

# Hearing Report – Draft Otago Navigation Safety Bylaw 2026

## Purpose of the report

1. The purpose of this report is to present submissions on the draft Otago Navigation Safety Bylaw 2026 (the draft bylaw) to the hearings panel. At its 9 December 2025 meeting, Otago Regional Council (the Council) noted the proposed amendments to the draft bylaw and approved public consultation on it (<https://www.orc.govt.nz/get-involved/events/2025/december/council-meeting-9-december-2025/>).
2. This report provides an analysis of submissions on the draft bylaw and advice to the Hearing Panel (the Panel) on recommended amendments to respond to feedback received. The submissions received through public consultation on the draft bylaw can be viewed here: (<https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/draft-navigation-safety-bylaw/#submissions>).
3. This report is intended to support the Panel of Councillors that will undertake a hearing on submissions received. The hearing provides members of the public who have made a submission the opportunity to be heard by the Panel.

## Background

### Bylaws – Scope and limitations

4. The Maritime Transport Act 1994 (MTA) empowers regional councils to make navigation safety bylaws for the purpose of ensuring maritime safety to:<sup>1</sup>
  - (a) regulate and control the use or management of ships:
  - (b) regulate the placing and maintenance of moorings and maritime facilities:
  - (c) prevent nuisances arising from the use of ships and seaplanes:
  - (d) prevent nuisances arising from the actions of persons and things on or in the water:
  - (e) reserve the use of any waters for specified persons, ships, or seaplanes:
  - (f) in relation to boat races, swimming races, or similar events,—
    - (i) prohibit or regulate the use of ships:

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<sup>1</sup> MTA Section 33M

- (ii) regulate, or authorise the organisers of an event to regulate, the admission of persons to specified areas:
  - (g) regulate and control the use of anchorages:
  - (h) prescribe ship traffic separation and management schemes:
  - (i) specify requirements for the carriage and use of personal flotation devices and buoyancy aids on pleasure craft:
  - (j) require the marking and identification of personal water craft.
5. In addition, the MTA sets out certain restrictions when a regional council is making a navigation bylaw. Section 33M(2) of the MTA provides that a navigation bylaw may not:
- (a) limit or affect the ability of a port company or an operator of a commercial port to manage its operations within areas owned or controlled by it, except to the extent the regional council considers necessary in the interests of maritime safety:
  - (b) impose any charge in respect of the regional council’s responsibilities in relation to oil pollution:
  - (c) impose licensing requirements in respect of any aspect of commercial shipping operations that is subject to any requirement contained in any maritime rule:
  - (d) be inconsistent with—
    - (i) regulations or rules made under this Act; or
    - (ii) the Resource Management Act 1991; or
    - (iii) the Lakes District Waterways Authority (Shotover River) Empowering Act 1985; or
    - (iv) the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992.
6. The MTA provides navigation bylaws unique powers to enforce using infringement fees. Infringement fees are prescribed in regulations made by the Governor-General which specify which breaches of navigation bylaws are infringement offences. Regulations would need to be made first, before the Council can impose any infringement fees. In addition, the MTA specifies a range of further powers of Maritime New Zealand to ensure maritime safety.

### The bylaw development process

7. The draft bylaw and submissions on the draft bylaw are now at the stage in the process to be considered by the Panel. The review process and key milestones for this bylaw review are summarised in Table 1 below.

8. This report also considers the requirements under section 155(2) of the Local Government Act 2002 (LGA) relevant to making a bylaw under the MTA. Before making the bylaw, the Council must determine whether the draft bylaw is the most appropriate form of bylaw and whether the draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
9. It is considered that the draft bylaw, incorporating the amendments proposed in this report, is the most appropriate form of bylaw, for the reasons outlined in the Statement of Proposal (January 2026), which is available here: <https://www.orc.govt.nz/media/pprldqлу/statement-of-proposal-draft-orc-navigation-safety-bylaw-2026.pdf>.<sup>2</sup>
10. In addition, it is not considered that the draft bylaw gives rise to any implications under the NZBORA,<sup>3</sup> nor is it considered inconsistent with the NZBORA.<sup>4</sup>

**Table 1 Bylaw development process and key milestones**

Date	Milestone
October 2025	Preliminary work investigating issues with the Otago Navigation Safety Bylaw 2020
November 2025	Informal consultation with the Harbourmaster National Bylaw Working Group and Maritime New Zealand
26 November 2025	Council approved commencement of the process for reviewing the Otago Navigation Safety Bylaw 2020 under the LGA
9 December 2025	Council approved public consultation on the draft bylaw
December 2025	Statutory consultation with Maritime New Zealand
12 January to 20 February 2026	Formal consultation period with the public
18 March 2026	Hearings and deliberations by the Hearing Panel in Dunedin
19 March – 16 April 2026	Hearing Panel to prepare recommendation report to Council on hearing and revised draft bylaw
27 – 28 May 2026	Council to deliberate and consider adopting the bylaw

## Otago Navigation Safety Bylaw 2020

11. The Otago Navigation Safety Bylaw 2020 (the current bylaw) applies to all inland and coastal waters out to the limit of the territorial sea (12 nautical miles), but not the waters in the Queenstown Lakes District – responsibility for these waters has been

<sup>2</sup> LGA, section 155(2)(a).

<sup>3</sup> LGA, section 155(2)(b).

<sup>4</sup> LGA, section 155(3).

delegated to the Queenstown Lakes District Council. The current bylaw is available here: (<https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/>). Its purpose is to regulate the following matters:

- (a) General navigation safety requirements;
- (b) Speed limits, reserved areas and access lanes;
- (c) Anchoring and mooring;
- (d) Special controls on activities in Otago Harbour;
- (e) Special provisions for Lake Dunstan Area;
- (f) Maritime safety administrative matters.

### The draft bylaw

12. The draft bylaw includes:

- (a) clauses that are proposed to be carried forward from the current bylaw without any amendment;
- (b) amendments proposed to clauses of the current bylaw; and
- (c) new clauses addressing matters that are not currently addressed in the current bylaw.

13. Table 2 provides an overview of the key issues that were identified through the bylaw review process, and consequential amendments to the bylaw that were consulted on.

**Table 2 Overview of key issues and amendments in the draft bylaw, as notified**

Issue identified through the review	Amendments included in the draft bylaw
<ul style="list-style-type: none"> <li>• Currently only commercial vessels of 300 Gross Tonnage or more, or a tug or barge exceeding 40 metres in length, are required to carry and transmit an accurate AIS (automatic identification system) signal. Other commercial vessels operating in Otago do not.</li> <li>• AIS improves navigational safety by providing the ability for both harbour control and other vessels to identify each other in blind spots, darkness and low visibility scenarios, helping to reduce the risk of a maritime incident.</li> </ul>	<ul style="list-style-type: none"> <li>• A new requirement for commercial vessels carrying 12 or more passengers and commercial vessels 15-plus metres operating within Otago Harbour to have AIS.</li> <li>• This technology can assist vessels safely navigating around each other and can improve vessel management.</li> <li>• While this is a new requirement under the draft bylaw, most commercial vessels will have AIS in place already, so the change is focussed on having it switched on in the harbour.</li> </ul>
<ul style="list-style-type: none"> <li>• Currently there is a 14-day limit for anchoring in one place in Otago Harbour.</li> <li>• However, some boat users and owners are getting around the 14-day limit by shifting vessels to different locations. This</li> </ul>	<ul style="list-style-type: none"> <li>• An adjustment to the current anchoring requirements meaning that after a vessel has utilised a 14-day allowance to anchor in one place, there is no returning to anchor in Otago Harbour within 6 months.</li> </ul>

Issue identified through the review	Amendments included in the draft bylaw
<p>can result in a lack of appropriate anchoring locations for visiting vessels, and a loophole allowing for anchoring for longer periods of time than intended under the existing bylaw.</p>	<ul style="list-style-type: none"> <li>This adjustment allows for better navigation safety management of the harbour.</li> </ul>
<ul style="list-style-type: none"> <li>The Bylaw requires people to report accidents, incidents or mishaps in Otago Harbour to the Harbourmaster.</li> <li>Since the original bylaw ORC has developed an online reporting system for maritime incidents.</li> </ul>	<ul style="list-style-type: none"> <li>Provide an online incident report option via a Harbourmaster website page, in addition to the current email or phone call options.</li> </ul>
<ul style="list-style-type: none"> <li>Some definitions and provisions are contained within the National Maritime Rules and therefore do not need to be replicated in the bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>Delete definitions and provisions that are in the Maritime Rules.</li> </ul>
<ul style="list-style-type: none"> <li>Minor clarity and readability issues.</li> </ul>	<ul style="list-style-type: none"> <li>Other minor changes for clarity and readability.</li> </ul>

14. The draft bylaw is available here: (<https://www.orc.govt.nz/your-council/plans-and-strategies/harbourmaster-plans-and-policies/draft-navigation-safety-bylaw/#draft>).

## Analysis and advice

15. Council’s online survey asked for feedback on the draft bylaw. Respondents were invited to provide feedback on what they would change, and what they supported or did not support. Respondents could also email ORC or the Harbourmaster directly with any feedback.
16. In total, 19 submissions were received from 17 people and organisations that held a mix of views on the draft bylaw and provided a wide range of comments on a variety of provisions.
17. Maritime New Zealand (MNZ) provided recommended changes to a draft version of the reviewed bylaw in December 2025, as part of their statutory oversight of draft navigation bylaws. MNZ’s recommended amendments are included in this report from paragraph 106.

## General comments on the Bylaw

### Submissions

18. Seven submitters provided general comments on the draft Bylaw. Rob Bishop was concerned that the draft Bylaw expands the scope of navigation controls in several areas, as it may increase monitoring, administration, and enforcement activity. The submitter asked for clarity on the rationale for the bylaw changes and what the increased costs for the Otago Regional Council (ORC) might be.
19. Two submitters, B Sinclair and Simon Blake, opposed all changes being proposed to the bylaw in general. B Sinclair wanted the current situation left alone and Simon Blake was concerned that the proposed changes would limit citizens' access to Otago Harbour.
20. Waitaki District Council (WDC) supported the intent of the bylaw review.
21. The Otago Peninsula Community Board (OPCB) requested signage around launching sites in the Otago Peninsula be updated. OPCB also questioned why there is no acknowledgement of Te Rūnaka o Ōtākou as the kaitiaki of the Otago Harbour in the draft bylaw.

### Analysis

22. In regard to concerns about the increased scope / restrictions / proposed changes to the bylaw, the roles and responsibilities of the Harbourmaster in the draft Bylaw have existed in the current bylaw for over five years. The Harbourmaster Team does not anticipate a significant shift in duties and responsibilities, and the draft bylaw would be implemented and delivered within ORC's current Harbourmaster resources and budget.
23. In relation to OPCB's comment on signage, following the adoption of the reviewed bylaw, the Harbourmaster Team will look at signage around Otago's waterways and identify any changes required. This would be delivered within existing budgets and workloads, separately from the bylaw process.
24. The Harbourmaster notes that Te Rūnaka o Ōtākou provided input on the current bylaw when it was developed. The purpose of the bylaw is to ensure navigation safety, rather than to address wider management or stewardship matters.

### Recommended amendments

25. No amendments are proposed to the draft bylaw in response to the general comments received.

## Part 1 Preliminary provisions

### Amendments in the draft bylaw

26. The changes proposed in the draft bylaw consisted of deleting definitions from clause 3. 'Interpretation', that duplicated Part 91 of the Maritime Rules.

### Submissions

27. Two submissions were received on the Preliminary provisions of the draft bylaw.
28. In relation to clause 2 'Application' of the draft bylaw, Katherine McNabb recommended that the Queenstown Lakes District Council (QLDC) be included in the Otago Regional Council area for the purposes of navigation safety. The submitter was concerned that the delegation to QLDC needed to be removed for the safety of water users.
29. The OPCB was concerned about the definition of 'unseaworthy' used in clause 3 'Interpretation' of the draft bylaw, because it relied on an arbitrary decision of the Harbourmaster or one of their deputies.

### Analysis

30. Katherine McNabb's comments are noted about the delegation of navigation safety responsibilities to QLDC, however the delegation of functions to QLDC is a separate process that sits outside of the bylaw.
31. In terms of the definition of unseaworthy, the definition in the current bylaw is as follows:  
**"Unseaworthy"** means, in the opinion of the Harbourmaster not being in a fit condition or readiness to navigate safely on the water.
32. The Oxford dictionary definition is:  
**"unseaworthy"**  
(of a boat or ship) not in a good enough condition to sail on the sea.
33. It is considered that the Harbourmaster has the experience and expertise to assess and manage unseaworthy vessels when they become a potential hazard to navigation. This is addressed further in paragraph 111 of the report in response to comments from MNZ.

## **Recommended amendments**

34. No amendments are recommended to the draft bylaw in response to the comments received on Part 1 Preliminary provisions.

## **Part 2 General Navigation Safety Requirements**

### **Amendments in the draft bylaw**

35. A new option to submit incident data online has been added to clause 5 'Notification of maritime accidents, incidents and mishaps'.
36. Clauses (from the current bylaw) 6 'Person in charge of the vessel', 7 'Carriage of personal floatation devices', and 8 'Exemptions to the compulsory carriage of personal floatation devices' have been deleted as they duplicate requirements under Part 91 of the Maritime Rules.
37. Some minor changes for clarity were made to clause 12 'Vessels to be identified' and clause 13 'Navigational aids'.

### **Submissions**

38. Nine submission points were received on Part 2. 'General Safety Requirements' of the bylaw.
39. Rob Bishop was concerned that the requirement to report all accidents, incidents, and hazards within 24 hours, including submitting Maritime NZ forms to the Harbourmaster, will increase reporting volume significantly. The submitter was concerned about the potential impact on workload for the Harbourmaster Team.
40. Tim Vick was disappointed to see the removal, rather than the strengthening, of the requirement to use a kill cord on a boat where fitted (deleted clause 6 'Person in charge of the vessel'). The submitter noted examples around the world of serious and life changing or ending injuries being caused due to not wearing the engine's kill cord.
41. The OPCB expressed support for clause 6 regarding the mandatory use of life jackets for vessels under 6 metres. Tim Vick was concerned that the wording of clause 6 'Wearing of personal floatation devices on vessels' was unclear and suggested alternative wording. Katherine McNabb was concerned about the inconsistency of life jacket rules in New Zealand, and considered the provision in the draft bylaw did not comply with the national rules.

42. The OPCB expressed concern about clause 7 'Minimum age for operating power-driven vessels'. The Board recommended that, in relation to the ages of operators of vessels capable of exceeding 10 knots, clarification and distinction was needed between wind powered and mechanical powered vessels.
43. The Otago Fish and Game Council (F&G) supports the retention of the general speed limit of 5 knots on rivers via clause 8 'Navigation on rivers' provisions, to protect the environment and other river users. F&G suggested that where speed uplifts are appropriate, they can be identified and added into Appendix E.
44. Francois Lambrechts and the OPCB were concerned that, as currently drafted, clause 9 'Fishing or swimming or diving around landing places' may be interpreted as an outright ban on these activities when vessels are berthing or departing from public jetties or wharves.

### **Analysis**

45. In regard to the concern about the mandatory reporting of accidents, this is a requirement under the current bylaw and the Harbourmaster Team already has a database in place to manage incidents and accidents. There is no anticipated increase in workload, however, the proposed changes will enable boaties to report incidents more easily via a website. Usually MNZ will investigate incidents, although enforcement can be through MNZ or the Harbourmaster as appropriate. However, Rob Bishop's submission is supported in part, as clause 5(3) can be simplified for clarity.
46. Tim Vick's concern about the removal of the kill cord provisions is noted and accepted. The reinstatement of clause 6 'Person in charge of the vessel' is supported.
47. In terms of the comments on the use of life jackets, the support of the OPCB is noted. With regards to clarity of the provision, Tim Vick's recommendation is supported with recommended edits to simplify the provision further.
48. With regards to the consistency of life jacket provisions in New Zealand, the national rule (Maritime Rule 91.4(1)) only requires personal floatation devices to be carried on board in an accessible location. The Harbourmaster considers that the compulsory wearing of a personal floatation device has a significant safety impact and a better chance of saving lives.
49. OPCB's comments about clause 7 'Minimum age for operating power-driven vessels' are noted, however, the wording is consistent with the national Maritime Rules, and therefore no change is recommended.

50. F&G's support of the 5 knot speed limit on rivers to protect the environment and other river users is noted.
51. The intention of clause 9 'Fishing or swimming or diving around landing places' is to stop people fishing, swimming or diving, if the activity interferes with vessel movements within 50m of a landing place. The clause prioritises the safety of all users where multiple recreational activities may occur in the same area. However, the submitters' points are supported in that it is not an outright ban of swimming etc in those areas, and vessel operators need to be vigilant of other people in the water. Several amendments are recommended in response to these submissions.
52. The proposed additions to the reviewed bylaw as suggested by Francois Lambrechts are accepted, without the explanation, as they clarify the intent of clause 9(1)(a).

### **Recommended amendments**

53. The following amendments are recommended to Part 2.

- 53.1 Reinstate clause 6 'Person in charge of the vessel':

#### **6. Person in charge of the vessel**

- (1) The person in charge of a vessel is responsible for the safety and wellbeing of every person on board and for the safe operation of the vessel.
- (2) No vessel owner shall permit the vessel to leave the shore or any anchorage or mooring unless a person in charge of the vessel has been nominated.
- (3) Any person in charge of a vessel fitted with a kill cord must ensure that the kill cord is fitted correctly at all times whilst underway.

- 53.2 Amend 6(4) as follows:

- (4) Clause 6 does not apply to a person training for or participating in ~~or for any trick water skiing/wake boarding element of~~ a sporting event, if the training or event is supervised in accordance with the safety system of a national sporting organisation approved by the Director of Maritime New Zealand pursuant to part 91 of the Maritime Rules.

- 53.3 Add wording after clause 9 as follows.

#### **9A. Swimming near landing places**

- (1) For the avoidance of doubt, nothing in clause 9 prohibits swimming from, or within 50 metres of, a landing place, provided that such swimming does not interfere with the berthing, launching, retrieval, or departure of any vessel.

- (2) A person swimming in the vicinity of a landing place must take all reasonable steps to avoid obstructing vessels that are manoeuvring to or from that landing place.
- (3) The person in charge of a vessel remains responsible for navigating with due care and at a safe speed in areas where swimmers may reasonably be expected to be present, including in the vicinity of landing places.

## Part 3 Speed limits, Reserved Area and Access Lanes

### Amendments in the draft bylaw

54. In the draft bylaw, clauses 17 'General speed limits', 20 'Water Skiing, Parasailing, Paragliding and Towing', and 21 'Divers to Display Flag Alpha (A)' were deleted due to duplication with the Maritime Rules.

### Submissions

55. 11 submission points were received on Part 3. 'Speed limits, Reserved Area and Access Lanes'.
56. Francois Lambrechts submitted that there was ambiguity in the way the 5-knot speed limit in the eastern channel of Otago Harbour could be interpreted. The submitter recommended amending the bylaw, supporting maps, or signage to clarify that no speed uplift applies in the Company Bay / Macandrew Bay channel unless specifically stated. OPCB also noted that there was no map of the 5 knot areas around Macandrew Bay, Broad Bay and Portobello. OPCB sought that these areas and their associated speed restrictions should be included in the bylaw for clarity.
57. Jet Boating New Zealand (JBNZ) proposed a number of speed uplifts under clause 14 'Special Speed Zone'. The proposed uplifts target rivers during high flows, when other recreational use is less likely, and the environmental impact is lessened. F&G have no objection to the specific uplifts proposed, which are specified in F&G's submission:
- a. **Manuherikia River**
- i. Current uplifting: August/September when flow at Ophir gauge is between 10–45 cumecs
  - ii. Agreed: Add July to current parameters and October to March if above 20 cumecs

- b. **Upper Taieri**
    - i. Location: Pukerangi Road Bridge to Hyde Gravel Pit
    - ii. Current uplifting: August/September, flow above 20 cumecs at Waipiata gauge
    - iii. Agreed: Add October, November, and December to current uplifting period
  
  - c. **Lower Taieri**
    - i. Location: Confluence of Waipori River to Outram
    - ii. Current: 15 July to 15 August, flow >30 cumecs at Outram gauge
    - iii. Agreed: Closed April/May and September/October; open the rest of the year with flow above 20 cumecs
  
  - d. **Lindis River**
    - i. Current: Closed
    - ii. Agreed: Open July, August, and September when above 20 cumec
58. Rob Bishop expressed concern about several zones identified in the bylaw, including special speed zones, reserved areas, and the halfway islands safety zone. The submitter was interested in the potential costs implementing and maintaining the zones would create for Council.
59. The North Otago Yacht and Power Boat Club (NOYPBC) recommended that all boats should not exceed 5 knots within the whole Oamaru Harbour area at any time due to safety concerns.
60. OPCB expressed concern that yacht clubs and recreational users are powerless to enforce the 5 knot speed limit in Macandrew Bay, Broadbay and Portobello.
61. Katherine McNabb expressed concern that national rules and the QLDC Navigation Safety Bylaw refer to speed limits being 'uplifted', however, the Otago Navigation Safety Bylaw refers to 'special speed zones'. The submitter was concerned that this might be confusing for the public.
62. OPCB considered clause 16, which relates to special events or ceremonies, is unnecessarily restrictive for yachting clubs who place temporary navigation buoys out to create courses during the racing season.

63. OPCB also submitted that Clause 17 ‘Conduct near marine mammals’ should reference national legislation and conservation management applicable to both commercial and recreational vessels.

### **Analysis**

64. The submission points raised by Francois Lambrechts and OPCB relating to the lack of clarity around speed requirements through the eastern channel of Otago Harbour are noted and accepted. Including information in the bylaw will provide better education for the public about the speed requirements in this area of the harbour.
65. The proposed speed uplifts under clause 14 ‘Special Speed Zone’ recommended by JBNZ, and unopposed by F&G, are noted and supported. It is recommended that the changes proposed by JBNZ are made to the draft bylaw, however the changes are to be made to Appendix E which contains the special speed zones, rather than clause 14. The proposed changes will provide enhanced access for jet boaters to specific rivers during high flows. Due to the state of Otago’s waterways during high flows, it is considered environmental effects of jet boat use will be lessened and the impact on other river users, for example anglers, swimmers, and kayakers, will be low.
66. With regard to Rob Bishop’s submission on ‘zones’ in this Part, these provisions are not new. The zones are in the current bylaw and have been in place for over five years. All of the required signage and markers are already in place and are checked and updated as appropriate. This is business as usual for the Harbourmaster Team, and it will continue to be delivered within existing budgets.
67. NOYPBC’s submission on boats not exceeding 5 knots within Oamaru Harbour are noted. The bylaw currently states that boats should not exceed 5 knots within 200m of shore and this applies to Oamaru Harbour. There is signage around the harbour stating this restriction. However, the bylaw could make this requirement clearer and more transparent by amending the map of Oamaru Harbour in Appendix G.
68. OPCB’s concern about yacht clubs and recreational users being powerless to enforce the 5-knot speed limit in Macandrew Bay, Broadbay and Portobello is noted. However, enforcing speed restrictions in Otago waterways is one of the roles and responsibilities of the Harbourmaster Team – this power cannot be delegated.
69. With regard to Katherine McNabb’s concern about the different terminology used for ‘speed uplift’ across regulatory instruments, the current bylaw uses the term ‘special speed zone’, and these areas are mapped in the Appendix. It is considered that this provides sufficient certainty for users of the bylaw.

70. OPCB's concern about the stringency of clause 16 'Special events' is noted, however, this clause does not affect 'business as usual' events for clubs and organisations, including laying and removing temporary marks for racing etc. All recreational clubs should have a safety plan in place that covers the normal activities of the club. Clause 16 relates specifically to special events, those larger or one-off events that could exceed the clubs' normal safety regime and would therefore need a specific safety plan. This is considered when approval for a special event is applied for from the Harbourmaster.
71. OPCB's comments about clause 17 'Conduct near marine mammals' are noted and accepted in part. Marine mammals are managed by the Marine Mammals Protection Regulations 1992, which is the responsibility of the Department of Conservation. A navigation safety bylaw has no jurisdiction in this area, and therefore it is proposed that clause 17 is removed in its entirety.

### Recommended amendments

72. It is proposed new maps are developed for a new Appendix I, with clear navigation safety information for the eastern channel of Otago Harbour.
73. It is recommended that the map of Oamaru Harbour in Appendix G is amended to make speed restrictions more explicit, specifically 5 knot areas and recreational use areas.
74. Amend Appendix E Special Speed Zones for Otago Inland Waters as follows:

**Manuherikia River:** Speed unlimited for the Manuherikia River from the confluence with the Clutha River to the Falls Dam in St Bathans, between July August and to September inclusive when the flow is between 10 cumecs and 45 cumecs as measured at the Ophir gauge. In addition, speed is unlimited October to the following March inclusive when the flow exceeds 20 cumecs measured at the Ophir gauge.

**Taieri River:** Speed unlimited for the Taieri River from the bridge at Outram downstream to the confluence with Waipori River, between 15 July and 15 August June to August inclusive and November to the following March inclusive when the flow is more than ~~30~~ 20 cumecs as measured at the Outram gauge.

**Taieri River:** Speed unlimited for the Taieri River from the Gravel Pit at Hyde downstream to the Pukerangi Road Bridge in Pukerangi, between August ~~and September~~ to December inclusive when the flow is more than 20 cumecs as measured at the ~~Waipia~~ Tiroiti gauge.

75. Add an additional Speed Zone in Appendix E for the Lindis River as follows:

Lindis River: Speed unlimited for the Lindis River from the confluence with the Clutha River upstream, between July to September inclusive when the flow is more than 20 cumecs as measured at the Ardgour Road gauge.

76. Delete clause 17 'Conduct near marine mammals'

## Part 4 Anchoring and mooring

### Amendments in the draft bylaw

77. The draft bylaw adjusted the anchoring requirements in the current bylaw. In practice, this would mean that after a vessel has utilised a 14-day allowance to anchor in one place, there would be no returning to anchor in Otago Harbour within 6 months.

### Submissions

78. Nine submissions were received on Part 4. 'Anchoring and mooring'.
79. Simon Macrae, Norman Wood, Eric Bretscher, Tim Vick, Reece Allison, and James McEwan opposed the draft bylaw's restrictions around anchoring.
80. Simon Macrae suggested a permit system for long term stays may be appropriate for people that want to stay and work on traveling holidays. Norman Wood commented that he did not see anchoring as a problem, and the restriction seemed a bit harsh. Eric Bretscher said it is not clear what 'problem' the Council is trying to solve and what the justification would be for creating a bylaw. The submitter suggested there are far too few boats and more than enough space for any yacht to become a problem.
81. Tim Vick suggested that the provision may have unintended consequences for boats regularly using Otago Harbour and expressed concern that the limit is overly restrictive. The submitter suggested the anchoring limit could be longer, or that a clause could be added requiring all vessels anchoring in the Otago Harbour for more than 14 days to provide details to the Harbourmaster.
82. Reece Allison commented that his vessel is contravening the proposed anchoring rules because his resource consent for a mooring consent has not been progressed. James McEwan submitted that the anchoring rule is not workable as there are currently no moorings for sale in Otago Harbour, either on Trademe, Facebook marketplace, or anywhere else online. The submitter commented that if people cannot anchor for longer, and if there are no moorings available to shift to, then the boat has no option

but to depart the harbour entirely. James McEwan submitted that this would lead to visiting yachts bypassing Otago completely, damaging Otago's maritime industry.

83. WDC submitted that the proposed change to clause 18(3) prevented the provision from applying to Oamaru Harbour – this is the current provision:

*“No vessel shall remain anchored within the same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.”*

Revised provision:

*“No vessel shall remain anchored within the Otago Harbour for longer than 14 days in any six month period without the prior approval of the Harbourmaster.”*

84. WDC expressed a preference to retain the ability to apply section 18(3) to Oamaru Harbour.
85. Clint Sapwell questioned how the change to clause 18 was relevant to Lake Dunstan and the waterpark in Cromwell that is anchored for a long period of time.
86. Rob Bishop expressed concern about the requirement for moorings to be inspected by a “Competent Person” and repaired to Harbourmaster specified standards. The submitter suggested that this was a major shift and asked whether ORC intended to recover costs from mooring owners.

### **Analysis**

87. The current bylaw has a 14-day limit for anchoring in one place in Otago Harbour. The proposed amendments were intended to prevent boat users and owners getting around the 14-day limit by shifting vessels to different locations. This can result in a lack of appropriate anchoring locations for visiting vessels, inappropriate anchoring positions creating safety and navigational issues, and would allow anchoring for longer periods of time than intended under the existing bylaw (which can create blackwater and greywater storage and disposal issues).
88. The submissions opposing the proposed anchoring restrictions are noted and accepted. While the current anchoring rules have the potential to create navigational and safety issues, to date the Harbourmaster has managed these risks through active management of the harbour. It is important to note that there is the option for Harbourmaster to approve a longer stay, and vessel owners are encouraged to seek a

long-term solution if that is their intention. The retention of the current provision also addresses WDC submission that clause 18 continues to apply to Oamaru Harbour.

89. In regard to Clint Sapwell's question, the proposed provision in the draft bylaw would not apply to Lake Dunstan, however, the original provision in the current bylaw does apply to Lake Dunstan. Moorings in Lake Dunstan are subject to resource consent by Central Otago District Council and consideration by Land Information New Zealand, this includes council owned swimming pontoons and a water park.
90. The requirement for moorings to be inspected is not new, it is part of the current bylaw and there are no cost implications for the Harbourmaster Team. The standards are part of the consent process, and the owner of the resource consent is responsible for the maintenance of the mooring.

#### **Recommended amendments**

91. Amend clause 18(3) of the draft bylaw so that it reflects the wording in the current bylaw:

#### **18. Anchoring**

- (1) No vessel shall anchor in a navigational channel without approval from the Harbourmaster. A large vessel may anchor in a navigational channel at the direction of the pilot.
- (2) No vessel shall anchor in a manner that obstructs moorings or moored vessels.
- (3) No vessel shall remain anchored within the ~~Otago Harbour~~ same or proximate location for longer than 14 days in any six month period without the prior approval of the Harbourmaster.
- (4) An anchored vessel may not be left unattended for more than 24 hours without the owner, or their representative checking that the vessel remains secure.
- (5) Vessels are permitted to anchor in Oamaru Harbour in the area shown in Appendix G provided that subclauses (2) to (4) above are complied with.

## **Part 5 Special Provisions on Activities in Otago Harbour**

### **Amendments in the draft bylaw**

92. The draft bylaw includes a new requirement for commercial vessels operating within Otago Harbour to have an automatic identification system (AIS). This technology can assist vessels safely navigating around each other and can improve vessel management. While this is a new requirement under the Bylaw, most commercial vessels will have it in place already, so the change will be about having it switched on in the harbour.

## Submissions

93. Two submissions were received on the requirement to have AIS transmitting in Otago Harbour. Both questioned whether the benefits of AIS outweighed the cost.
94. Eric Bretscher commented that the increase in cost and complexity from the point of view of the operator seems difficult to justify. Rob Bishop said that AIS is a valuable safety tool, but the practical and financial implications need to be clearly outlined. Both submitters suggested that smaller commercial vessels should be excluded.

## Analysis

95. AIS is a proven system that allows for a better overview of safety of navigation in any waters. It also allows technical vision from ship to ship or ship to shore, giving a safer navigational picture to operate with.
96. There is a cost to the operator, dependent on the type of AIS installed. Most commercial operators already have AIS fitted and operational. It is noted that it can be switched off when required – the new requirement in the reviewed bylaw is that AIS must be transmitting when transiting Otago Harbour. The Harbourmaster considers the navigational safety benefits for all vessels within the Harbour outweigh the costs to operators of this requirement.
97. As notified, the AIS requirement applies to specific categories of vessels, including those over 18 metres in length. However, 'medium vessel' is defined in the bylaw as 'any vessel more than 15 metres but less than 40 metres in Length Overall and under 500 gross tonnage'. For clarity and consistency within the bylaw provisions, it is recommended that the AIS transmission requirements apply to commercial vessels over 15 metres in length.

## Recommended amendments

98. It is recommended that clause 22(1)(c) is amended so that it applies to medium sized vessels, as follows:

### **22. Transmission of Automatic Identification System (AIS) in Otago Harbour**

- (1) The following categories of vessels operating within Otago Harbour shall be required to transmit an accurate AIS signal;
  - (a) All commercial vessels of 300 gross tons or more;
  - (b) Tugs and barges together measuring 40 metres length overall (LOA) or greater;
  - (c) Commercial vessels of over ~~18~~15 metres LOA;

- (d) Commercial vessels licensed to carry 12 or more passengers;
- (e) Commercial vessels operating with passengers during the hours of darkness or in restricted visibility; and
- (f) Commercial vessels licensed as a commercial charter vessel to carry up to 12 passengers.

## Appendix G

### Submissions

99. Four submission points were received on Appendix G.
100. Eric Bretscher commented that weather and swell conditions can affect the temporary anchoring zone in Oamaru Harbour. The NOYPBC submitted that boats leaving the Oamaru harbour should give way to any and all boats entering the harbour (entering boats have the right of way).
101. WDC requested more detailed mapping in Appendix G to support clarity for users regarding reserved areas, moorings and access lanes. WDC also supported NOYPBC submission that Appendix G of the draft bylaw be amended to show that boats entering Oamaru Harbour have right of way and that the draft bylaw be amended to specify that a speed limit of 5 knots applies to the mapped area.
102. WDC also sought assurance that categorising Oamaru Harbour as a “commercial port area”:
- Aligns with ORC’s intended regulatory treatment of Oamaru Harbour, recognising its mixed use (recreational, fishing, heritage, and events); and
  - Does not inadvertently impose commercial scale operational expectations that exceed the nature of the harbour.

### Analysis

103. The submitter comments are noted and supported. A more detailed and informative map of Oamaru Harbour would increase users’ knowledge of the requirement around boat use in the Harbour.
104. The Harbourmaster acknowledges that Oamaru Harbour has a range of uses and notes that being described as a commercial port does not impose expectations of capacity or scale.

## Recommended amendments

105. It is recommended that the map of Oamaru Harbour in Appendix G is amended to make speed restrictions more explicit, provide information about the right of way, and include more detailed mapping around reserved areas, moorings, and access lanes.

## Maritime New Zealand Statutory Consultation

106. The Director of Maritime New Zealand (MNZ) is required to be consulted on new or reviewed navigation safety bylaws.
107. In December 2025, MNZ provided comments on a draft bylaw and met with the Harbourmaster to discuss the comments. Some of MNZ's recommendations were incorporated into the draft bylaw that was notified.
108. MNZ's outstanding recommendations are addressed below.

## Analysis

109. It is recommended that MNZ's proposed amendments to the draft bylaw provided by the statutory consultation process are accepted. These have been made in tracked changes below.
110. MNZ also raised issues with three aspects of the draft bylaw and recommended ORC seek legal advice on:
- (a) the definition of 'unseaworthy';
  - (b) clause 12 'Vessels to be identified'; and
  - (c) clause 29 'Written approvals'.
111. MNZ queried whether the definition of 'unseaworthy' raised legal difficulties with enforcement. ORC's legal advice on the definition of 'unseaworthy' noted:
- "While "in the opinion of the Harbourmaster" could be interpreted as importing an element of subjective discretion of whether something is "unseaworthy" and lacks some certainty in terms of enforcing the definition, the level of discretion provided for does not result in the definition being invalid or not able to be enforced."
112. MNZ also recommended ORC seek legal advice on clause 12 of the draft bylaw (largely unchanged from the current bylaw), as section 33M(1)(j) of the MTA requires 'personal water craft' to be marked and identified, but the draft bylaw requires 'vessels' to be

marked and identified. MNZ questioned whether this clause was within the scope of the bylaw making power.

113. ORC's legal advice confirmed that the clause 12 requirement is within scope of the Council's bylaw making powers, subject to the purpose of the provision being for navigation safety. The Harbourmaster has confirmed that clause 12 is to ensure vessels can be identified for the purpose of ensuring navigation safety, particularly for any required compliance and enforcement activity.
114. MNZ commented that clause 29 was drafted in a manner that allowed an approval to be granted subject to any condition, and suggested that the provision be clarified, so that conditions can only be applied as allowed under the bylaw.
115. ORC's legal advice recommended amendments to clause 29, and these are discussed below.

## **Recommended amendments**

### General

116. Change 'speed' throughout the reviewed bylaw to 'proper speed'.

### Part 1. Preliminary provisions

#### *Clause 3. Interpretation*

117. Insert a definition of 'person in charge' as follows:

**"Person in charge of the vessel" means the master.**

### Part 2 General Navigation Safety Requirements

#### *Clause 6. Wearing of personal floatation devices*

118. Add the following:

**(5) Clause 6 does not apply to—**

- (a) any surfboard or similar unpowered craft; and**
- (b) any sailboarder or windsurfer, if a wetsuit is worn at all times; and**
- (c) a diver on a boat of 6 metres or less in length overall that is used for recreational diving within 5 miles of shore, if a full body wetsuit is worn at all times; and**

(d) a member of a visiting foreign watersports team, if the person carries or wears a personal flotation device that is approved by the competent authority for use in that person's country of residence.

(f) a commercial raft.

(6) Clause 6 shall not apply in respect of any sporting event, training activity or ceremonial event if a support vessel that is capable of providing adequate assistance in the event of an emergency remains in the immediate vicinity of the recreational craft and the recreational craft or support vessel or both carry personal flotation devices or buoyancy aids of an appropriate size for each person on board the recreational craft. In this rule buoyancy aid means—

(a) a buoyancy aid as defined in NZ Standard 5823:1989 or NZ Standard 5823:2001 or NZS 5823:20051; or

(b) a buoyancy aid that the Director is satisfied substantially complies with the standard prescribed in paragraph (a) and that provides a minimum of 53 newtons of buoyancy.

*Clause 7. Minimum age for operating power-driven vessels*

119. Change 'Harbourmaster' to 'Regional Council' and update the reference.

*Clause 9. Fishing or swimming or diving around landing places*

120. Amend 9(2) as follows:

Subclause 9(1) does not apply to activities conducted by, on behalf of, or approved by a ~~marine facility~~ the owner within the relevant Commercial Port Area.

*Clause 13. Navigational aids*

121. Remove explanatory note as follows:

~~*Explanatory note: Approval from the Director of Maritime New Zealand may be required as well.*~~

Part 3. Speed Limits, Reserved Areas and Access Lanes

*Clause 14. Special Speed Zone*

122. Amend 14(2) as follows:

- (2) An approval to use an SSZ identified ~~in any controls specified~~ by the Harbourmaster under this Bylaw, is approved for all persons from the date of commencement of the Bylaw for the period in which the Bylaw remains in force except where approval is restricted or revoked under ~~either subclause 14(3) or subclause 14(4).~~

123. Delete 14(3):

~~*Harbourmaster may restrict use of SSZ*~~

- ~~3) — The Harbourmaster may at any time restrict the use of an SSZ to any degree the Harbourmaster sees fit, for a period of up to one year, if the Harbourmaster is of the opinion that the SSZ is not safe or that such restriction is necessary for a special event.~~

*Clause 15. Reserved areas and access lanes*

124. Retain 15(1) as follows:

15(1) Locations of Reserved Areas and Access Lanes are identified in Appendix D and H.

125. Delete 15(2)(3) & (4) as follows.

~~2) — Any other waters may be reserved for an Access Lane or other specified maritime safety purpose or activity either:~~

- ~~a) — by the Council issuing a written approval; or  
b) — by the Harbourmaster,~~

~~3) — The Harbourmaster may specify controls and suspension of the use of the Reserved Area by issue of a Local Notice to Mariners.~~

~~*Explanatory note: The controls made under the Otago Regional Council Navigation Safety Bylaw 2020 contain maps showing areas of navigable water permanently reserved by Council for specified purposes and use. Local Notices to Mariners will be posted on the Council web site.*~~

~~4) — No person may operate a vessel in a reserved area other than in accordance with any condition imposed by the Harbourmaster for the reserved area.~~

126. Replace 15(5) and (6) to reflect Maritime Rule Part 91, as follows:

- (2) A reserved area may be defined—
  - (a) by a regional council by a navigation bylaw; or
  - (b) by the Director by notice in the New Zealand Gazette.
- (3) No person may obstruct another person while the other person is using a reserved area for the purpose for which it is reserved.
- (4) If a person is using a reserved area for the purpose for which it is reserved, no other person may enter, remain in, or use the reserved area.

## Part 7 Maritime Safety Administrative Matters

### *Clause 29. Written approvals*

127. A comment was made by MNZ on clause 29 which in summary stated that the provision as drafted appears to allow an approval to be granted subject to any conditions, that it should be clarified as conditions can only be applied to an approval as allowed under the bylaw, and that the clause as drafted may allow conditions to be included which are outside of the authority of the granter or inconsistent with Maritime Rules and the MTA. ORC's legal counsel has suggested amendments to clause 29 to address MNZ's comment. It is recommended that the following changes are made to clause 29 to address MNZ's comment:

- (1) Any person may make application to the Harbourmaster for written approval as allowed under this Bylaw. Applications must be:
  - (a) in a form and manner prescribed by the Harbourmaster; and
  - (b) be accompanied by any required fee.
- (2) Written approval may be granted or refused and if granted subject to conditions that are:
  - (a) relevant to the activity for which written approval is sought;
  - (b) for the purposes of ensuring maritime safety; and
  - (c) not inconsistent with Maritime Rules or the Act.
- (3) Any written approval required by this Bylaw shall be displayed as required by its terms and conditions and must be produced forthwith on request by the Harbourmaster, an Enforcement Officer or a Constable.
- (4) No written approval required by this Bylaw shall have effect until any fee required for it has been paid.