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.

**24 Near miss incident reporting**

24.1 The person in charge of any vessel that has been involved in an incident which did not result in a collision or accident (whether or not with another vessel), but could have potentially done so, must report in writing the details of the incident to the Harbourmaster within 24 hours of the incident occurring.

**25 Nuisance**

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

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

- 25.2 No person in charge of a vessel may operate a vessel at a speed or in a manner which, having regard to all the circumstances, is or might be dangerous to the public or to any person.

**26 Wake**

- 26.1 Subject to clauses 12 and 17-21, 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.

**27 Deposit of materials in or about District**

- 27.1 No person may place, throw, deposit, cast, leave, discharge, break, or allow to fall into any waters any rocks, stones, sewage, oil or fuel.
- 27.2 No person may at any time put, install, place, hang, tie, leave or deposit any thing in, on or above any water or foreshore except with the prior written consent of the Harbourmaster having been obtained.
- 27.3 The Harbourmaster may without giving notice immediately remove and seize any such thing that is placed in contravention of this clause of the Bylaw.

*Explanatory Note: the dropping of an anchor does not contravene this clause.*

**28 Vessels to be maintained or removed**

- 28.1 No person may 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 23.4 of this bylaw.
- 28.2 The owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in an unseaworthy condition and subject to such conditions that the Harbourmaster may determine appropriate to ensure navigation safety.
- 28.3 If any vessel is a hazard to navigation by reason of it being neglected, abandoned or unseaworthy:
- (a) the Council may give a written direction to the Owner of the

vessel to move the vessel to an alternative location or to remove it from the waters within a reasonable time as specified in the direction; and

- (b) the owner is responsible for ensuring the direction is complied with.

28.4 If the owner of a vessel fails to move the vessel in accordance with a direction given under clause 28.3 the Council may move that vessel to a position where it is no longer a hazard to navigation, or remove it from the water. The costs incurred may be recovered from the Owner or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.

28.5 The Council may, upon giving public notice of its intention to do so, sell any vessel removed by it pursuant to clause 28.4 and may also sell any contents of the vessel by public auction or private treaty and apply the proceeds of sale to the costs and expenses incurred in the removal of the vessel and its sale.

28.6 No person may operate any unseaworthy vessel except to comply with the directions, under this Bylaw, of the Harbourmaster or an Enforcement Officer to move the vessel to an alternative location.

## **29 Person to avoid swimming or diving around wharves or jetties**

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

- (a) from or within 50 metres of any commercial jetty or wharf where “no swimming” signage has been placed;
- (b) within any other area the Harbourmaster determines is in the interest of navigation safety.

## **30 Special events**

30.1 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 clauses 9, 10, 12 or 17-21 or 27.2 of these Bylaws 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.

30.2 Where the Harbourmaster is satisfied, on considering an application under these Bylaws (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.

30.3 Every grant of an application under these Bylaws is subject to Part 4 of this Bylaw unless expressly stated to the contrary.

30.4 No grant of an application under clause 30.1 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.

30.5 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.

~~30.5~~ 30.6 The Council may prescribe any fees associated with special events in accordance with clause 54.

### **31 Prohibition**

31.1 The Council reserves to itself the absolute discretion to declare that water based activities will be restricted or prohibited from taking place on any or all rivers or lakes within the District, for such periods of time and under such conditions as the Council may in its unfettered discretion decide.

31.2 Any decision made by Council under the provision of clause 31.1 will have effect as from the time such decision is made by Council. The Council will give public notice of such declaration as soon as practicable.

## **Part 4 – Access Lanes and Reserved Areas**

### **32 Marking of Access Lanes**

32.1 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 within which area the provisions of clause 12 do not apply.

32.2 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.

### **33 Conduct in Access Lane**

33.1 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; and
  - (b) by the most direct route through the Access Lane; and
  - (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.
- 33.2 No person may swim in any Access Lane except in circumstances which relate to the person's lawful use of the Access Lane.
- 33.3 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.
- 33.4 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.
- 33.5 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.

#### 34 Declaration of Access Lanes

- 34.1 The following areas are declared to be High Speed Access Lanes Lake Wakatipu:
- (a) Queenstown Bay Access Lane: starts north east end Queenstown Bay, outer boundary marked by two yellow buoys with beacons on top, green south side, red north side, GPS references -45.034083 168.658683, -45.035017 168.659567. 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;
  - (b) The Narrows: that area of Lake Wakatipu between Kelvin Heights Peninsula and Park Street. ~~Access Lane of 200 metres wide,~~ The south side of the lane ~~being 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 being 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 3);

- (c) 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 5); and
- (d) 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 5).

### 35 Reserved Areas

- 35.1 The Council may in its absolute discretion 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 activity; or
  - (d) for any other specified purpose which the Council may consider appropriate and/or necessary (including the designation of Access Lanes).
- 35.2 Where an area is reserved:
- (a) the Council will ensure that adequate signs are provided in the vicinity of the area that:
    - (i) define the area; and
    - (ii) declare the purpose for which the area has been reserved; and
    - (iii) display in the vicinity of the reserved area, the conditions of the reservation made and the permitted use and permitted types of activities within the reserved area.
- 35.3 The Council may in its absolute discretion by public notice cancel or alter the conditions of any such declaration of a reserved area.

- 35.4 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.
- 35.5 In any area declared by the Council to be a reserved area the Council may also give public notice that:
- (a) any of the provisions of this bylaw will not apply to the reserved area; or
  - (b) such provisions apply subject to such terms conditions and for such periods as the Council thinks fit.

## Part 5 – Commercial Activities

### 36 Application of this part

- 36.1 Clauses ~~36-37~~ to 39 applies to any vessel not subject to the Maritime Rules and which is:
- (a) used for hire or reward; or
  - (b) used by fare or fee paying clients, participants or passengers.

### 37 Commercial vessels to be licensed

- ~~37.1~~ No person may operate a vessel described in clause 36.1 unless a Commercial Vessel Licence has been issued and authorised in writing by the Council.

~~37-37.2~~ The Council may prescribe fees associated with Commercial Vessel Licences in accordance with clause 54.

### 38 Licensing of commercial vessels for hire or reward

- 38.1 Applications for licences must:
- (a) describe the activities in respect of which the licence is sought;
  - (b) be accompanied by a Safe Operational Plan;
  - (c) include payment of the application and processing fees and such further supporting information as the Harbourmaster may require to enable processing of the application.
- 38.2 The holder of an existing licence may apply to the Council for a renewal of that licence.
- 38.3 Licences may be granted or refused at the discretion of the Council, upon such terms and conditions as the Council thinks fit.

38.4 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.

38.5 Every licence must be available for inspection at any time by the Harbourmaster, an enforcement officer or any prospective client or participant of the operation.

### 39 Consideration of application for licence

39.1 The terms and conditions of any licence issued by the Council may include, but are not limited to:

- (a) the suitability of the applicant to hold a licence including the applicant's experience, reputation and track record in the industry;
- (b) defining points of embarkation/disembarkation;
- (c) defining the area or route of operations;
- (d) limiting the number of passengers or quantity of freight;
- (e) limitations in respect of weather or operating hours;
- (f) requirements for rescue vessel(s);
- (g) requirements for safety equipment;
- (h) the level of instruction to be given to persons hiring a vessel;
- (i) the qualifications held by the person in charge of the vessel;
- (j) public health and safety risks of the operation, including if the operation may diminish the level of safety for other activities in the vicinity, or cause congestion for position or other unsafe practices, at points of embarkation/disembarkation or at any place en route;
- (k) the terms and conditions under which the operation is licensed and the existence of or need for any statutory approvals, authorisations or consents required to be held or complied with in respect of such operation;
- (l) the frequency and location of the operation;
- (m) every Commercial Vessel Licence issued by the Council:
  - (i) is valid ~~for the period 1 July to 30 June~~ until 12 months after the date of issue.
  - (ii) applies only to the vessel(s) and operator(s) named in the licence.

39.2 A licence may be cancelled by the Harbourmaster or the Council if its terms and conditions are breached.

39.3 There will be no refund of fees if a licence is cancelled.

#### **40 Operational safety**

40.1 No vessel is to be refuelled at any time while there are passengers on board such vessel.

#### **41 Requirement as to survey**

41.1 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 under the relevant Maritime Rule.

#### **42 Inspection**

42.1 The Harbourmaster may inspect any vessel to which this Bylaw applies at any time.

42.2 Any person operating a commercial water based activity for hire or reward that is not subject to any Maritime Rule made under the Maritime Transport Act 1994 is responsible for meeting all safety requirements associated with operating the activity.

42.3 Any commercial operator must:

- (a) complete such registration requirements as required by the Harbourmaster; and
- (b) prepare and adopt a Safe Operational Plan, a copy of which must be submitted to the Harbourmaster for approval;
- (c) undertake and provide evidence of annual audits of the Safe Operational Plan, safe operation and any safety equipment; and
- (d) comply with the provisions of this Bylaw and any other relevant legislation including the Maritime Transport Act 1994 and any Maritime Rules in effect.

## **Part 6 – Moorings**

### **43 Mooring permits**

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

43.2 The Council may issue a mooring permits subject to conditions determined by the Council in accordance with requirements specified under clause 53.

43.3 The Council may prescribe fees associated with moorings and mooring permits in accordance with clause 54.

#### 44 Liability of the Council

44.1 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.

44.2 The Council is not liable for:

- (a) any damage to a vessel whether the damage is caused by a third party, a natural disaster or event, natural processes or by any other cause;
- (b) any damage to vessel that has not been securely moored;
- (c) any damage to a vessel that results from any actions taken by the Harbourmaster to secure a vessel, in the event of a storm or other adverse event;
- (d) any actions or omissions of the Harbourmaster or any other officer of the Council in the performance of any duties, functions or powers in respect of this bylaw.

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

45.1 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 6 of the bylaw.

45.2 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.

45.3 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 unauthorised under the Regional Plan or District Plan or is unlicensed pursuant to the provisions of this bylaw.

45.4 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.

45.5 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.

#### 46 Transfer of mooring permit

46.1 An application for the transfer of a mooring permit must be made in the prescribed form (if any) and be accompanied by payment of the application and processing fees and such further supporting information as the Harbourmaster or the Council may require to enable processing of the application.

46.2 When a permit holder applies to the Harbourmaster or the Council seeking approval for the transfer of a mooring permit to another person, the Harbourmaster or the Council may approve the transfer if:

- (a) all mooring permit fees, including the transfer fee are fully paid;
- (b) the mooring specification and design are adequate to accommodate the proposed craft to be moored;
- (c) the new mooring owner agrees to the terms and conditions specified in the original mooring permit; and
- (d) any other requirements specified by the Council under clause 53 of this bylaw are met.

## Part 7 – Maritime structures, foreshore, ramps, and launch facilities

### 47 Permission to occupy maritime structures or the foreshore

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

47.2 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.

~~47.3~~ The definition of the terms ~~use and occupy~~ applicable to this clause ~~are is~~ specified in clause 15.1.

#### ~~48~~ Launch permits

~~48.1~~ The Council may issue a launch permit to authorise any person to use a ramp or launch facility to launch a vessel into the water or take it out of the water using a trailer.

~~48.2~~ The Council may prescribe any fees associated with launch permits in accordance with clause 54.

## **Part 8 - Administration provisions**

### ~~4349~~ Appointment of Harbourmaster

~~4349.1~~ The Council will appoint a Harbourmaster to carry out duties and enforce the provisions of this bylaw.

~~4349.2~~ When carrying out responsibilities under these bylaws the Harbourmaster will carry and have available ~~for production~~ upon request sufficient confirmation of appointment by the Council as Harbourmaster.

~~4349.3~~ The Council may at any time revoke the appointment of the Harbourmaster, or amend the conditions of appointment.

### ~~4450~~ Powers of Harbourmaster

~~4450.1~~ The Harbourmaster will be responsible for ensuring general compliance with the provisions of this bylaw and may in carrying out such duties:

- (a) require persons using the waters under the control of the Council to give their full name and address;
- (b) may stop ~~and inspect~~ vessels using such waters ~~and inspect the same~~;
- (c) request copies of licences or permits;
- (d) generally do all such acts as may from time to time be necessary to carry out duties under this bylaw and any other relevant bylaw of Council or any other relevant legislation.

### ~~4551~~ Impersonation of Harbourmaster

~~4551.1~~ 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 under this Bylaw.



## ~~46.52~~ Speed Upliftings

~~46.52.1~~ A person may apply to have any speed limit prescribed by this Bylaw uplifted from waters specified in the application, by application in writing to the Council.

~~46.52.2~~ An application under clause ~~52.46.1~~ must not be granted unless the Council is satisfied that:

- (a) the application has been publicly notified; and
- (b) ~~the~~ affected persons have had a reasonable opportunity to comment on the application; and
- (c) the applicant has provided evidence of the consultation undertaken with affected persons and any navigation safety concerns arising from the consultation process; and
- (d) the applicant has provided evidence of any measures taken to address any concerns raised by affected persons; and
- (e) 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.

~~46.52.3~~ The Council will:

- (a) consult with the Director before granting any application made under clause ~~52.46.1~~; and
- (b) notify the Director when it grants such an application and must give public notice of the speed uplifting.

~~52.4~~ The Council may grant an application in accordance with clause ~~46.52.1~~ for a specified period or periods and subject to such conditions as Council may specify in the interests of maritime safety.

~~46.52.5~~ The Council may prescribe any fees associated with speed upliftings under this clause in accordance with clause 54.

## ~~53~~ Administrative requirements

~~53.1~~ 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, including an application form for the transfer of a mooring permit under clause 46.
- (b) considerations to be taken into account by Council when issuing a mooring permit.

(c) the terms and conditions upon which a mooring permit may be issued, including any maintenance and construction specifications.

(d) any other processing or administrative requirements which the Council deems appropriate to give effect to this bylaw.

**54 Fees and charges**~~The fees specified in Schedule 4 for functions undertaken by the Council pursuant to this Bylaw must be paid by the applicant.~~

**54.1** 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.

~~46-55.2~~ The Council may recover its actual and reasonable costs from the applicant where the actual costs exceed the specified fee.

#### **~~47-55~~ Exemptions**

~~47-55.1~~ The ~~Harbourmaster Council or its delegate~~ may exempt by written approval, any person, vessel or class of vessels from any requirements of this bylaw on application provided the application is made prior to the commencement of any activity in contravention of the requirements of this bylaw.

~~47-55.2~~ In granting any written exemption to any clause of this bylaw the ~~Harbourmaster Council or its delegate~~ must consider the effects of the exemption on public health and safety.

~~47-55.3~~ The ~~Council or its delegate Harbourmaster~~ may revoke any exemption immediately where ~~the Harbourmaster has~~there is reason to believe public health or safety has, or ~~may~~might be, adversely affected.

~~47-55.4~~ 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;
- (d) if it would authorise something that is or would be contrary to any other enactment, regulations or maritime rule.

~~47-55.5~~ The Council may prescribe any fees associated with granting an exemption under this clause in accordance with clause 54.

## **Part 79 – Enforcement**

## 56 Non-compliance with conditions of a permit

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; or
  - (ii) suspension of the permit; or
  - (iii) cancellation of the permit.
- (c) enforce any breach of this bylaw 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 is cancelled.

## 4857 Offences

4857.1 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.

## 4958 Penalties

4958.1 Every person who:

- (a) contravenes a provision of this bylaw commits an offence and will be liable either under the Act or the Local Government Act 2002;
- (b) commits an offence against the Maritime Transport Act 1994 will be liable under the Maritime Transport Act 1994;

- (c) contravenes a Maritime Rule, which is included as an offence under the Maritime Transport Act 1994 will be liable under the Maritime Transport Act 1994;
- (d) commits an infringement offence, set out in the regulations created under the Act, the Local Government Act 1974, or the Local Government Act 2002 is liable to an infringement fee prescribed in the regulations of the applicable legislation.

#### ~~5059~~ Exceptions

~~5059.1~~ 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 police officer.

## Part ~~10~~8 –Revocation and savings

#### ~~5160~~ Revocation

~~60.1~~ The Queenstown Lakes District Navigation Safety Bylaw 2009 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.

#### ~~5261~~ Savings

~~5261.1~~ Any resolution (including a resolution as to a reserved area) or other decision made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 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.

~~5261.2~~ 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.

~~5261.3~~ Directions of the Harbourmaster issued under that bylaw or preceding bylaws that were in effect before the date of commencement of the Queenstown Lakes District Council Bylaw 2014 are deemed to have been issued under this bylaw and to be subject to the provisions of this bylaw.

~~5261.4~~ Any licence, consent, permit, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009, continues in force but:

- (a) expires on the date specified; or
- (b) if no expiry date is specified, expires on 31 March 2016; and

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

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

(a) \_\_\_\_\_ expires on the date specified; or

(b) \_\_\_\_\_ if no expiry date is specified, expires on 30 June 2017.

■

61.6 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Navigation Safety Bylaw 2009 that was filed before the day on which this bylaw commences must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

~~52-53~~61.7 Any application for a licence, consent, dispensation, permission or other form of approval made under the Queenstown Lakes District Council Waterways and Ramp Fees Bylaw 2014 that was filed before the date specified under clause 60.2 of this bylaw must be dealt with by the Council and the Harbourmaster as if it had been made under this bylaw.

## ~~53~~62 History

~~53-54~~62.1 By deed of delegation, the Otago Regional Council has transferred its powers, functions and duties within the boundary of the Queenstown Lakes District to the Queenstown Lakes District Council (section 33X of the Maritime Transport Act 1994).

62.2 That delegation also provides for the transfer of the power to make bylaws under the Local Government Act 2002 and the Maritime Transport Act 1994 to the Queenstown Lakes District Council.

~~53-54~~62.3 This bylaw was amended under the Local Government Act 2002 and Maritime Transport Act 1994 by resolution of Council at a meeting on [\_\_\_\_\_].

## Schedule 1 – Parasailing Operation Requirements

### Part A – Parasailing operation requirements

- 1 No person may participate in parasailing unless they are wearing a lifejacket with a securing strap positioned at the bottom of the lifejacket below the foam inserts, to prevent the lifejacket riding up. Bottom securing may be a tension or crotch strap.
- 2 The vessel towing the parachute must be more than 4.57 metres in length and the engine capacity must be a minimum of 110hp.
- 3 The tow line from the vessel to the parachute must be able to float and must be no more than 300 metres in length.
- 4 The tow line release control must be on the vessel towing the parachute.
- 5 The operator must ensure that at all times when parasailing in addition to the driver of the towing vessel there is also an on board observer.
- 6 Each operator will provide a full safety briefing and instruct each participant prior to the commencement of the tow in the use of the parachute and in a system of signals to be used in take off and landing positions.
- 7 No parasailing will be undertaken when the wind speed in the area exceeds 8 knots.
- 8 Both take off and landing will be done into the wind. At take off, two top holders will hold the parachute open and steady.
- 9 The parachute, tow rope and harnesses and clips being used will be subject to Certification as to the standard and strength of the fabric every six months and such Certificate will be available for inspection by the Harbourmaster.
- 10 No parasailing will be conducted on rivers or at the mouths of rivers.
- 11 All parasailing operations will be conducted entirely within any area of operation that may be so directed as being suitable for such operations by the Council.
- 12 A knife or other implement suitable for cutting the tow line must be stored in an easily accessible position on the vessel.
- 13 No parasailing will be conducted within the Frankton Arm of Lake Wakatipu.

**Part B - Deck boat parasailing operation requirements are as follows:**

- 14 Conditions 6, 9, 10, 11, 12 and 13 of Part “A” apply.
- 15 An operator must be at the controls of the vessel at all times when the Parasailing operation is being conducted.
- 16 The landing deck operator must wear a lifejacket.
- 17 The landing deck of the boat must be square and have a minimum area of 9 metres squared.
- 18 No deck boat parasailing will be undertaken when the wind speed in the area exceeds 20 knots.

## Schedule 2 – Commercial White Water Boarding Operation Requirements

### 1 Buoyancy

- (1) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a lifejacket that meets the following requirements:
  - (a) a minimum buoyancy rating of 71 newtons;
  - (b) appropriate for use in turbulent or breaking water;
  - (c) adjustable shoulder straps;
  - (d) a minimum of three securing straps with side-tensioning adjustment buckles;
  - (e) at least one securing strap must be positioned at the bottom of the life jacket below the foam inserts;
  - (f) the lifejacket must not have buoyancy inserts on the side panels;
  - (g) the lifejacket must have an attachment point at the shoulder strap suitable for securing a carabiner during rescue.
- (2) Subclause (1)(g) does not apply if the attachment point is part of a fully integrated harness.
- (3) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a wetsuit that has long sleeves and full length legs.
- (4) Guides must wear lifejackets ~~which~~ that have a releasable belt and buckle suitable to perform lowered or supported rescues.

### 2 Secure fitting of lifejackets

- (1) No person may participate in any white water boarding trip without being securely fitted and fastened with both the lifejacket specified in clause 1 of Schedule 2 and a wetsuit that has long sleeves and full length legs.
- (2) A guide of a commercial white water boarding trip must ensure that:



- (a) every participant is correctly and securely fitted with a lifejacket that meets the requirements of clause 1 Schedule 2 before entering the water; and
- (b) the fastening and secure fit of the lifejacket to the participant is maintained for the duration of the white water boarding trip.

### 3 Helmets

- (1) A commercial white water boarding operator must ensure that every participant on a commercial white water boarding trip is provided with a helmet that meets the specifications of the operator's safety plan for white water boarding.
- (2) A guide of a commercial white water boarding trip must check that every helmet is securely fitted to the participant before the participant enters the water.
- (3) A guide of a commercial white water boarding trip must check that the secure fit of the helmet to the participant is maintained throughout the trip.

### 4 Clothing and footwear

- (1) A commercial white water boarding operator must ensure that every participant wears a full body wetsuit which is long legged and long sleeved.
- (2) A commercial white water boarding operator must ensure that every participant is equipped and correctly fitted with a set of fins appropriate for white water boarding.

## Schedule 3 – Upliftings

### 1 Upliftings for Lakes and Rivers

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

**Table 1 – Speed Upliftings**

Location	Description	Duration	GPS Co-ordinates	
Dart River	From Lake Wakatipu to Dredge Flat, Mount Aspiring National Park Boundary	All Year	River Mouth	-44.8477722222 to 168.36258888900
			Upper Boundary	-44.57401666670 to 168.35088333300
Rockburn Stream	From Dart River confluence to Chasm	All Year	Stream Mouth	-44.66956666670 to 168.31092500000
Rees River	From Lake Wakatipu to Muddy Creek	1 May to 30 October	River Mouth	-44.8493555556 to 168.37848055600
			Upper Boundary	-44.6952555556 to 168.33348055600
Upper Shotover River	Deep Creek upstream to 100 metres above Skippers Bridge	All Year	Deep Creek	-44.8939527778 to 168.67283611100
			Skippers Bridge	-44.84400833330 to 168.68756944400
Lower Shotover River	From Kawarau confluence upstream to Oxenbridge Tunnel	All Year	Kawarau confluence	-45.01643888890 to 168.77336388900
			Oxenbridge Tunnel	-44.9823305556 to 168.66642222200
Kawarau River	From Lake Wakatipu to the Arrow River confluence,	All Year	Lake Wakatipu	-45.02818611110 to 168.73298333300
			Arrow River	-45.00776944440 to

	excluding an area marked by yellow buoys adjacent Zoological Gardens in which the 5 knot limit remains in place.		confluence	168.88139444400
Makarora River	From Lake Wanaka upstream to the confluence of the Young River.	All Year	River Mouth	-44.31988611110 to 169.17365277800
			Young River confluence	-44.20071388890 to 169.23839166700
Wilkin River	From the confluence of the Makarora River upstream to Kerin Forks.	All Year	River Mouth	-44.27113611110 to 169.18318055600
			Kerin Forks	-44.23622222220 to 169.03308888900
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	-44.62222222220 to 169.01938888900
			East Branch	-44.44343333330 to 168.81357222200
			West Branch	-44.49607777780 to 168.78540833300
Clutha River	From the 5 knot buoy marker to the Red Bridge GPS This is the end of the QLDC area. From the Red Bridge downstream is a 5knot	All Year between hours of 10am to 4pm in the winter and 10am to 6pm in the summer	5 Knot buoy	-44.668044 to 169.1616
			Red Bridge	-44.730822 to 169.281736

	uplifting.			
Hunter River	From Lake Hawea to Ferguson Creek	1 November to 12 December inclusive and from 19 March to 30 April.	River Mouth	-44.281736 to 169.445344
			Ferguson Creek	-44.713972 to 169.210278

## 2 Upliftings for Access Lanes

- (1) 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

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

Water ski access lanes – Lake Wakatipu	
Location	Co-ordinates
The Buckler Burn Glenorchy	-44.85768888890 to 168.38161666700
Kinloch Main Beach	-44.84421388890 to 168.35022222200
Kelvin Grove	-45.04392500000 to 168.67936666700
Frankton Beach	-45.02119166670 to 168.72900277800
Willow Place West Side	-45.02825000000 to 168.71625555600
Loop Road	-45.03589444440 to 168.69895555600
Frankton Arm North Side	-45.02965277780 to 168.68802500000
Kingston Main Beach	-45.33203888890 to 168.71623333300
Bobs Cove	-45.07270555560 to 168.51366111100
Wilsons Bay	-45.06074722220 to 168.56670833300
Water ski access lanes - Wanaka	
Roys Bay - Eely Point	-44.68268333330 to 169.12149722200
Roys Bay - Main Beach adjacent Pembroke Park	-44.69651666670 to 169.13018888900
Roys Bay - Water Fall Creek	-44.68635833330 to 169.09534722200
Dublin Bay	-44.64879444440 to 169.17048333300
Glendhu Bay - West ski lane	-44.67148888890 to 169.01166388900

Glendhu Bay - East ski lane	-44.67435000000 to 169.02141666700
Lake Hawea Ski Lane	-44.60928333330 to 169.26851111100

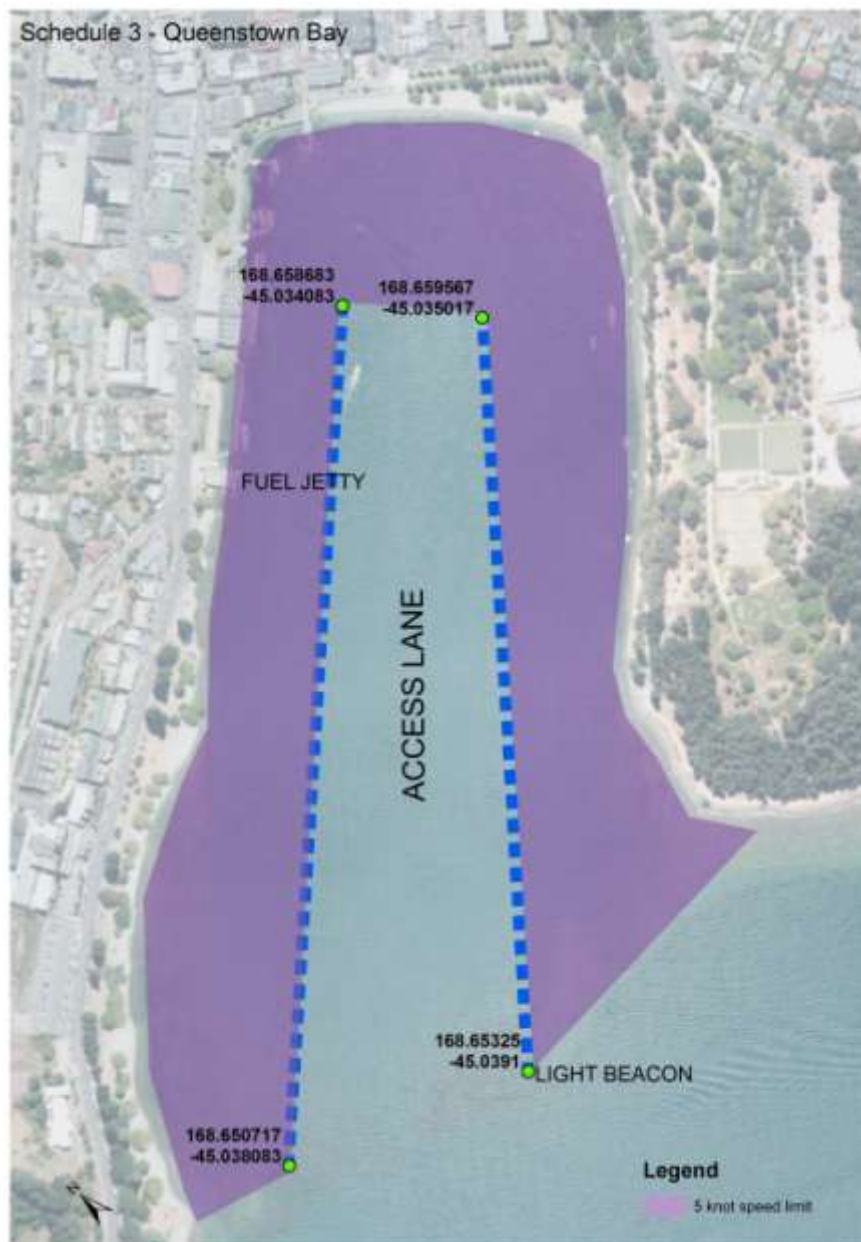
*Explanatory notes:*

*These explanatory notes and the associated illustrations do not form part of this bylaw but are included to show the location and -general effect of the navigation rules which apply within the district.*

Map 1 – Queenstown Lakes District Overview



Map 2 – Queenstown Bay



Map 3 – The Narrows, Queenstown





Map 4 – Kawareau Dam





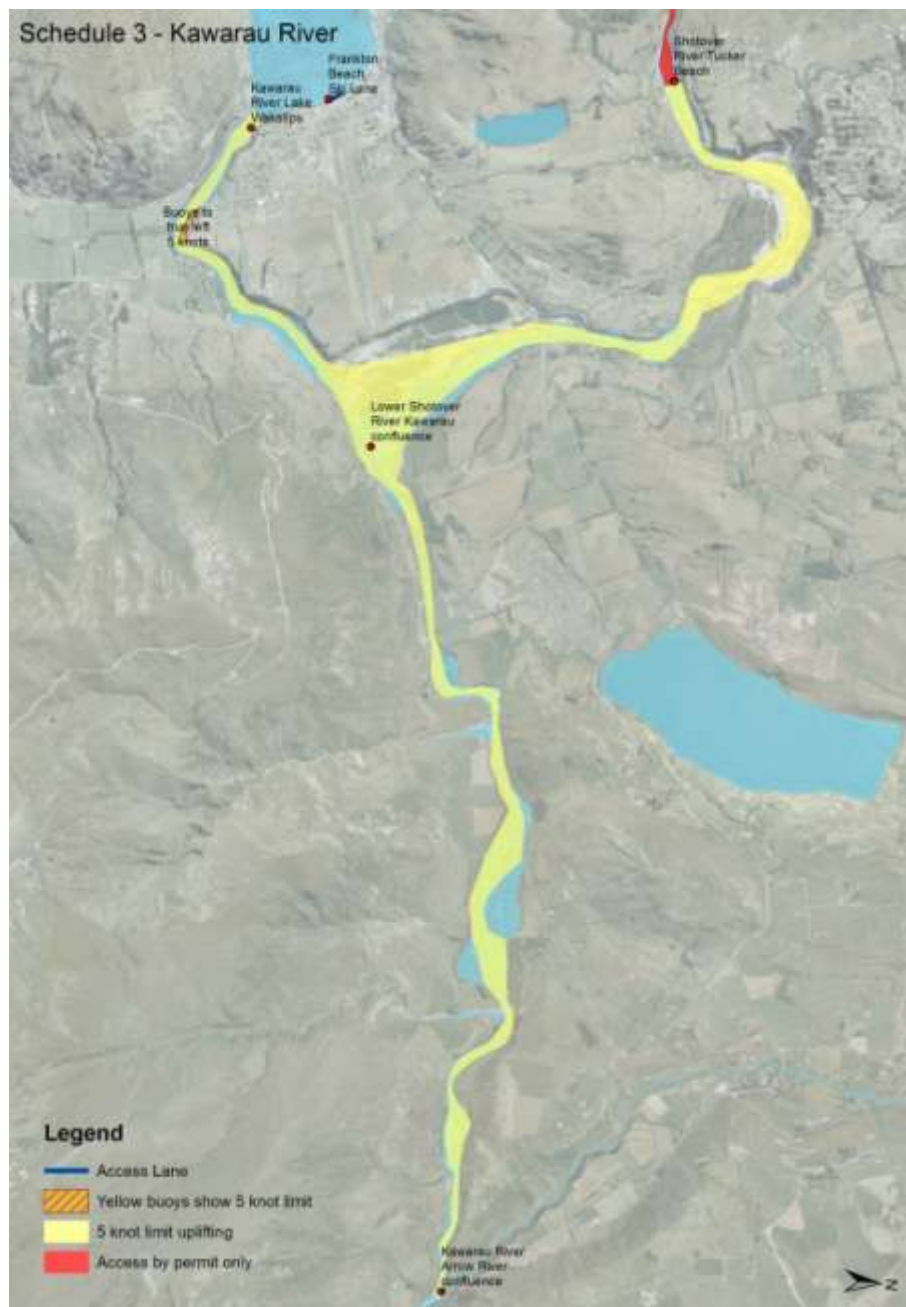
Map 5 – Frankton Arm, Lower Shotover &amp; Kawarau River



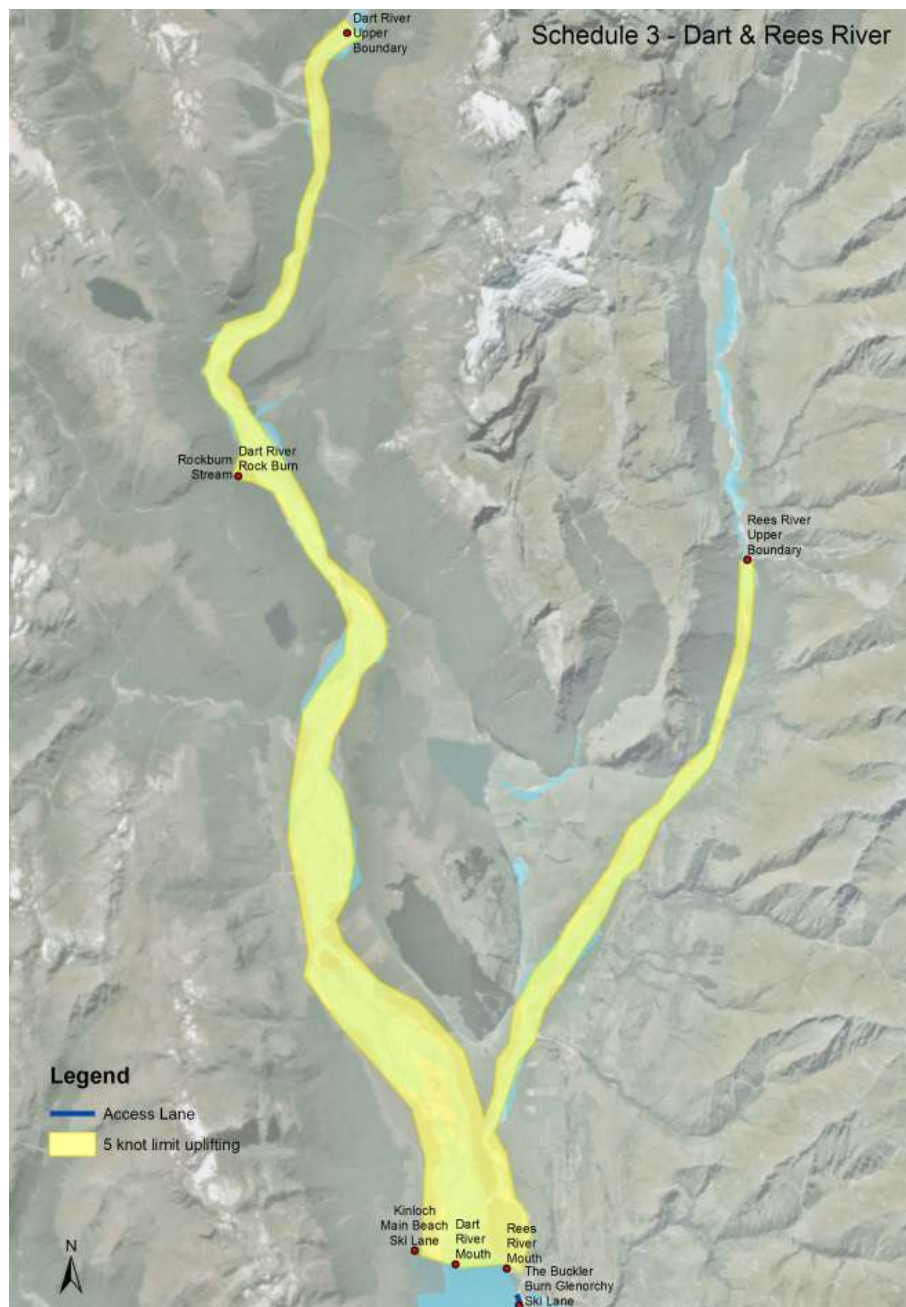
Map 6 – Upper Shotover



Map 7 – Kowarau River



Map 8 – Dart &amp; Rees River

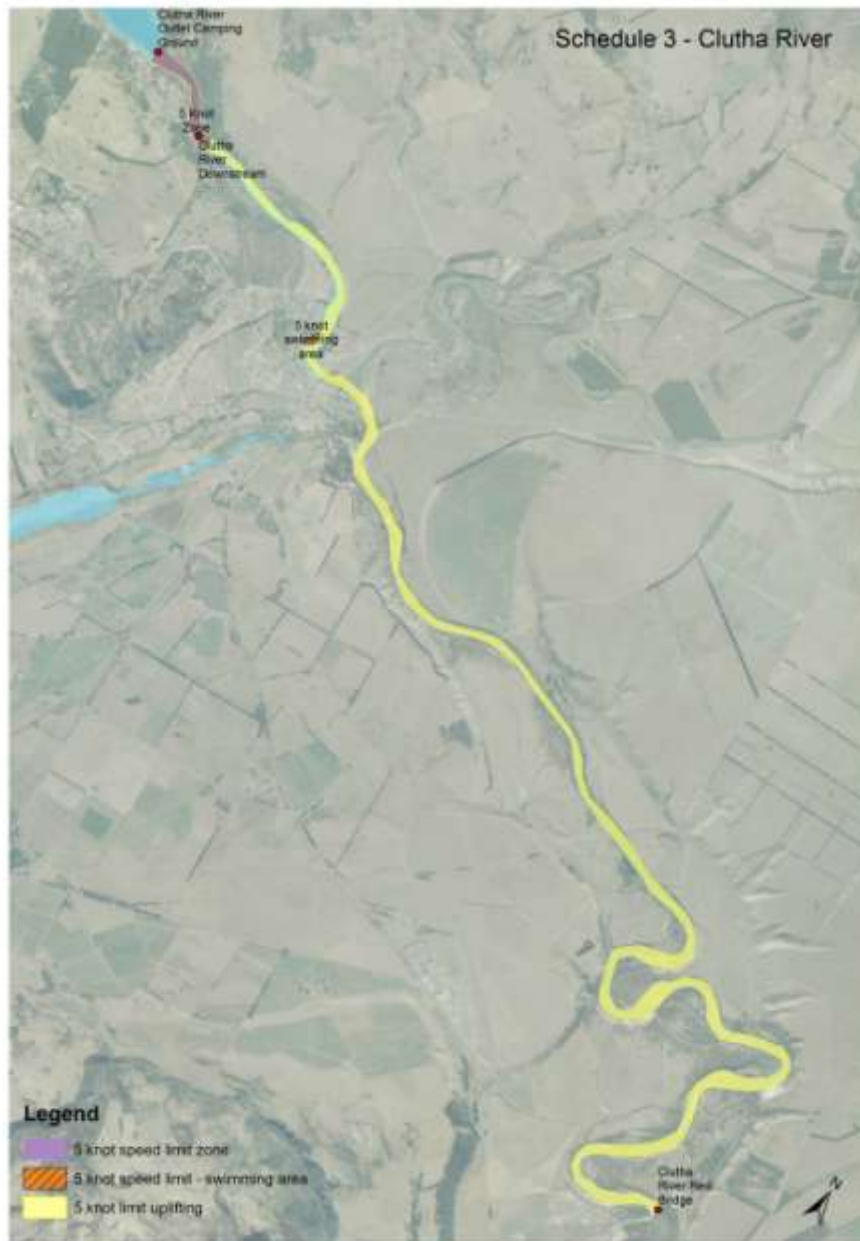




Map 9 – Clutha River Mouth



Map 10 – Clutha River



Map 11 – Matukituki River



Map 12 – Hunter River





Map 13 – Makarora & Wilkin River



Map 14 – Wanaka Ski Lanes



## Schedule 4 – Fees

### ~~1~~ Fees

~~(1) The fees specified in column two of the chart below are the prescribed amounts for the classes of licence specified in column one of the chart below.~~

~~(2) All fees are inclusive of GST.~~

~~Prescribed fees:~~

Description	Fee per commercial activity
Annual fee for commercial activity licence	\$1,000
Special Event Licence	\$120 per hour plus actual costs
Bylaw Exemption	\$120 per hour plus actual costs
Speed Uplifting	\$120 per hour plus actual costs

## Schedule 54 – Length Overall of a Vessel

### 1 Length overall of a vessel

- (1) Length overall of a vessel ~~means the overall length of the vessel when is~~ measured from the foreside of the head of the stern 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

