

Minutes of a hearing of submissions to the (draft) Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 held in the Armstrong Room, Lake Wānaka Centre, Wānaka and via Zoom on Monday 25 November 2024 commencing at 10.00am

Present:

Councillor Quentin Smith (Chair), Councillor Gavin Bartlett and Councillor Cody Tucker

In attendance:

Mr Luke Place (Principal Policy Advisor), Ms Isabelle Logez (Monitoring, Enforcement and Environmental Manager), Mr Anthony Hall (Manager, Regulatory), Ms Carrie Williams (Policy Manager), Mr Craig Fahey (Waterways Regulatory Services Manager) and Ms Jane Robertson (Senior Democracy Services Advisor); two members of the media and 24 members of the public (in person and via Zoom)

Election of Chair

It was moved (Councillor Bartlett/Councillor Tucker):

That the hearing panel appoint Councillor Smith to chair the hearing.

Motion carried unanimously.

Declarations of Conflict of Interest

Councillor Smith advised that he had a family membership of the Wānaka Yacht Club.

Confirmation of Agenda

It was moved (Councillor Bartlett/Councillor Tucker):

That the agenda be confirmed without addition or alteration.

Motion carried unanimously.

Summary by Reporting Officer

Mr Place introduced his report:

- Recommended amendments in response to submissions were detailed in the officer report from page 8 and also summarised in Attachment E (ski lane recommendations) and Attachment F (general/other recommendations).
- The review was being undertaken pursuant to Section 158 of the Local Government Act 2002 which required a bylaw review to take place *'no later than 5 years after the date on which the bylaw was made.'*

- Otago Regional Council was empowered under the Maritime Transport Act 1994 to manage navigational risk in the district but had delegated this power to Queenstown Lakes District Council.

Hearing of submissions

1. Dean Rankin and Kath Rankin

Mr Rankin was opposed to removing the ski lanes in Lake Wānaka. He felt that boats were being pushed out of the main bay and skiers would have to move too far away from the shoreline to ski if the existing ski lanes were removed. Narrowing the ski lanes would also compromise lake swimmers.

Boat ramps around Lake Wānaka were in poor condition and needed to be upgraded.

He did not believe that banning recreational jumping from the Albert Town Bridge would achieve anything.

2. Rod Macleod

Mr Macleod wanted the Upper Clutha to be kept for swimmers and passive recreational users and not power boats. There was a process for speed uplifting whereby power boats could use the Upper Clutha but the rules were complicated and visitors were probably unaware of them. However, boats could access other waterways nearby where there were many kilometres of navigable water and whitewater available, so it made sense to reserve the Upper Clutha for passive recreation. As well, the area of Lake Wānaka closest to town should be made available for passive recreation only.

Mr Macleod noted that power boats also caused noise pollution but the panel advised that this was not something governed by the Bylaw as it did not relate to safety.

3. John Clarkson

Mr Clarkson expressed support for the views of the previous speaker.

Mr Clarkson did not believe that the management measures contained in the bylaw were needed and people should simply accept that population growth caused congestion and waterway users just needed to adapt to accommodating all people and activities.

As someone who used a boat, he took responsibility for keeping himself and his passengers safe and he expected others to do the same. He had never had an issue with boats in Roys Bay and he did not believe that the submissions were representative of the actual user base. He encouraged communication and education, not enforcement or prohibition.

4. Matiu Park

Mr Park asked for evidence demonstrating why the proposed ski lane closures were needed. Ski lanes close to the shore were good for young families and novice skiers and most conflict could be managed with signage, education and light enforcement.

Pushing boats further out into Roys Bay was not a solution, nor was it a good environmental outcome as power boats used a lot of fuel. He did not support narrowing any of the ski lanes as this only served to limit an already tight space and he favoured expanding the lanes rather than closing any. He suggested a standardised size of ski lanes so that facilities were consistent across New Zealand.

5. Wānaka Lake Swimmers: Niamh Shaw and Anna-Kate Hutter (representing Alyson Cross)

Ms Shaw generally agreed with the proposed amendments to the bylaw affecting swimming in Lake Wānaka but wanted the Council to retain responsibility for maintaining the swimming area in Roys Bay and not transfer it to the Wānaka Lake Swimmers. Its purpose was to provide a safe area for swimming but over time the buoys had been damaged by wind and boats. The club lacked the expertise and resources to maintain the line and she asked for the Council to retain ownership and responsibility for maintenance.

Ms Hutter expressed similar sentiments. The area for swimming was within the 5 knot speed limit area and should be better advertised and marked so that people in boats could clearly see it was an area designated for swimming. Group members had Hi-Viz flotation devices to increase their visibility but visitors did not often have them. Wānaka Lake Swimmers was a small group with limited resources so could not take on maintenance duties as this required specific technical knowledge.

The hearing panel observed that the swim area currently had no status under the Bylaw but official status would provide more impetus for a formal maintenance regime.

The meeting adjourned at 10.50am and reconvened at 11.07am.

6. Chris Stewart (via Zoom)

Mr Stewart advised that he had had much to do with water skiing over many years as well as sailing and wind foiling and he both understood and enjoyed water. He did not support removing or narrowing ski lanes as putting water skiers in a more congested space did not make the situation safer. Water skiers were at their most vulnerable when they fell off because it was difficult for other boats to see them because only a skier's head was visible. He considered that there was plenty of room for everyone on the region's lakes and everyone simply needed to be respectful of each other.

He suggested that all boats should be fitted with rear vision mirrors as this would enable the boat's driver to be able to see a skier behind. He also believed that boats should be able to use remote areas for skiing if no other users were there.

7. Jeni Hughes (via Zoom)

Ms Hughes was opposed to any ski lanes being removed as they were a great place to learn to water ski. She hadn't observed any conflict on the Willow Place Lane and asked that it not be removed.

8. David Mayhew and Carey Vivian (Chair and Committee Member, Kelvin Peninsula Community Association) (via Zoom)

The submitters questioned why the draft Bylaw proposed removing all the water skiing lanes in the Frankton Arm because of navigational concerns except for Kelvin Grove. They asked why the Kelvin Grove ski lane was deemed to be without navigational risk, as the recommendation was only to narrow it. The submitters felt this was illogical because if it was retained as the one remaining lane, it would get especially busy which would heighten safety concerns.

They concluded that these recommendations did not serve to address any safety concerns but instead created new ones, compromising Kelvin Grove for water skiing and creating conflict with passive water activities. They submitted that Frankton Beach Ski Lane was the only one that should be removed because it was too shallow for water-skiing, meaning that Frankton Arm North Side, Willow Place, West Side and Loop Road ski lanes should all remain and Kelvin Grove should also stay with a minor change to shift the eastern pole so that it sat more in the middle of the beach.

They were critical of what the bylaw recommended for the Kawarau Dam access lanes and suggested a variety of alternative approaches instead.

9. Jonty Norton (personal submission) (via Zoom)

Mr Norton was opposed to narrowing the ski lanes on Lake Whakatipu as all were very busy during the summer period and narrowing them would only serve to increase congestion and the risk of accidents. He suggested instead that the load be spread around all of Lake Whakatipu. He had notified the Harbourmaster of a concern that some commercial operators cut the corner around the Willow Place ski lane and they needed to be reminded to keep a wide berth. It was important to retain the Loop Road and Willow Place ski lanes because there was usually a small weather window to water ski at the Frankton Arm and it was not always possible to get to Kelvin Grove.

Mr Norton stated that he had some visuals of the Kawarau Dam access lane and they showed a mixture of recreational and commercial vessels in a very tight spot which heightened the risk of collision. He believed that there was only sufficient room to accommodate a single commercial operator in this area.

He expressed concern about the impact of commercial and recreational activities on the habitat of the crested grebe, a protected bird.

10. Jonty Norton (on behalf of Southern Lakes Windriders Club) (via Zoom)

Mr Norton noted that windriders (wind powered water vessels) were different from most other water users as they sought windy conditions rather than smooth water but the bylaw failed to consider their needs. They usually wanted to operate close to the shore but needed to move more quickly than 5 knots in order to be safe (i.e. to get onto the plane). This was contrary to clause 9 of the bylaw which stipulated that no wind powered vessel could travel at more than 5 knots within 50m of another vessel or when less than 200m from the shore except when in an organised sailing event.

To remedy this, he requested that some areas of Lake Whakatipu be declared 'recreation wind zones' and he suggested various areas around the lake that would be suitable, adding that to assist the panel he could provide GPS coordinates of the areas.

Mr Norton was also opposed to the requirement to carry two communication devices because wind riding was a high impact sport. A rider carrying both a Personal Locator Beacon and a cell phone created more danger for himself/herself than benefit. For this reason, wind riders tried to ride with a buddy or a spotter and he suggested that they be exempted from the requirement to carry two communication devices when operating within a specific zone or at a beach.

The panel discussed whether Mr Norton's submission was within scope as consultation had not been conducted on recreation wind zones.

The meeting adjourned at 12.15pm and reconvened at 1.00pm.

11. Matt Hollyer (via Zoom)

Mr Hollyer advised that was a keen user of all the lakes in the region and he was concerned that the bylaw would only serve to restrict water recreation and force people to use already stretched indoor sports facilities. He asked if the Council was deliberately seeking to restrict water recreation, noting that two years earlier the Council had reviewed the water ski lanes using the same questions and yielding the same responses. He asked the Council to stop imposing more restrictions, simplify compliance and conduct more education. He believed that any reduction in the number of ski lanes was shortsighted because lakes changed all the time.

Mr Hollyer questioned the practicality of keeping two communication devices in waterproof conditions (especially when on a boat) and asked whether such a provision was needed in the bylaw as it was already covered in maritime law. Sensible guidelines were needed and the Council should have realistic compliance expectations because it could not control every risk on the planet.

12. Eamon Young

Mr Young did not agree with removing water ski lanes anywhere but the focus of his submission was on the ski lanes in Lake Wānaka. One of his children water-skied and requiring novice water skiers to start 200m offshore was neither practical nor safe if they were learning. Travelling further to find a secluded beach was also not always practical (especially with changeable weather) in addition to the increased fuel cost and fossil fuel emissions. He believed that the proposed bylaw created added risk and he wanted Roys Bay to remain accessible to all especially because it had the convenience of being close to town.

Mr Young believed that navigational safety could be managed through education and removing the ski lanes did not enhance safety. He agreed that the lake could be very busy at peak times and managing big groups was challenging but users needed to remember basic lake etiquette. He favoured maintaining the status quo.

13. Ross Young

Mr Young did not support the proposed removal of the ski lanes in Roys Bay although he supported the seasonal closure. He did not agree with the suggestion of travelling further up the lake to find areas to ski and stressed the importance of sharing Lake Wānaka and Roys Bay in particular.

He supported the proposal to identify boats and suggested powered craft be registered and allocated ID numbers.

He supported keeping the Eely Point ski lane in the same location but suggested that extra signage be installed. He observed that there was good car parking available in this area but poor boat parking and the boat ramp needed an upgrade. This placed pressure on the main ramp in Lake Wānaka. He suggested a double concrete ramp be installed at Eely Point and sealing the Ruby Island Road because it was used all year round.

Dublin Bay could not be used for water skiing because it was too shallow.

14. Hamish Rudhall

Mr Rudhall was opposed to any proposals to reduce the number and/or size of ski lanes. They were already very congested in peak season and no data or evidence was provided in the consultation materials providing reasons for the proposed removal. Lake Wānaka needed better signage, information and markings in the water.

The new harbourmaster was rarely seen in Wānaka and did not seem focused on educating the community. As well, Mr Rudhall had not found it easy to make a submission.

15. Doug Fraser

Mr Fraser spoke as a member of the Glendhu Bay Campers' Association, a group of more than 200 members formed in response to the new Glendhu Bay Camp leaseholder. He noted that the consultation material contained no safety report explaining why the ski lanes needed to be removed and not having them would simply force people to ski in more remote locations.

He agreed with the previous speaker about the low visibility of the harbourmaster in recent years. He also supported improved beach signage and buoy identification.

Boat storage and retrieval from the beach via the boat ramp at Glendhu Bay was an issue when Lake Wānaka was choppy.

16. Christine Hetherington (Boffa Miskell), Jourdan Lethbridge (Boffa Miskell) and Jordan Lasenby (LINZ)

Ms Hetherington addressed the panel about the aquatic weed control programme, specifically, the work LINZ undertook in Lakes Wānaka and Whakatipu and on the Kawarau River to control invasive weed species. One of the tools used was hessian netting and LINZ wanted like this to be formalised as a protection measure in the bylaw, especially as the Council contributed funding to the programme each year.

The Chair acknowledged the concerns expressed but asked whether it was a risk sitting under the Navigation Safety Bylaw. Ms Hetherington noted that the spread of invasive species could prevent the public from being able to use waterways. It was also important to avoid importing weeds not currently in the South Island from North Island waterways and LINZ was particularly concerned to prevent any weed from being introduced into the Frankton Arm.

The Chair remained of the view that this sort of programme was covered by different legislation and was not convinced that the Navigation Safety Bylaw was the most appropriate mechanism to manage this problem.

Ms Hetherington noted that LINZ wanted to work with the Council to make sure that the present problem did not worsen and was of the view that it could be added to the bylaw, although acknowledged that this was ultimately the panel's decision.

17. Gillian Macleod

Ms Macleod advised that she had never witnessed any conflict between swimmers and those using the ski lanes. She acknowledged that it was busier during Christmas holidays but she did not understand the reasons for removing or making changes to the existing ski lanes. In her view Lake Whakatipu wasn't used enough and it was counterproductive to reduce or remove any ski lanes.

Ms Macleod did not support any extension to the existing Kawarau Dam access. She did not consider that high speed access was needed and she was happy with only the ferry accessing the lane but no others.

18. John Edmonds for Flowt

Mr Edmonds advised that 'Flowt' was a sauna facility proposal that would sit on a fixed pontoon with a small plunge pool. His client was concerned that the bylaw made no provision for fixed pontoons and several amendments were sought so that there was no unintentional regulation of this operation. The changes sought were as follows:

- Add a new term 'fixed structure' so that the Flowt pontoon would not be subject to any restrictions applicable to vessels OR amend the term vessel to include a 'fixed structure'.
- Exempt Flowt users from carrying or wearing life jackets.
- Amend swimming or diving around wharves or jetties to exclude swimming or bathing within a fixed structure.

19. John Edmonds for Million Dollar Cruises

Million Dollar Cruises had two resource consents to operate sight-seeing tours in the Frankton Arm. Various amendments were sought so that Million Dollar Cruise could continue to use the Kawarau Dam Access Lane.

20. Gavin Morphett, Realnz

Mr Morphett introduced the submissions from Realnz:

- a. Realnz supported the proposed speed uplift area near the Kawarau Falls Bridge but wanted both the access lanes to be extended so that there was a separate lane to the west of the islands for the water taxi approach and departure to and from the Hilton.
- b. Amend 'No powered vessels may operate on that part of the Kawarau River located downstream from the confluence between the Kawarau River and below the Arrow River' to 'No powered vessel may operate past 45°00'30.7"S 168°52'59.1"E' which is the GPS reference point downstream of the Kawarau/ Arrow Confluence and near where Realnz currently drops off rafting passengers near the Arrow River confluence which changes from time to time.

21. Jet Boating New Zealand, Garth McMaster, Katie McNabb and Chris Thomsen

The representatives of Jet Boating New Zealand advised that they had various written submissions to present to the panel. These comments were not new but were an expansion or explanation of the primary submission.

The Chair considered that these comments provided a lot more detail than contained in the original submission and should be received separately.

It was moved (Councillor Smith/Councillor Tucker):

**That the Hearing Panel resolves to accept the materials from
Jet Boating New Zealand received on 24 November 2024 as
an addition to the original submission.**

Motion carried unanimously.

Evidence was tabled from C P Thomsen (Legal Counsel), G R McMaster (Jet Boating New Zealand) and K A V McNabb. Each presented a written statement and the following general issues were noted:

- There is no safety reason for limiting recreational jet boats on the Clutha River and the speed uplifting period on the Hunter River is too short. Misplaced thinking has resulted in the current position and the Council needs to look again at the Clutha and Hunter Rivers.
- Speed uplifting does not equal 'unlimited speed'
- The Hunter River is generally straight so any conflict with people fishing is unlikely; further consultation will almost certainly demonstrate that there are no significant safety issues.
- The Hunter River is rarely boated because of its location.
- The 5-knot speed restriction on rivers is not needed for safety and slower isn't necessarily better for jet boats which need to travel at a minimum speed to ensure their safe operation and manoeuvrability.

- JBNZ does not believe that the definition of lifejacket in the draft bylaw is workable.
- It is impracticable to carry two communication devices that are able to function fully at all times (that is, both send and receive) because there are black areas for communication in all of the district's waterways. In such conditions, personal locator beacons or satellite phones are the only communication devices that will work.
- The perception that something is dangerous is just that. There is no evidence of an increased risk of boats colliding in the Queenstown Lakes District.
- All provisions in the Navigation Safety Bylaw must be for safety purposes.

The hearing of submissions concluded at 3.38pm.

Review of submissions

At the end of the hearing, the panel considered the events of the day, raised a number of questions that needed further discussion and highlighted where officers needed to provide more information before deliberations took place.

- Consider protected swimming areas and maybe add a reserved swimming area at Eely Point and a swim line in Lake Hāwea? How practical is it to narrow the ski lane Eely Point and provide a reserved swimming area?
- There is a big carpark Eely Point but nowhere to park a boat; is a bespoke solution needed?
- Can reserved spaces be added to the bylaw if not already covered in the consultation?
- Consider adding a ski lane at Waterfall Creek because there is room but need to consider alongside a map.
- Funding of buoys is a property decision.
- Graphics in the bylaw are poor but those in the officer report are much clearer and should be used instead.
- Many submissions had sought to retain Willow Place Ski Lane.
- Kawarau Fall access lanes are all mapped differently so need to be shown consistently.
- How practical is it to have two different communication devices on board?
- Include alcohol and intoxication in the definitions but do not need to be added to bylaw?

The meeting adjourned at 4.30pm.

Minutes of deliberations on submissions to the (draft) Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 held in the Paetara Meeting Room, Paetara Aspiring Central, Plantation Road, Wānaka on Thursday 28 November 2024 commencing at 1.30pm

Present: Councillor Quentin Smith (Chair), Councillor Gavin Bartlett and Councillor Cody Tucker

In attendance: Mr Luke Place (Principal Policy Analyst), Ms Isabelle Logez (Monitoring, Enforcement and Environmental Manager), Mr Anthony Hall (Regulatory Manager), Mr Craig Fahey (Waterways Regulatory Services Manager), Ms Carrie Williams (Policy Manager), Mr Ricky Campbell (Harbourmaster) and Ms Jane Robertson (Senior Democracy Services Advisor); one member of the media and no members of the public

Deliberations

- Kelvin Grove Ski Lane: Discussion re separation of swimming and ski lane. Discussion about boundary point for passive recreation and position of ski lane. Discussion about moving entirely to the east. Accept the proposed ski lane in green and move southern green line to the south by 20m.
- Wilsons Bay and Sunshine Bay: support officer recommendations.
- Removal of ski lane at Kinloch: no submissions received so support officer recommendation to remove.
- Frankton Beach: Advice was received during the hearing that the ski lane is not practical at low water. Agree to retain. Suggestion to add signage to warn of shallowness.
- Willow Place Lane: Agree that it can be safely retained.
- Loop Road: Keep because of submitter feedback.
- Frankton Arm north side (under Rees Hotel): Agree to remove.
- Retain both ski lanes at Waterfall Creek.
- Eely Point: Access lane is for launching only.
- Roys Bay: Keep as a ski lane but close seasonally despite submissions about efficacy of seasonal closure.
- Glendhu Bay: Accept officer recommendation.
- Bobs Cove: Note for a future review.
- Hāwea Ski Lane: Move further east towards esplanade reserve because although not in Statement of Proposal submissions were made about it. Monitor and review its effectiveness.
- Million Dollar Cruise: has resource consent allowing to use Kawarau Dam access lane. Ability to narrow who can operate in this area. Commercial passenger vessels. Discussion about rules for access lanes. If using any access lane must use closest and most direct route. Should be a protected area where no one can stop except for consented operator. How to deal with hatched area? Stopping is generally not permitted in access lanes.

- Communication devices: Agree that only one communication device is necessary on a non-powered vessel within 50m of the shore and add an advice note for any vessel over 6 metres and any power vessels to have communication appropriate to vessel type and activity.

Other changes

- Include clear pictures in the bylaw of ski and swim lanes.
- Remove classification of lifejacket type in bylaw.
- Speed uplifting: JBNZ submission is out of scope so agree to maintain the status quo and acknowledge that speed uplifting is available upon request. Consider for future reviews of the bylaw.
- Jumping from Albert Town Bridge: Agree to accept officer recommendation.

It was moved (Councillor Smith/Councillor Bartlett):

That the hearing panel:

- 1. Note the contents of this report;**
- 2. Receive all submissions to the Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 including the late submission from Jet Boating New Zealand and hears the submitters who wish to be heard; and**
- 3. Recommend to Council the final form of the Draft Navigation Safety Bylaw 2025 / Te Ture ā-Rohe mō te Haumarū Whakatere 2025 to be adopted, with changes as an outcome of the consultation process and deliberations of the hearing panel.**

Motion carried unanimously.

The meeting concluded at 3.34pm.