

**Attachment F - Overview of minor errors, incorrect references, or other inaccuracies, including recommended solutions**

<b>Matter</b>	<b>Description</b>
Clause 3 (Purpose)	The purpose of the bylaw does not refer to the purpose of local navigation safety bylaws to <i>‘ensure maritime safety’</i> as per Section 33M of the Maritime Transport Act 1994. It is recommended that the bylaw’s purpose up amended to reflect this reference.
<p>Clause 6.1 (definition of ‘GPS Coordinate’)</p> <p><b>And</b></p> <p>Updating all GPS coordinates in the bylaw to reflect the WGS84 Lat-Long system</p>	<p>The bylaw does not contain a definition of GPS coordinate which may create some ambiguity. It is recommended that a definition be included.</p> <p>The bylaw uses a number of GPS coordinates to identify specific features (i.e. ski lanes etc). It is understood that a number of these GPS coordinates are inaccurate. It is recommended that all GPS coordinates in the bylaw be reviewed for accuracy and updated to use the WGS84 Lat-Long system.</p>
Clause 6.1 (definition of ‘Vessel’)	The definition of vessel does not include reference to ‘hydrofoil’ which is a new form of vessel that is now commonly used on the district’s waterways. Such vessels are known to be powered in some instances. It is recommended that this definition be amended to also reference hydrofoils.
Clause 6.1 (definition of ‘Proper Speed’)	<p>The bylaw currently defines ‘Proper Speed’ as <i>‘speed through water’</i>.</p> <p>This definition has been problematic to apply to speed on rivers because, in a practical sense, to exceed a river’s speed, a vessel would be travelling faster than 5 knots in many circumstances</p> <p>Officers preferred option is to amend this definition to align with ORCs Navigation Safety Bylaw 2020 which provides a more accurate and pragmatic measurement of speed more appropriate to the waterbody being traversed (i.e. rivers vs lakes). The recommended definition is noted below:</p> <p><b>Speed means:</b></p> <p>(a) <i>On lakes the speed through the water; or</i></p> <p>(b) <i>On rivers the speed through the water if travelling with the current, or speed over the ground if travelling against the current</i></p>
Clause 6.1 (definition of ‘Underway’)	The bylaw includes a definition of ‘Underway’ <sup>1</sup> . This definition is not referred to at any point in the bylaw, nor is it included in Part 91 of the national Maritime rules. The definition is ambiguous and is not

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<sup>1</sup> Underway means that a vessel is not making way, and is not aground, at anchor, or made fast to the shore or other structure

	considered to be of any relevance. It is recommended that the definition of 'Underway' be deleted.
Clause 9.1(c) (Speed of vessels)	This clause does not accurately reflect the definition of 'Flag A' in the bylaw, being ' <i>the divers flag</i> '. It is recommended that this definition be amended to address this reference.
Clause 16.2(b) (Prevention of nuisances relating to a Council owned a jetty, wharf, ramp or launch facility)	This clause includes the word ' <i>and</i> ' rather than the word ' <i>or</i> ' between 16.2 (a) and (b) making the two circumstances set out in the provision mutually dependent for the provisions to apply. This is not considered to be the intention of the provisions which should be mutually exclusive. It is recommended that ' <i>and</i> ' be replaced by ' <i>or</i> '.
Clause 22.1(a) (Exceptions to requirements to carry or wear lifejackets)	This clause contains a minor typo where it refers to ' <i>...or other or similar...</i> '. It is recommended that this typo be amended.
Clause 25 (Parasailing) explanatory note	This explanatory note includes reference to a specific Maritime New Zealand website that no longer exists. It is not best practice for website links to be included in bylaws as they can be subject to change and become inaccurate. It is recommended that this explanatory note be amended to remove this incorrect reference.
Clause 26 (Whitewater rafting) explanatory note	This explanatory note includes reference to a national Maritime rule (Rule 81) which has been revoked. It is recommended that this reference be removed.
Clause 31 (Special events)	<p>Clause 31 refers to 'special events'. The term 'special events' is somewhat ambiguous as it does not accurately relate to the nature of the events that are being managed – being temporary events.</p> <p>It is recommended that the word 'special' be amended to 'temporary' throughout the bylaw where it currently references special events. It is noted that Part 91 of the national Maritime rules also uses the term 'temporary' as opposed to 'special' when referring to this type of waterway activity.</p>
Clause 35(1)(a)(i) (Clutha River)	<p>This clause prohibits the operation of powered vessels on the Clutha River Mata-Au (unless expressly authorised by a resource consent) during specific times of year. It is currently unclear what speed commercial operators are permitted to travel during this time which has led to questions from members of the public. The intention of amending this clause is to clarify that commercial vessels can operate in a manner that is consistent with their Maritime New Zealand approvals (which would likely exceed 5 knots however they would be required to travel in a safe and responsible manner in accordance with their Maritime New Zealand approvals).</p> <p>Officers recommend that this issue be addressed by amending Clause 35(1)(a)(i) as follows (additions <u>underlined</u>):</p> <p><i>it is expressly authorised to operate in this area by a resource consent issued by the Council <u>without speed restrictions subject to operating in accordance with Maritime New Zealand approvals and applicable resource consents.</u></i></p>

<p>Part 8 (Commercial vessels – Clauses 44 and 45)</p> <p>Clause 52.1(a)(b) (Administrative requirements)</p> <p>Clause 53.1 (Fees and charges)</p> <p>Clause 56 - (Non-compliance with conditions of a permit or licence)</p>	<p>The subject provisions set out a suite of requirements relating to the licencing of commercial vessels. It is noted that the licencing of commercial vessels is managed by Maritime New Zealand on the basis of national Maritime rules.</p> <p>Commercial activities operating on the district’s lakes and rivers are also subject to the provisions of the Proposed District Plan.</p> <p>As such, references to commercial vessel licencing are superfluous and officers recommend that they be deleted.</p>
<p>Schedule 1 (Map of Queenstown Lakes District)</p>	<p>The bylaw contains a map of the district which does not provide the desired level of accuracy concerning boundary definition or details on waterbodies which cross the territorial boundary. It is recommended that this map be updated to provide the necessary level of accuracy.</p>
<p>Schedule 2 (Speed upliftings and access lanes – Clause 1(i))</p>	<p>Officers recommend that an explanatory note be added to Clause 1(i) of Schedule 2 to make it clear that the bylaw’s 5 knot speed limit applies to waterbodies that are not identified in Table 1 of the bylaw as being subject to a speed uplifting.</p> <p>It is recommended that this explanatory note be read as follows (additions <u>underlined</u>):</p> <p><i><u>Explanatory Note: If the waterbody is not listed below a 5 knots speed limit applies, unless otherwise stipulated elsewhere in this bylaw.</u></i></p>
<p>Clause 36 - Kawarau River and Map 6 in Schedule 2</p>	<p>The drafting of this clause was an issue considered in the related bylaw prosecution case QLDC v O’Sullivan.</p> <p>Officers recommend that the bylaw be amended to address this interpretation clarified through this case by revising the use of the word ‘<i>below</i>’ in Clause 36.4 and Map 6 in Schedule 2 (where it refers to part of the Kawarau River below the Arrow River) to more accurately reflect the intent of where powered vessels are not permitted to operate.</p> <p>It is recommended that Clause 36.4 and Map 6 in Schedule 2 be amended as follows (additions <u>underlined</u> and deletions <del>struck through</del>):</p> <p><i>No powered vessels may operate on that part of the Kawarau River located <u>downstream from the confluence between the Kawarau River and below</u> the Arrow River</i></p>
<p>Clause 37 (Shotover River)</p>	<p>The clause refers to the previous version of the Shotover River Bylaw. It is recommended that this reference be updated here (and throughout the bylaw) to reference the 2021 Shotover River Bylaw.</p>

Te reo Māori references	The bylaw requires a number of amendments to reflect correct te reo Māori placenames, and to include other te reo Māori additions. It is recommended that these amendments be undertaken to reflect QLDCs commitment to Te reo Māori.
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