

1969/268



THE OTAGO INLAND HARBOURS REGULATIONS 1969

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 15th day of December
1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Harbours Act 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Otago Inland Harbours Regulations 1969.

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Harbours declared—(1) The waters specified in the second column of the First Schedule to these regulations are hereby declared to be harbours for the purposes of the Harbours Act 1950, and are hereby defined as the limits of the harbours specified in the first column of that Schedule.

(2) Those harbours shall have the names assigned thereto in that Schedule.

3. Navigation in Kawarau River—No person shall navigate any vessel upstream on the Kawarau River so as to impede the passage of any vessel proceeding downstream through any flood-control gate of the Kawarau Dam.

4. Navigation in Shotover River—Except with the prior consent in writing of the Harbourmaster, no person shall navigate any vessel on any part of the Shotover River between the landing places known as Tucker Beach and Edith Cavell Bridge.

5. Area of Lake Wakatipu reserved for drive-yourself vessels, private power-driven vessels and yachts—(1) The waters of Lake Wakatipu described in the Second Schedule to these regulations (hereinafter referred to as Access Lane No. 1) are hereby reserved for the sole

use of power-driven vessels let out on hire to persons who themselves navigate the vessels or provide another person to navigate them (hereinafter referred to as drive-yourself vessels), private power-driven vessels, and sailing yachts.

(2) No person shall in Access Lane No. 1—

- (a) Navigate any vessel (whether power-driven or not), other than a drive-yourself vessel or a private power-driven vessel, or a sailing yacht; or
- (b) Navigate any drive-yourself vessel or private power-driven vessel at a speed in excess of 5 miles an hour, unless the buoys specified in the Second Schedule to these regulations are in, or approximately in, the positions specified in that Schedule; or
- (c) Land or take off or navigate any water-borne aircraft.

6. Area of Lake Wakatipu reserved for other power-driven vessels—

(1) The waters of Lake Wakatipu described in the Third Schedule to these regulations (hereinafter referred to as Access Lane No. 2) are hereby reserved for the sole use of power-driven vessels (other than drive-yourself vessels) and, subject to paragraph (c) of subclause (2) of this regulation, for water-borne aircraft.

(2) No person shall in Access Lane No. 2—

- (a) Navigate any drive-yourself vessel; or
- (b) Navigate any vessel that is not a power-driven vessel; or
- (c) Land or take off any water-borne aircraft.

(3) Notwithstanding anything in subclause (2) of this regulation,—

- (a) Where the height of the waves on Lake Wakatipu outside Queenstown Bay exceeds 1 ft, any person may land or take off a float plane in Access Lane No. 2:
- (b) Where the height of the waves on Lake Wakatipu outside Queenstown Bay exceeds 2 ft, any person may land or take off a water-borne aircraft in Access Lane No. 2.

7. Area of Lake Wakatipu reserved for use of water-borne aircraft—

(1) The waters of Lake Wakatipu described in the Fourth Schedule to these regulations (hereinafter referred to as the aircraft mooring area) are hereby reserved for the sole use of water-borne aircraft.

(2) No person shall, at any time when the aircraft mooring area is occupied by a water-borne aircraft, navigate any vessel (whether a power-driven vessel or not) in that area, except a vessel used in conjunction with any water-borne aircraft using that area.

8. Restrictions on bathing and fishing—No person shall bathe or fish in Access Lane No. 1, Access Lane No. 2, or the aircraft mooring area.

9. Restrictions on water skiing—No person shall water ski or navigate any vessel towing a water skier in the waters of Queenstown Bay inside a straight line from the outermost extremity of the Recreation Reserve to the mouth of One Mile Creek.

10. Application of Motor Launch Regulations 1962—(1) The Motor Launch Regulations 1962* shall continue to apply with respect to every harbour to which these regulations apply:

Provided that regulations 11 and 12 of those regulations shall not apply with respect to the waters specified in regulations 3 and 4 of these regulations:

Provided also that in the event of any conflict between any provision of the Motor Launch Regulations 1962* and any provision of these regulations, the provision of these regulations shall apply.

(2) Subject to subclause (1) of this regulation, the provisions of the Motor Launch Regulations 1962* relating to access lanes shall apply with respect to Access Lane No. 1 and Access Lane No. 2 as if they had been defined as access lanes under regulation 13 of those regulations.

(3) Regulation 20 of the Motor Launch Regulations 1962* shall apply with respect to these regulations as if the references therein to the first-mentioned regulations were references to these regulations.

11. Powers of supervising officers, etc.—(1) Every person who under regulation 16 of the Motor Launch Regulations 1962* is authorised to enforce in respect of any harbour to which these regulations apply the provisions of the Motor Launch Regulations 1962* is hereby authorised to enforce the provisions of these regulations, and in particular may at any time—

- (a) Require the person appearing to be in charge of any vessel to stop his vessel:
- (b) Require the person appearing to be in charge of any vessel or any water-borne aircraft or other person found committing a breach of these regulations to give his name and address:
- (c) Require the owner of any vessel or water-borne aircraft, on being informed of any offence alleged to have been committed by any person against these regulations, to give all information in his possession or obtainable by him that may lead to the identification of the person by whom the offence is alleged to have been committed.

(2) Every person commits an offence who fails to comply with any requirement under subclause (1) of this regulation of any person who under that subclause is authorised to enforce the provisions of these regulations.

12. Offences and penalty —(1) Every person commits an offence who does any act in contravention of or fails to comply with any provision of these regulations:

Provided that in proceedings for any such offence it shall be a defence if the defendant proves that the act or omission constituting the alleged offence was committed because of stress of weather or for the safety of navigation in an emergency.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding \$200.

13. Proof of position of buoys—In proceedings for an offence against these regulations, proof that any buoys of the kinds specified in the Second Schedule or, as the case may require, the Third Schedule or Fourth Schedule to these regulations were in the approximate positions specified in the relevant Schedule shall be sufficient proof that those buoys were in the positions so specified.

14. Revocations—(1) The Otago Inland Harbours Regulations 1965* are hereby revoked.

(2) The notice by the Minister of Marine dated the 14th day of November 1966 declaring an area of Lake Wakatipu for the operation of motor launches† is hereby revoked.

*S.R. 1965/223

†Gazette, 24 Nov. 1966, p. 1967

SCHEDULES

Reg. 2

FIRST SCHEDULE

DESCRIPTION OF HARBOURS

Name of Harbour	Limits Defined
Lake Wakatipu	The waters of Lake Wakatipu, all rivers and streams flowing into Lake Wakatipu, the Kawarau River from its source to its confluence with the Clutha River, and the Shotover River from its source to its confluence with the Kawarau River.
Lake Johnson	The waters of Lake Johnson.
Lake Hayes	The waters of Lake Hayes.

SECOND SCHEDULE

Reg. 5

DESCRIPTION OF ACCESS LANE No. 1

ALL that area of water in Queenstown Bay, Lake Wakatipu, contained within a rectangle, the southernmost boundary of which is a line running in a 227° direction for 720 yards from a point which is 245 yards on a line running 137° from the south-eastern corner of Deposited Plan 7254 subdivision, Lot No. 27, and the easternmost boundary of which runs in a 317° direction for 125 yards from the aforesaid point.

Marks—Orange and black barrel buoys with two yellow reflectorised stripes at northernmost and easternmost corners, and at a position on the northernmost boundary 395 yards from the northernmost corner.

Reg. 6

THIRD SCHEDULE

DESCRIPTION OF ACCESS LANE NO. 2

ALL that area of water in Queenstown Bay, Lake Wakatipu, contained within a rectangle, the southernmost boundary of which is a line running in a 047° direction for 700 yards from the green-lighted beacon situated on the submerged reef 385 yards more or less westward of Scott Memorial, Queenstown, and the westernmost boundary of which runs in a 317° direction for 125 yards from the aforesaid beacon.

Marks—(a) A port-hand red barrel buoy with two reflectorised red stripes to mark westernmost corner.

(b) Orange and black barrel buoys with two reflectorised yellow stripes to mark northernmost and easternmost corners.

(c) Reef light flashing green to mark southernmost corner.

Reg. 7

FOURTH SCHEDULE

DESCRIPTION OF AIRCRAFT MOORING AREA

ALL that area of water in Queenstown Bay, Lake Wakatipu, contained within a rectangle enclosed by parallel lines in a 137° direction and 100 yards apart, the northernmost of which is projected from the inner terminal point of the southernmost line of Access Lane No. 2, and bounded by a line measuring 66 feet from the edge of the lake at ordinary lake level.

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations replace the Otago Inland Harbours Regulations 1965.

Regulations 2 to 4 re-enact the provisions of the 1965 regulations defining the limits of Lake Wakatipu Harbour, Lake Johnson Harbour, and Lake Hayes Harbour and regulating navigation on parts of the Kawarau and Shotover Rivers.

Regulations 5 to 13 make provision with respect to the use of Queenstown Bay, in Lake Wakatipu, and adjacent waters. These provisions are as follows:

- (a) An area of Lake Wakatipu (known as Access Lane No. 1) is reserved for the sole use of drive-yourself power-driven vessels, pleasure power-driven vessels, and sailing yachts.
- (b) An area of Lake Wakatipu (known as Access Lane No. 2) is reserved for the sole use of other power-driven vessels and water-borne aircraft.
- (c) An area of Lake Wakatipu (known as the aircraft mooring area) is reserved for the sole use of water-borne aircraft.
- (d) Seaplanes may not use Access Lane No. 1 and may not land on or take off from Access Lane No. 2.
- (e) Bathing and fishing is prohibited in Access Lane No. 1, Access Lane No. 2, and the aircraft mooring area.
- (f) Vessels in Access Lane No. 1 may not exceed 5 miles an hour unless all the buoys necessary are in position.
- (g) Water skiing in Queenstown Bay is prohibited.
- (h) The 5 mile an hour speed restriction imposed by regulations 11 and 12 of the Motor Launch Regulations 1962 will not apply on certain parts of the Kawarau and Shotover Rivers.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1969.

These regulations are administered in the Marine Department.