



Shotover River Bylaw 2021

Queenstown Lakes District Council

Date of making: 3 June 2021

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

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

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1 Title

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

2 Purpose

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

3 Commencement

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

4 Interpretation

4.1 In this Bylaw, unless the context otherwise requires:

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

Vessel means 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, paddleboard; or surfboard
- (i) An inner tube; and
- (j) A kayak or canoe.

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

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

5.1 The Shotover River Concession Area is reserved for use only by persons and Vessels permitted to be present in or to operate or be operated in the Shotover River Concession Area by permit granted by Council or its delegated representative.

5.2 The permit shall be in a form and style approved by Council, an example of which is set out in Schedule 2.

6 Prohibitions

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

7 Revocation


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

Explanatory Notes:

The Queenstown Lakes District Council Shotover River Bylaw 2021

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


Mayor


Chief Executive Officer



Schedule 1 – Map of Shotover River Concession Area



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

Schedule 2 - Shotover River Concession Area Permit Application Form

Permit No: _____

- 1 Permit applicant representative for access to Shotover River between Tuckers Beach and Oxenbridge Tunnel solely for the purpose of recreational activities.

_____ of _____

_____ (name & address)

Emergency Contact name & telephone no: _____

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

- 2 Proposed access date: _____ 20_____

- 3 Proposed access entry time: _____ am/pm

- 4 Proposed access exit time: _____ am/pm

- 5 Details of vessels to be used in access, powered or non-powered? _

- 6 Total number of passengers: _____

Conditions

- 7 The Permit Holder will make good at their own expense any damage caused by them to any property of the Council or its delegated representative in the course of this access.
- 8 The Permit Holder indemnifies the Council or its delegated representative from all loss harm or damage however sustained which arises from their access and against any action, claim, injury, damage or loss whatsoever arising in the course of access pursuant to this permit provided that the permit holder shall not indemnify the Council or its delegated representative in respect of any loss harm or damage sustained as a result of any negligence on the part of the Council or its delegated representative.
- 9 The access shall be at the Permit Holder's risk.
- 10 The Permit Holder completed the pre-requisite safety briefing on the _____ day of _.
- 11 The Permit Holder shall comply with the safety briefing procedures and any instruction given to them by any agent of the Council or its delegated representative.
- 12 A breach of these conditions or any applicable rule or law may result in this permit being revoked and the Permit Holder prosecuted. Any future permits applied for by parties with a history of non-compliance may be rejected.
- 13 The Council or its delegated representative will not interfere with or prevent the full use or enjoyment of the access granted by this permit.

Signed: _____ Signed: _____

for the Council or its delegated representative Permit Holder

Date: _____ Date: _____

Personal Identification Number: _____