

Item 1: Navigation Safety Bylaw 2018 review - Early Elected Member engagement

SESSION TYPE: Workshop

PURPOSE/DESIRED OUTCOME:

The purpose of this workshop is to introduce Elected Members to the review process currently underway for the Navigation Safety Bylaw 2018 (**the Bylaw**). The Bylaw applies to all navigable waters and foreshores in the district, and manages water-based activities to ensure the safe enjoyment of our lakes and rivers.

The workshop will address the following matters:

- The scope of the Bylaw review,
- The steps undertaken to date,
- Key issues for the review,
- Key takeaways from pre-engagement feedback,
- Preliminary options for addressing key issues, and
- Elected Member feedback to narrow the range of reasonably practicable options ahead of drafting bylaw amendments.

DATE/START TIME:

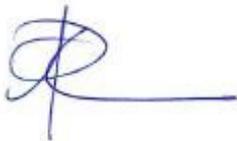
Tuesday, 16 April 2024 at 9.30 am

TIME BREAKDOWN:

Presentation: 30 mins approx.

Questions or Debate/Discussion: 30 mins approx.

Prepared by:



Name: Luke Place

Title: Principal Policy Advisor
3 April 2024

Reviewed and Authorised by:



Name: Michelle Morss

Title: General Manager – Strategy and Policy
5 April 2024

ATTACHMENTS:

A	Presentation - Navigation Safety Bylaw 2018 review - Early Elected Member engagement
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Navigation Safety Bylaw 2018 review

Early Elected Member engagement

Workshop purpose

- Describe the Navigation Safety Bylaw 2018 ([the Bylaw](#))
- Discuss scope of the review
- Describe the process undertaken to date:
 - Pre-engagement feedback
 - Issues and options analysis – a focus on pre-engagement topics
- Elected Member feedback to narrow down the reasonably practicable options for the draft bylaw

Bylaws – Scope and limitations

Local Government Act 2002

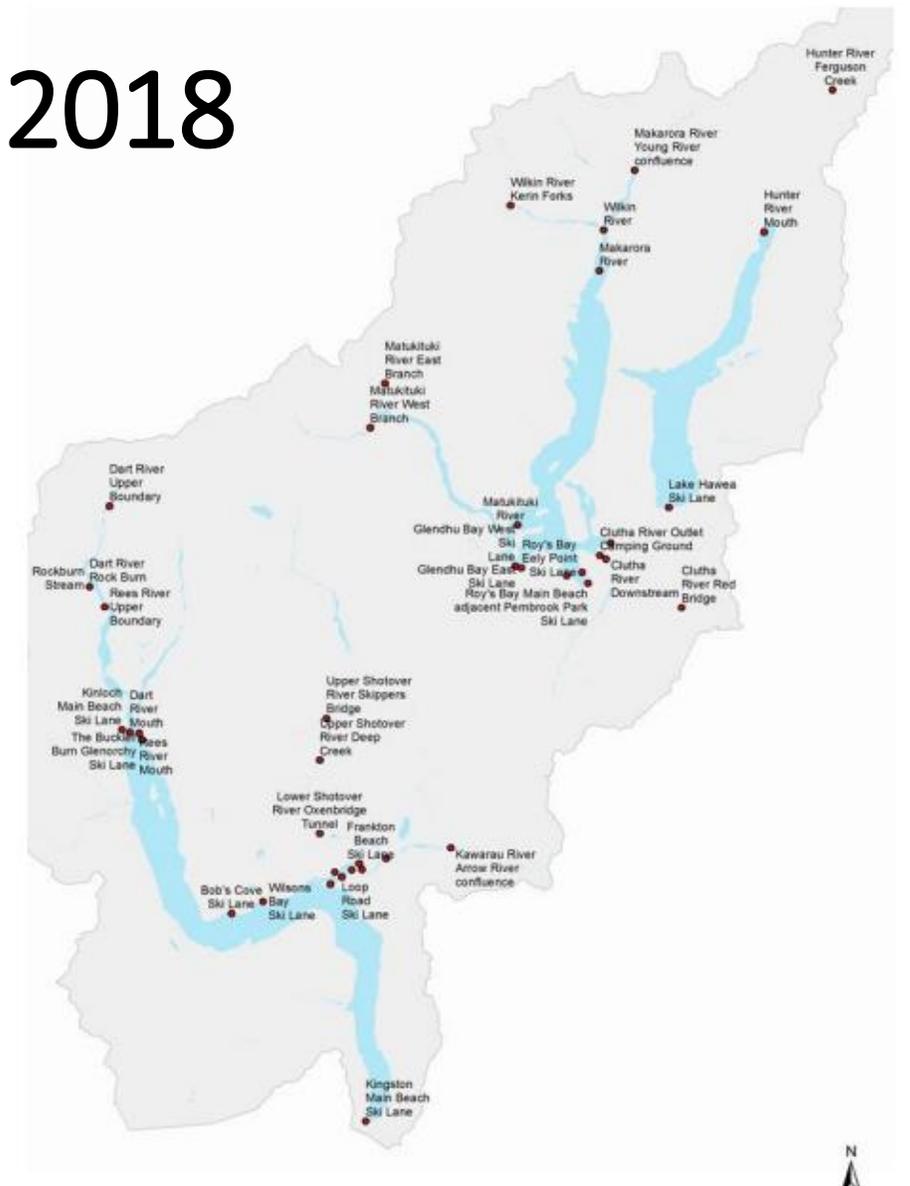
- Bylaws are made for one (or more) of the following reasons (LGA s.145):
 - *protecting the public from nuisance*
 - *protecting, promoting, and maintaining public health and safety*
 - *minimising the potential for offensive behaviour in public places*

Maritime Transport Act 1994

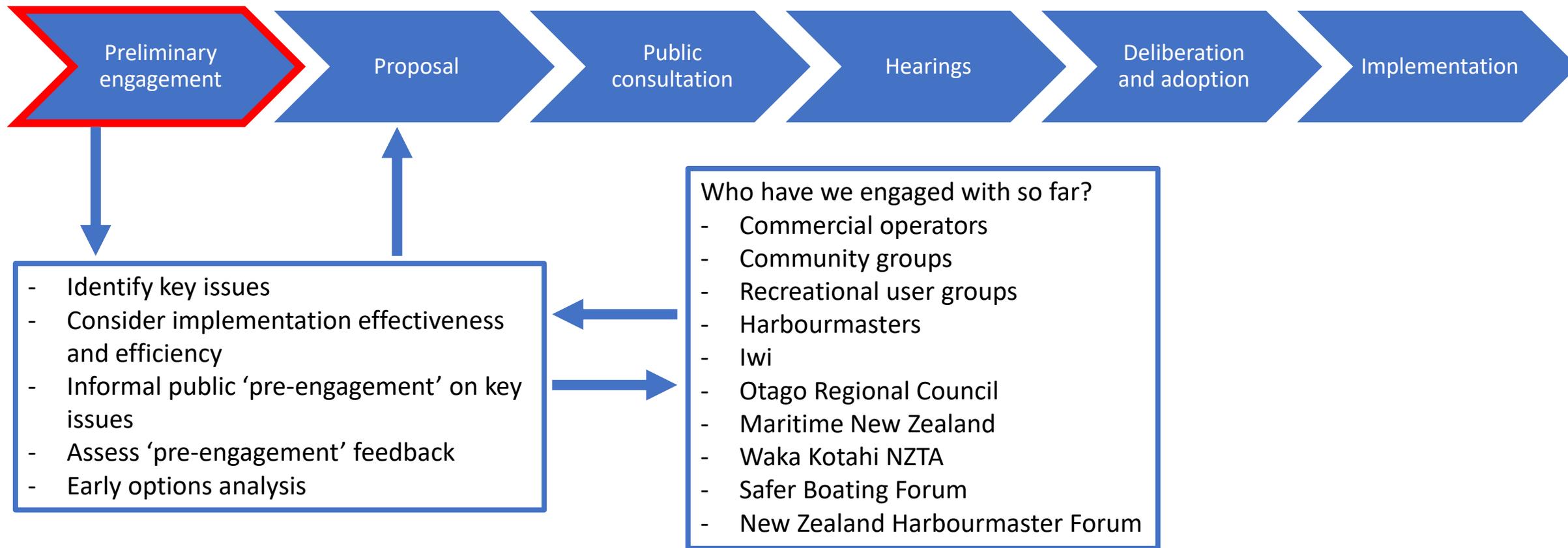
- Empowers regional councils to create bylaws for ‘ensuring maritime safety’ (s.33M)
- This power has been delegated to QLDC from ORC
- Specifies further scope for the creation of ‘Navigation Bylaws’ (s.33M(1))

QLDC Navigation Safety Bylaw 2018

- Current Bylaw commenced on 6 April 2018
- Applies to navigable waters and foreshores (shown to the right - Schedule 1 of the Bylaw).
- Purpose (s.3):
 - use or management of ships, anchorages, vessel traffic
 - moorings and maritime facilities
 - prevent nuisances arising on, in, or near the water
 - manage events on the water
 - wearing of life jackets and buoyancy aids
 - fees and charges for administration
 - offences and penalties
- Unique for being able to enforce using infringement fines - few bylaws have this function



Bylaw review process



Key issues for the review

Consideration of monitoring, public concerns and harbourmaster engagement has identified the following key issues:

- lifejacket use
- events on the water
- the location of ski lanes on several lakes
- board tethering to ensure safe use of 'The Wave' on the Hāwea River
- vessel identification
- Council's role in relation to people jumping recreationally off the Albert Town Bridge

Amendments to other provisions will also be considered where necessary.

Any other matter can be addressed if it meets the scope thresholds under the LGA and the Maritime Transport Act 1994.

Pre-engagement

- October – December 2023
- Let's Talk survey
- Social media posts, a media release, several radio ads, digital screens in libraries, and a story in Scuttlebutt
- Engagement with sector stakeholders and commercial operators
- Focused on key issues but enabled any and all feedback

- 51 survey responses and 16 email responses ([here](#))
- 160 responses to October 2022 ski lane engagement (will be considered as part of the bylaw review) ([here](#))

Pre-engagement - Key takeaways and options

The next section will address:

1. Key feedback from pre-engagement
2. Preliminary options for addressing pre-engagement issues

Early Elected Member feedback is sought to narrow the range of reasonably practicable options for next steps – drafting proposed bylaw amendments

- Lifejacket use
- Events on the water
- Ski lanes
- Safe use of 'The Wave'
- Vessel identification
- Albert Town Bridge
- Other comments

Pre-engagement - Key takeaways and options

Topic	Key takeaways from feedback	Possible options
Lifejacket use	<ul style="list-style-type: none">– Overall support for existing provisions– More enforcement and education– A different approach for paddle boarders– Consider thresholds relating to vessel size	<ul style="list-style-type: none">– Status quo– Compulsory at all times on all craft or when 'underway' only (status quo i.e. when moving)– Geographical requirements (i.e. locations, distance from shore)– A more permissive approach for paddle boards/other similar craft– Amend vessel size thresholds (i.e. what length triggers lifejacket requirements)

Pre-engagement - Key takeaways and options

Topic	Key takeaways from feedback	Possible options
Events on the water	<ul style="list-style-type: none"> – The majority of respondents agreed the Harbourmaster should be notified of events citing reasons of managing safety, user conflict and improving compliance – A variety of events were suggested to be considered as a 'special event' ranging from swimming to jet boat racing events – Clarity concerning approval processes, timeframes, required documentation and the role of the Harbourmaster – Thresholds created based of the nature and scale of the event that correlate to notification requirements 	<ul style="list-style-type: none"> – Types of events requiring consideration: <ul style="list-style-type: none"> – Status quo (notification/approval only required when obtaining speed uplift or reserved area) – Create a risk-based threshold for event requirements (notification, information submitted, approval process etc) dependent on the nature and scale of the event (i.e. number of participants, powered vs. non-powered) – Require all events to notify and provide information to Council – Create an approvals process for all events – Amend public notice requirements: <ul style="list-style-type: none"> – Status quo (newspaper notice within strict notice period requirements) – Posting on QLDC website and notify key stakeholders, amend notice period requirements

Pre-engagement - Key takeaways and options

Topic	Key takeaways from feedback	Possible options
Ski lanes	<ul style="list-style-type: none"> – The majority consider existing ski lane locations to be inappropriate – Conflicts between users and congestion during peak times – Compliance and safety issues – Ambiguous markings (signage and buoys) – Some feedback related to specific ski lanes – targeted changes to improve usability and safety 	<ul style="list-style-type: none"> – Status quo – Amend or remove specific ski lanes to address known issues – Establish additional ski lanes – Create areas for passive water users (i.e. swimmers, non-motorised craft) to provide additional separation – Improve the identification of ski lanes (i.e. signage, buoys, GPS coordinates)
Safe use of 'The Wave'	<ul style="list-style-type: none"> – A small number of safety issues reported, and a number of suggestions on how to promote safer use of The Wave i.e. monitoring, signage, presence of a lifeguard, tether types, lifejacket use 	<ul style="list-style-type: none"> – Status quo – Introduce increased safety measures which could include: <ul style="list-style-type: none"> – Specific provisions relating to the use of The Wave (i.e. lifejacket use, tether type) – Signage / education on safe use

Pre-engagement - Key takeaways and options

Topic	Key takeaways from feedback	Possible options
Vessel identification	<ul style="list-style-type: none"> – The majority of respondents consider vessels should be identifiable – Suggestions for identification varied from vehicle/trailer registration, name of vessel, QLDC specific ID number 	<ul style="list-style-type: none"> – Status quo (no identification required) – Require identification (displayed on vessel) – Vehicle or trailer licence plate number – Name of vessel – QLDC specific ID reference system – Require identification for some vessels (i.e. based on power, size or purpose)
Albert Town Bridge	<ul style="list-style-type: none"> – 50% - QLDC should not take action – 19% - action should be taken – 31% - didn't know or didn't respond – A range of suggestions were provided to improve safety in this area i.e. designating jumping spots and identifying vessel lanes, prohibiting powered vessels from this area 	<ul style="list-style-type: none"> – Status quo – Specific provisions restricting jumping from and/or swimming around the Albert Town Bridge – Reserving a specific area for swimmers (i.e. a designated jumping spot) – Amend existing provisions enabling the Harbourmaster to prevent jumping, diving, swimming or other activities. This could extend to all bridges and other structures. – Additional restrictions on vessel movements in this area (i.e. up/down lanes, speeds, controlling and/or prohibiting vessel movements)

Pre-engagement - Key takeaways and options

Topic	Key takeaways from feedback	Possible options
Other comments	<p>Other general comments were provided on a range of matters including:</p> <ul style="list-style-type: none">– Educational activities on bylaw requirements– Further controls on jet boats and jet skis– Speed limits (more restrictive vs more permissive)– Applying intoxication limits (i.e. same as cars)– Amenity and environmental effects from powered vessels	<ul style="list-style-type: none">– Review existing speed restriction framework within the Bylaw and consider amendments or new restrictions– Consider intoxication provisions for QLD lakes and rivers– Consider education for safe use of powered vessels– Refer reference to amenity and environmental effects to planning policy and resource consents teams

Next steps



Immediate next steps:

- Issues and options analysis – advantages and disadvantages
- Identify preferred options
- Draft bylaw amendments
- Wanaka Upper Clutha Community Board meeting
- Community and Services Committee meeting
- Further draft bylaw amendments (if necessary in response to EM engagement)
- Full Council meeting – approve bylaw amendments for public consultation

Questions - Patai and korero