



**QUEENSTOWN
LAKES DISTRICT
COUNCIL**

**PROPOSED REVOCATION OF QUEENSTOWN
LAKES DISTRICT WATERWAYS AND RAMP
FEES BYLAW 2014**

**PROPOSED AMENDMENT TO QUEENSTOWN
LAKES DISTRICT NAVIGATION SAFETY
BYLAW 2014**

SUMMARY OF STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Council adopted the Waterways and Ramp Fees Bylaw 2014 (**Waterways Bylaw**) in June 2014 to commence on 1 October 2014 (see **Appendix 1**). On 18 December 2014, the Council adopted the Navigation Safety Bylaw 2014 (**Navigation Safety Bylaw**). The Navigation Safety Bylaw commenced on 28 April 2016.
- 2 The Waterways Bylaw established a permitting system for the use of the District's waterways, facilities, and services (**Waterways permitting system**), and is intended to provide clarity regarding the fee structure applicable. An important objective of the permitting system is to enable the Council to recover from users the costs of providing and maintaining the District's waterways, facilities and services.
- 3 In 2015, the Council initiated a review of the Waterways Bylaw to determine how to resolve issues with the implementation of Waterways permitting system in the District. The issues identified included: unnecessary complexity in permit types and processing requirements, duplication of fees and the inflexibility of the charging timeframe. The Council has also identified additional amendments to existing clauses within the Navigation Safety Bylaw, which the Council proposes to seek feedback on as part of this consultation process.
- 4 The Council have completed their review of the Waterways Bylaw, which included: workshops with councillors, and feedback from the Council's contractors regarding the Waterways permitting system.

KEY FEATURES OF THE PROPOSAL

- 5 Following the review of the Waterways Bylaw (initiated by the Council in 2015), the Council proposes that (collectively referred to as **the Proposal**):
 - a. The Waterways and Ramp Fees Bylaw 2014 (**Appendix 1**) to be revoked in its entirety.
 - b. The Navigation Safety Bylaw 2014 is amended (see **Appendix 2**) to:
 - i. Incorporate parts of the permitting system under the Waterways Bylaw that the Council proposes to retain, with amendments to rationalise the permitting system, including:
 1. Replacing the existing permits under the Waterways Bylaw with the following permits under the Navigation Safety Bylaw:

Waterways permit (under Waterways Bylaw)	Proposed replacement (under Navigation Safety Bylaw)
Maritime Structure Permit (Commercial)	Replaced by <u>Council permission</u>
Maritime Structure Permit (Non-commercial)	Replaced by <u>Council permission</u>

Commercial Activity Permit	No replacement, but person in charge of vessel must have a <u>Commercial Vessel Licence</u> under Navigation Safety Bylaw.
Ramp Permit	Retained, but renamed <u>Launch Permit</u>
Mooring Permit	Retained

2. Removing separate fees for application and renewal of permits.
 3. Providing for the payment of annual charges from the date of permit issue rather than charges fixed to the Council's financial year (June – July).
 4. Replacing clauses from the Waterways Bylaw that specify processing considerations and permit conditions with a clause providing for the Council to specify any administrative requirements by Council resolution.
 5. Replacing the bylaw fee schedule with a discretion to prescribe fees in accordance with the Local Government Act 2002.
 6. Inserting relevant definitions from the Waterways Bylaw (with modifications) to give effect to the amendments.
- ii. Make changes to existing provisions in the Navigation Safety Bylaw, including:
1. Consequential amendments, including:
 - a. the revocation of the Waterways Bylaw;
 - b. the incorporation of new clauses within the Navigation Safety Bylaw referred in paragraph 7)b)i) above;
 - c. Consolidating clause 15 (Use of structures) to simplify controls relating to maritime structures into a single clause;
 2. Amend the delegation clause to permit delegation of administrative functions to persons other than the Harbourmaster and Council officers (eg. administrative functions).
 3. Amend the definition of lifejacket to exclude lifejacket pouches, which are lifejackets that must be physically removed from the pouch to inflate.

4. Require persons in charge of vessels greater than 6 metres in length to ensure that children on board under the age of 10 years old wear a properly secured lifejacket (unless the owner of the vessel is operating under the Maritime Operator Safety System certification under the Maritime Rules).
5. Relocate the Lake Wakatipu high speed access lane 50 metres out from the shore and widen the access lane from 100 metres to 200 metres.
6. Amend the exemption clause to provide that exemptions may be issued by the Council or its delegate instead of the Harbourmaster.
7. Removing the fee schedule, and replacing with a discretion to prescribe fees in accordance with the Local Government Act 2002.
8. The Council also proposes minor editorial changes to the Navigation Safety Bylaw to improve clarity of drafting, including some minor typographical changes. The changes proposed also involve replacing the Upliftings maps (in Schedule 3) for Queenstown Bay, Clutha River Mouth, Clutha River and Frankton Arm & Lower Shotover to increase the contrast between colour-coded areas depicted. The Upliftings map for the Narrows is also proposed for replacement to reflect the amendment proposed to clause 34.1(b) of the Navigation Safety Bylaw

- c. The Maritime Fee Schedule in **Appendix 4** is prescribed in accordance with section 33R of the MTA.

MARITIME FEES

- 6 The Council is proposing to prescribe maritime fees to reflect the changes to the Waterways permitting system set out in the Proposal above (see Appendix 4). Under the Proposal, the fees currently applicable under the Navigation Safety Bylaw 2014 are to be retained. However, the fees will now be prescribed by Council resolution, rather than in a schedule attached to the bylaw. The Council also proposes to prescribe fees for launch permits and mooring permits set out in the table in Appendix 4. The launch permits allow for different fees depending on how long the permit is required.

TIMETABLE FOR CONSULTATION

- 7 The following dates represent the key times in the consultation programme:
 - a. Council resolves to undertake public consultation regarding the proposed bylaw – 30 July 2016
 - b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun – between 30 July and 6 August 2016.
 - c. Submissions close on 29 August 2016.
 - d. Submissions heard by a subcommittee of Councillors (to be confirmed).

- e. Council considers outcome of consultation process, revocation of Waterways Bylaw, adoption of amendments to the Navigation Safety Bylaw, adoption of Maritime fee schedule – 29 September 2016.
 - f. Public notice of final decision (if Council resolves to revoke the Waterways Bylaw, amend the Navigation Safety Bylaw, and adopt the Maritime fee schedule) – 1 October 2016.
- 8 The amendments to the Navigation Safety Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 9 Copies of this Statement of Proposal and the proposed Bylaw may be inspected, and a copy obtained, at no cost, from:
- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;
 - b. any Council library within the Queenstown Lakes District; or
 - c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 10 Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to do so. For the avoidance of doubt, the Council is not undertaking a comprehensive review of the Navigation Safety Bylaw 2014. Submissions should be directed toward matters that are within the scope of the Proposal.
- 11 The Council would prefer that all parties intending to make a submission:
- a. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 12 Submissions must be received by **Monday 29 August 2016**. The Council will then convene a hearing, which it intends to hold between Monday **5th September and Friday 9th September 2016** at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 13 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 14 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 15 Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

16 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

17 Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

APPENDIX 1 - Queenstown Lakes District Council Waterways Bylaw 2014

APPENDIX 2 – Proposed Amended Queenstown Lakes District Council Navigation Safety Bylaw 2014

APPENDIX 3 – Current Queenstown Lakes District Council Navigation Safety Bylaw 2014

APPENDIX 4 – Maritime Fee Schedule

APPENDIX 4 – MARITIME FEE SCHEDULE

1. Fees (other than launch permits / Council permission to occupy maritime structures)

Description	Proposed fee (including GST)
Annual fee for commercial vessel licence	\$1,000
Annual fee for mooring permit	\$250
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

2. Launch permit (non-commercial)

Duration	Proposed fee (including GST)
Annual	\$50
Six Monthly	\$35
Three monthly	\$25
Daily/Casual	\$5

3. Council permission to occupy maritime structure

Size of structure	Proposed fee (including GST)
Up to 15m ²	\$115

15m ² to 28m ²	\$230
28m ² up to 56m ²	\$460
56m ² up to 84m ²	\$750
84m ² and over	\$920