



Navigation Safety Bylaw Hearing Panel

9 September 2016

Report for Agenda Item: 1

Department: Regulatory and Finance

Hearing of Submissions on the proposed Amendments to the Queenstown Lakes District Navigation Safety Bylaw 2014

Purpose

To hear submissions received on the proposed amendments to the Queenstown Lakes District Navigation Safety Bylaw 2014.

Recommendation

That the hearings panel:

- 1) **Consider** the submissions to the proposed amendments to the Navigation Safety Bylaw 2014;
- 2) **Consider**, where it is appropriate, the options and potential amendments to the Navigation Safety Bylaw 2014;
- 3) **Recommend** to Council the form of the amendments to the Navigation Safety Bylaw 2014.

Prepared by:

A handwritten signature in blue ink, appearing to read "Lee Webster".

Lee Webster
Manager, Regulatory

25/07/2016

Background

- 1 Council identified that a review and simplification of the Waterways and Ramp Fees Bylaw 2014 was needed following community concerns and complaints.
- 2 A review of the Waterways and Ramp Fees Bylaw 2014 identified areas that could be removed (as other systems are already in place to deal with the issue), deleted or combined into the Navigation Safety Bylaw 2014.
- 3 Public consultation was carried out from 30 July to 29 August 2016 inclusive.

- 4 A total of nine responses were received with two submitters wanting to speak to their submission.

Submissions

- 5 The ten submissions received (Attachment A) covered the following topics:
 - a) Interpretation – life jackets for paddle boarders;
 - b) Definitions – paddle boards and surf boards;
 - c) Exemptions – Kawarau River;
 - d) Delegations;
 - e) Clause 10 – wearing of life jackets on vessels greater than 6 metres in length;
 - f) Clause 12 – speed of vessels

The submitters who wish to be heard in support of their submissions (in order of submission) are:

- a) Paul van der Kaag; and
- b) Shaun Kelly

Comment

Interpretations – Life Jackets for Paddle Boarders

- 6 Seven of the nine submissions oppose the exclusion of a life jacket contained in a pouch if it cannot be inflated without physically removing it from a pouch.
- 7 Submitters state that any lifejacket that is approved by Maritime New Zealand or New Zealand Stand-Up Paddle Boarders may be a more appropriate option.

Definitions – Paddle boards and Surf Boards

- 8 Two of the submissions raised an issue regarding why surf boards are not classed as a vessel but paddle boards. This matter relates to the need for paddle boarders using a board less than six metres needing to wear a life jacket, but surf boarders do not.

Exemptions – Kawarau River

- 9 One submission relates to the amendment to clause 55, which removes the ability for the Harbourmaster alone to be able to grant an exemption to the Bylaw, and is proposed to be Council or its delegate.
- 10 The submission also details matters outside of the consultation aspects, and refers to matters already resolved by Council when the Navigation Safety Bylaw was adopted.

Delegations

- 11 One submission raised the question of the ability to sub-delegate the powers and functions of the Bylaw to 'any person', following the context of the Local Government Act and the Maritime Transport Act.

Clause 10 – wearing of life jackets on vessels greater than 6 metres in length

12 One submission provided comments to simplify the Bylaw, on matters that are addressed in statute, therefore not necessary in the Bylaw regarding the wearing of life jackets on commercial vessels greater than 6 metres.

13 Another matter raised is the potential inconsistency of language regarding the need to wear a life jacket on a vessel while underway, but children less than 10 years old need to all the time.

Clause 12 – Speed of vessels

14 One submission has recommended some additional wording to clarify speed restriction, except where the Bylaw specifically provides otherwise.